

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 6, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96932

31-11-1323
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 2/7/12
Time: 4:19 PM
Received by: [Signature]

Dear Madam Speaker,

Transmitted herewith please find the following Bills, which I signed into law on February 3, 2012:

1. **SUBSTITUTE BILL NO. 99-31 (COR), "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 120 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING CONVICTED SEX OFFENDERS, *INTER ALIOS*, TO SUBMIT TO DNA PROFILING,"** signed into law as **Public Law No. 31-171;**
2. **BILL NO. 296-31 (LS), "AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER,"** signed into law as **Public Law No. 31-172;** and
3. **BILL NO. 382-31 (COR), "AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM FOREST SYSTEM; AND TO CITE THIS ACT AS THE 'GUAM FORESTRY LEGACY ACT OF 2012'",** signed into law as **Public Law No. 31-173;**

In signing these bills into law, I support the purpose and intent of each piece of legislation, which is designed to protect the health, safety and welfare of the residents of Guam by creating a minimum standard by law as to who may serve as a Department of Corrections officer, or making internet access to unwitting Guam residents more difficult for convicted sex offenders, or protecting the scarce resources of our environment. However, while each of these new laws requires additional output and resources from the implementing or enforcing agencies or departments, **no additional appropriations are included in the statute that would enable the agencies to carry out such enforcement or implementation.** For example, **Bill No. 99-31** recognizes that additional appropriations are needed in order for GPD to administer the program, but only provides that GPD's budgeting options "may include (1) federal grants; (2) appropriations by *I Liheslatura*; and (3) to the extent possible under public law and/or Parole Board practices, fees assessed to parolees and/or registered sex offenders." There is, however, no indication or support for the assumption that these "options" will be sufficient to cover the cost of administering the program.

1323

Unfortunately, unfunded legislative mandates seem to be the rule and not the exception and this lends itself to a situation where, once again, I am forced to prioritize funding one aspect of health, safety and welfare to the detriment of another. In the worst case scenario, the result of such imbalance is a lawsuit like far too many lawsuits plaguing the government, such as the landfill receivership, the mental health federal management team fiasco, law enforcement personnel seeking incremental payments, and the recent individual taxpayer lawsuit in the federal court.

Because of the significance of the legislation proposed by *I Mina' Trentai Unu Na Liheslaturan Guåhan* in these Bills delivered for my action, I cannot, in good conscience, refuse to acknowledge their importance by refusing to sign them into law. However, because I also recognize that the goal of the new laws is to afford additional protections to our community, I am now tasked with trying to identify funding to carry out these programs – no easy feat given the carcass that is the General Fund.

I, therefore, beseech the good senators of *I Mina' Trentai Unu Na Liheslaturan Guåhan* to include an appropriation in all bills which call for the expenditure of funds for the effective implementation of the programs which are statutorily imposed upon the executive branch. You hold the purse strings of this government and, consequently, it is your obligation to ensure that I have the financial resources to carry out these mandates so our people are not saddled by yet another lawsuit to command this government to provide them with the programs or entitlements that this legislature determined was their statutory right.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bills

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

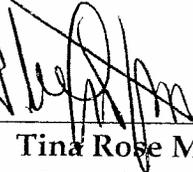
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 296 -31 (LS), "AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER", was on the 20th day of January, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



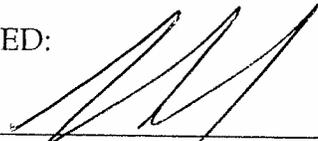
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 23rd day of Jan, 2012, at 12:45 o'clock P. M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date:

FEB 03 2012

Public Law No. 31-172

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

Bill No. 296-31 (LS)

As amended by the Committee on Public Safety,
Law Enforcement and Judiciary; and further amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW §90.16 TO ARTICLE 1 OF
CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING MINIMUM
QUALIFICATIONS FOR THE POSITION OF
DEPARTMENT OF CORRECTIONS OFFICER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is no statute that establishes the minimum qualifications for the position
4 of Department of Corrections (DOC) Officer. Individuals interested in becoming
5 a DOC Officer are currently evaluated based on standards established by the

1 Department of Administration (DOA), which include information relative to the
2 nature of work, illustrative examples of work, minimum knowledge, abilities, and
3 skills, minimum experience and training, and special qualifications necessary for
4 employment.

5 It is the intent of *I Liheslaturan Guåhan* to establish minimum qualifications
6 in statute for the position of Corrections Officer. *I Liheslaturan Guåhan* intends
7 to mirror standard requirements already established for officers of the Guam
8 Police Department, in addition to those promulgated by DOA, which will help to
9 promote consistency in the qualification requirements for entry-level positions of
10 the government of Guam’s primary law enforcement and public safety agencies.

11 **Section 2. Minimum Qualifications.** A new §90.16 is hereby *added* to
12 Article 1 of Chapter 90, Title 9, Guam Code Annotated, relative to the minimum
13 qualifications for Department of Corrections Officers, to read:

14 **“§ 90.16. Minimum Qualifications for Department of**
15 **Corrections Officers.**

16 (a) Notwithstanding other provisions of law to the contrary,
17 persons appointed as Corrections Officer *shall*:

- 18 (1) be a resident of Guam and a U.S. citizen;
- 19 (2) be of good health and good moral character;
- 20 (3) be over the age of eighteen (18) years;
- 21 (4) be a high school graduate *or* equivalent, but the
22 POST Commission may set higher academic qualifications for
23 all applicants as the Commission considers necessary;
- 24 (5) submit to and pass a drug screening test,
25 including, but *not* limited to, a urinalysis test;
- 26 (6) submit to psychological testing; and

1 (7) submit to a polygraph examination.

2 (b) No person shall be appointed as a Corrections Officer
3 who has *not* established satisfactory evidence of qualifications by
4 passing a physical examination, which *shall* include a physical agility
5 test, and written examinations based upon standards relevant to the
6 duties to be performed, which standards *shall* be established by the
7 Director of Corrections in conjunction with the Department of
8 Administration.

9 (c) No person shall be appointed as a Corrections Officer
10 who has been convicted in any civilian or military court of a felony, a
11 crime involving moral turpitude, a crime of domestic or family
12 violence, or who has been administratively pardoned of any crime.

13 (d) No person shall be appointed as a Corrections Officer
14 before a thorough investigation of the applicant's background and
15 moral character is completed.

16 (e) A Corrections Officer dismissed for cause *shall* be
17 permanently ineligible for reappointment to any position in the
18 Department. A Corrections Officer who resigns for the sole purpose
19 of negating or averting a pending or anticipated disciplinary action to
20 dismiss the Corrections Officer *shall* be ineligible for reappointment.

21 (f) No person shall be appointed as a Corrections Officer
22 who has *not* established satisfactory evidence of the ability to
23 understand and work with persons with disabilities, including special
24 needs and mental illness. Evidence of such ability *shall* be by a
25 certificate of completion of the appropriate training as approved by
26 the Department of Integrated Services for Individuals with

1 Disabilities, as a condition for selection prior to appointment as a
2 Corrections Officer. For the purpose of this Section, the term
3 disability(ies), as is defined in the *Americans with Disabilities Act*,
4 shall mean a physical or mental impairment that substantially limits
5 one (1) or more major life activities of an individual. Incumbent
6 uniformed officers who *do not* have a certificate of completion of the
7 training as required in this Act shall, within six (6) months following
8 the enactment of this Act, submit to the Department of Administration
9 such certification as required herein.”

10 **Section 3. Effective Date.** The provisions contained herein shall be
11 effective within one hundred twenty (120) days following the enactment of this
12 Act.

13 **Section 4. Severability.** If any provision of this Act or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity shall not affect other provisions or applications of this Act which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this Act are severable.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 1/20/12

VOTING SHEET

ABill No. 296-31(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	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Thirty-First
Guam Legislature

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muña-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on
Education and Public Libraries
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 12, 2011

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

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

2011 Dec 12 11:23 AM
 Respicio

RE: Committee Report – Bill No. 296-31 (LS) As Amended

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 296-31 (LS) – "AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER,"** hereby reports out with the recommendation TO PASS.

Committee Votes are as follows:

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT ON
BILL NO. 296-31 (LS)
As Amended by the Committee on Public Safety,
Law Enforcement and Judiciary

AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER; AND TO ADD A NEW §41103(m) TO CHAPTER 41, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRAINING AND CERTIFICATION FOR GOVERNMENT OF GUAM EMPLOYEES TO PROVIDE SERVICES TO INDIVIDUALS WITH DISABILITIES.



Thirty-First
Guam Legislature

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajerón
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on
Education and Public Libraries
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 7, 2011

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

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

SUBJECT: Committee Report on Bill No. 296-31 (LS) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 296-31 (LS) as Amended- "AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER; AND TO ADD A NEW §41103(m) TO CHAPTER 41, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRAINING AND CERTIFICATION FOR GOVERNMENT OF GUAM EMPLOYEES TO PROVIDE SERVICES TO INDIVIDUALS WITH DISABILITIES,"** – sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. **296-31 (LS)** as Amended
- Copy of Bill No. **296-31 (LS)** as Introduced
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note of Bill No. **296-31 (LS)**
- Copy of COR Referral of Bill No. **296-31 (LS)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous 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!



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE VOTING SHEET:

BILL NO. 296-31 (LS) as Amended - AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER; AND TO ADD A NEW §41103(m) TO CHAPTER 41, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRAINING AND CERTIFICATION FOR GOVERNMENT OF GUAM EMPLOYEES TO PROVIDE SERVICES TO INDIVIDUALS WITH DISABILITIES.. – sponsored by Senator Adolpho B. Palacios, Sr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		12/7/11 ✓				
Thomas C. Ada Vice Chairman		12/7/11				
Tina R. Muña-Barnes Member						
Judith P. Guthertz, DPA Member						
Rory J. Respicio Member						
Dennis G. Rodriguez, Jr. Member						
Judith T. Won Pat, Ed.D. Member		12-09-11				
V. Anthony Ada Member		12/7/11				
Christopher M. Duenas Member		12/7/11 ✓				
Mana Silva Taijeron Member						
Aline A. Yamashita, Ph.D. Member		12/9/11 ✓				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 296-31 (LS) – “An act to add a new §90.16 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to establishing minimum qualifications for the position of Department of Corrections Officer.” – sponsored by Senator Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on October 12, 2011 at 9:03 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 296-31 (LS) - “An act to add a new §90.16 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to establishing minimum qualifications for the position of Department of Corrections Officer,” 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 5, 2011 (5-day Notice) and on October 10, 2011 (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 Thomas C. Ada, Vice Chairman
Senator V. Anthony “Tony” Ada, Member
Senator Mana Silva Tajjeron, Member
Senator Sam Mabini, Ph.D.

Individual(s) Registered for oral or written testimony:

Jose A. San Agustin, Director, Department of Corrections, provided oral testimony in support of the Bill.
Antone Aguon, Lieutenant, Department of Corrections, provided oral testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing, read the agenda, explained the procedures of the hearing, and gave a brief overview of Bill No. 296-31 (LS). Chairman Palacios said that the current requirements for Corrections Officers are made by the Department of Administration. The Chairman stated that the intent is to adopt the requirements by statute. Much of what the Bill proposes is already required by the Department of Administration, but

they are not in statute. He stated that Corrections Officers are included in the public safety and law enforcement pay adjustment in accordance with Public Law 29-105. Chairman Palacios recognized the presence of Senator Mana Silva Tajjeron and called the panel of Director Jose A. San Agustin and Lieutenant Antone Aguon to testify.

Director Jose A. San Agustin stated that he supports Bill No. 296-31 (LS). He said that it is about time that the requirements be made more stringent so that a better service may be provided to the people of Guam. Director San Agustin said that he hopes that the POST Commission will adopt these provisions. He said that the Guam Police Department administers the polygraph and he realizes that there is considerable cost associated with that. Director San Agustin suggested that the psychological testing is superior to the polygraph at an entry level and feels that the polygraph would be more appropriate for management.

Lieutenant Antone Aguon said that his reservation about the Bill is the requirement to pass a polygraph examination. He stated that as constructed, failure to pass a polygraph examination would disqualify a candidate who would qualify otherwise by the other criteria. Lieutenant Antone Aguon pointed out that the qualifications of polygraph examiners are not established in statute. He said that some question the reliability of the polygraph and that polygraph results are not admissible in a court of law. Lieutenant Aguon said that requiring the polygraph may shrink the pool of applicants to serve as a Corrections Officer. He agrees with the other provisions of the Bill.

Chairman Palacios stated that this has been an issue in the earlier discussions on similar changes to the qualifications for Guam Fire Department Firefighters and for the confirmation of the Chief of Police. He said that the polygraph is best utilized as a tool for investigation and questioned whether the provision for passing a polygraph should be repealed from the current statute for Police Officers. He said that the POST Commission will gradually improve standards and increase uniformity in personnel systems.

Vice Chairman Thomas C. Ada mentioned the use of the term "physical agility test" and states that it is quite different from a "physical fitness test" and suggested that the term "physical fitness test" be used. Vice Chairman Ada questioned the use of the terms administratively pardoned. He discussed the provision relative to disciplinary action. He suggested that the conjunction of stepping down from a position when there is pending disciplinary action may be better than the language than the Bill's "for the sole purpose of negating or averting a pending or anticipated disciplinary action". Vice Chairman Ada said that he supports the idea of placing minimum qualifications for a Corrections Officer in statute.

Chairman Palacios pointed to the current use of administrative pardon language in the Police Officer statute and mentioned the need to look into the rationale. The Chairman stated his intention to hold a mark-up meeting. Chairman Palacios said that there is a need for responders to recognize persons with disabilities so that they will be able to deal with them appropriately. He suggested it might not be applicable since they are not encountering people outside without a frame of reference.

Senator Mana Silva Taijeron asked whether GPD might be able to provide polygraph examinations and the psychological services might be able to be utilized by GPD at the Department of Corrections with a Memorandum of Understanding. Director San Agustin said that he would look into it. Senator Taijeron asked whether any estimates are available for drug testing and psychological testing, and Director San Agustin replied that there is not. Chairman Palacios said that he believes the drug testing is approximately thirty-five to fifty dollars (\$35.00-50.00). The Chairman reiterated his intention to hold a mark-up meeting to determine what appropriate standards would be for Corrections Officers.

Lieutenant Antone Aguon said that there may be an issue with sharing resources between Departments in the future when the leadership of GPD and DOC changes. He said that without a provision in statute, it may not be sustained.

Director San Agustin thanked the Senators and asked for their continued support for the Department.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 296-31 (LS) has been duly heard and that the Committee would continue to receive written testimony following the hearing. The hearing was adjourned at 3:05 p.m.

III. WRITTEN TESTIMONIES

No written testimony was received within the 10-day period following the public hearing of Bill No. 296-31 (LS).

IV. FINDINGS AND RECOMMENDATION

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 296-31 (LS), as amended by the Committee, with the recommendation TO PASS.**

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

2011 AUG 29 PM 3:18
[Handwritten signature]

Bill No. 296-3(LS)

Introduced by: Adolpho B. Palacios, Sr. *[Handwritten signature]*

**AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF
CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED
RELATIVE TO ESTABLISHING MINIMUM
QUALIFICATIONS FOR THE POSITION OF
DEPARTMENT OF CORRECTIONS OFFICER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that there is no statute that establishes the minimum qualifications for
4 the position of Department of Corrections (“DOC”) Officer. Individuals
5 interested in becoming a DOC Officer are currently evaluated based on
6 standards established by the Department of Administration, which include
7 information relative to the nature of work, illustrative examples of work,
8 minimum knowledge, abilities, and skills, minimum experience and training,
9 and special qualifications necessary for employment.

10 It is the intent of *I Liheslaturan Guåhan* to establish minimum
11 qualifications in statute for the position of Corrections Officer. *I*
12 *Liheslaturan Guåhan* intends to mirror standard requirements already
13 established for officers of the Guam Police Department in addition to those
14 promulgated by DOA, which will help to promote consistency among the
15 qualification requirements for entry-level positions among the government
16 of Guam’s primary law enforcement and public safety agencies.

1 **Section 2. Minimum Qualifications.** A new §90.16 is hereby *added*
2 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to the
3 minimum qualifications for Department of Corrections Officer.

4 “**§90.16. Minimum Qualifications for Department of Corrections**
5 **Officer.**

6 (a) Notwithstanding other provisions of law to the contrary, persons
7 appointed as Corrections Officer shall:

8 (1) be a resident of the Territory of Guam and a U.S. citizen;

9 (2) be of good health and good moral character;

10 (3) be over the age of eighteen (18) years;

11 (4) be a high school graduate *or* equivalent, but the POST
12 Commission may set higher academic qualifications for all
13 applicants as the Commission considers necessary;

14 (5) submit to and pass a drug screening test, including but not
15 limited to a urinalysis test;

16 (6) submit to psychological testing; and

17 (7) submit to and pass a polygraph examination.

18 (b) No person shall be appointed a Corrections Officer who has not
19 established satisfactory evidence of qualifications by passing a
20 physical examination, which shall include a physical agility test,
21 and written examinations based upon standards relevant to the
22 duties to be performed, which standards shall be established by the
23 Director of Corrections in conjunction with the Department of
24 Administration.

25 (c) No person shall be appointed a Corrections Officer who has been
26 convicted in any civilian or military court of a felony, a crime

1 involving moral turpitude, a crime of domestic or family violence,
2 or who has been administratively pardoned of any crime.

3 (d) No person shall be appointed a Corrections Officer before a
4 thorough investigation of the applicant's background and moral
5 character is completed.

6 (e) A Corrections Officer dismissed for cause shall be permanently
7 ineligible for reappointment to any position in the Department. A
8 Corrections Officer who resigns for the sole purpose of negating or
9 averting a pending or anticipated disciplinary action to dismiss the
10 Corrections Officer shall be ineligible for reappointment.

11 (f) No person shall be appointed a Corrections Officer who has not
12 established satisfactory evidence, through written examination
13 administered by the Department of Administration ("DOA") or a
14 competent authority, of the ability to recognize and understand
15 persons with disabilities, including special needs and mental
16 illness. DOA shall include a minimum of two (2) items within the
17 written examination relative to persons with disabilities, including
18 special needs and mental illness. For the purpose of this section,
19 the term disability(ies), as is defined in the *Americans with*
20 *Disabilities Act*, shall mean a physical or mental impairment that
21 substantially limits one (1) or more major life activities of an
22 individual."

23 **Section 3. Effective Date.** The provisions contained herein shall be
24 effective within ninety (90) days following enactment. The Department of
25 Corrections, in coordination with the Department of Mental Health and
26 Substance Abuse and the Department of Integrated Services for Individuals

1 with Disabilities, shall recommend examination items to DOA for
2 consideration prior to the implementation of this Act.

3 **Section 4. Severability.** If any provision of this Act or its application
4 to any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Act which
6 can be given effect without the invalid provisions or application, and to this
7 end the provisions of this Act are severable.

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

Bill No. 296-31 (LS)

As amended by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

Adolpho B. Palacios, Sr.

AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER; AND TO ADD A NEW §41103(m) TO CHAPTER 41, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRAINING AND CERTIFICATION FOR GOVERNMENT OF GUAM EMPLOYEES TO PROVIDE SERVICES TO INDIVIDUALS WITH DISABILITIES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that there is no statute that establishes the minimum qualifications for
4 the position of Department of Corrections (“DOC”) Officer. Individuals
5 interested in becoming a DOC Officer are currently evaluated based on
6 standards established by the Department of Administration, which include
7 information relative to the nature of work, illustrative examples of work,
8 minimum knowledge, abilities, and skills, minimum experience and training,
9 and special qualifications necessary for employment.

10 It is the intent of *I Liheslaturan Guåhan* to establish minimum
11 qualifications in statute for the position of Corrections Officer. *I*
12 *Liheslaturan Guåhan* intends to mirror standard requirements already

1 established for officers of the Guam Police Department in addition to those
2 promulgated by DOA, which will help to promote consistency among the
3 qualification requirements for entry-level positions among the government
4 of Guam’s primary law enforcement and public safety agencies.

5 **Section 2. Minimum Qualifications.** A new §90.16 is hereby *added*
6 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to the
7 minimum qualifications for Department of Corrections Officer.

8 **“§90.16. Minimum Qualifications for Department of Corrections**
9 **Officer.**

10 (a) Notwithstanding other provisions of law to the contrary, persons
11 appointed as Corrections Officer shall:

12 (1) be a resident of the Territory of Guam and a U.S. citizen;

13 (2) be of good health and good moral character;

14 (3) be over the age of eighteen (18) years;

15 (4) be a high school graduate *or* equivalent, but the POST
16 Commission may set higher academic qualifications for all
17 applicants as the Commission considers necessary;

18 (5) submit to and pass a drug screening test, including but not
19 limited to a urinalysis test;

20 (6) submit to psychological testing; and

21 (7) submit to ~~and pass~~ a polygraph examination.

22 (b) No person shall be appointed a Corrections Officer who has not
23 established satisfactory evidence of qualifications by passing a
24 physical examination, which shall include a physical agility test,
25 and written examinations based upon standards relevant to the
26 duties to be performed, which standards shall be established by the

1 Director of Corrections in conjunction with the Department of
2 Administration.

3 (c) No person shall be appointed a Corrections Officer who has been
4 convicted in any civilian or military court of a felony, a crime
5 involving moral turpitude, a crime of domestic or family violence,
6 or who has been administratively pardoned of any crime.

7 (d) No person shall be appointed a Corrections Officer before a
8 thorough investigation of the applicant's background and moral
9 character is completed.

10 (e) A Corrections Officer dismissed for cause shall be permanently
11 ineligible for reappointment to any position in the Department. A
12 Corrections Officer who resigns for the sole purpose of negating or
13 averting a pending or anticipated disciplinary action to dismiss the
14 Corrections Officer shall be ineligible for reappointment.

15 (f) No person shall be appointed a Corrections Officer who has not
16 established satisfactory evidence, ~~through written examination~~
17 ~~administered by the Department of Administration ("DOA") or a~~
18 ~~competent authority,~~ of the ability to recognize and understand
19 persons with disabilities, including special needs and mental
20 illness. Evidence of such ability shall be by a certificate of
21 completion of the appropriate training as approved by the
22 Department of Integrated Services for Individuals with Disabilities,
23 as a condition for selection prior to appointment as a Corrections
24 Officer. ~~DOA shall include a minimum of two (2) items within the~~
25 ~~written examination relative to persons with disabilities, including~~
26 ~~special needs and mental illness.~~ For the purpose of this section,
27 the term disability(ies), as is defined in the *Americans with*

1 *Disabilities Act*, shall mean a physical or mental impairment that
2 substantially limits one (1) or more major life activities of an
3 individual. Incumbent uniformed officers who do not have a
4 certificate of completion of the training as required in this Act
5 shall, within six (6) months following the enactment of this Act,
6 submit to the Department of Administration such certification as
7 required herein.”

8 **Section 3. Department of Integrated Services for Individuals with**
9 **Disabilities Authorized to Develop Training Programs and Permit**
10 **Other Agencies and Educational Institutions to Provide Training. A**
11 new Subsection (m) is hereby added to §41103 of Article 1, Chapter 41,
12 Title 17, Guam Code Annotated, relative to the duties of the Department of
13 Integrated Services for Individuals with Disabilities.

14 “(m) The DISID shall develop a policy governing the training
15 and certification for government of Guam employees to provide
16 services to individuals with disabilities. Such government of Guam
17 employees shall include, but not be limited to, police officers,
18 firefighters, and correction officers. The DISID is authorized to
19 permit other government of Guam agencies and public and private
20 educational institutions to provide training relative to providing
21 services to individuals with disabilities, however, the DISID shall
22 certify the participants’ completion of such training activities.”

23 **Section 43. Effective Date.** The provisions contained herein shall be
24 effective within One Hundred Twenty (120) ninety (90) days following
25 enactment. ~~The Department of Corrections, in coordination with the~~
26 ~~Department of Mental Health and Substance Abuse and the Department of~~
27 ~~Integrated Services for Individuals with Disabilities, shall recommend~~

1 ~~examination items to DOA for consideration prior to the implementation of~~
2 ~~this Act.~~

3 **Section 54. Severability.** If any provision of this Act or its
4 application to any person or circumstance is found to be invalid or contrary
5 to law, such invalidity shall not affect other provisions or applications of this
6 Act which can be given effect without the invalid provisions or application,
7 and to this end the provisions of this Act are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
 CHAIRMAN

Wednesday, October 12, 2011

Bill No. 296-31 (LS) – AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER. – by Senator Adolpho B. Palacios, Sr.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
<i>Rayone Brown</i>	<i>DOC</i>	<i>688-6648</i>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<i>JOE A. San Agustin</i>	<i>DOC</i>	<i>688-5117</i>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<i>Joseph Atkinson</i>	<i>DOC</i>	<i>734-2459</i>			<input checked="" type="checkbox"/>	
<i>F.B. Cruzosom</i>	<i>DOC</i>	<i>734-1089</i>				
<i>Mae M. Quitigra</i>	<i>DOC</i>	<i>734-0778</i>				

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 296-31 (LS)**

AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Corrections	Dept./Agency Head: Jose A. San Agustin, Director
Department's General Fund (GF) appropriation(s) to date:	17,536,940
Department's Other Fund (Specify) appropriation(s) to date:	1,159,662
Total Department/Agency Appropriation(s) to date:	\$18,696,602

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	1/	1/	1/	1/	1/	1/
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
/ / Requested agency comments not received by due date /x/ Other: Not required

Analyst: <u>Diana E. Pobre</u>	Date: 1/25/11	Director: <u>[Signature]</u>	Date: <u>9/8/11</u>
Diana E. Pobre		Jose A. Rios, Acting Director	

Footnotes:

1/ The Bill has a potential for additional funding impact on the Department of Corrections as the minimum qualifications as proposed for a Department of Corrections Officer includes additional requirements of urinalysis test, psychological testing, and polygraph examination expenses, however in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 AUG 31 11:17
Rory Respicio

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

August 31, 2011

MEMORANDUM

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

MAJORITY MEMBERS:

Speaker
Judith T. Won Par

From: Senator Rory J. Respicio

Vice Speaker
Benjamin J. F. Cruz

Subject: Referral of Bill Nos. 295-31 (LS) through 297-31 (LS)

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 295-31 (LS) through 297-31 (LS).

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Should you have any questions, please feel free to contact our office at 472-7679.

Senator
vicente c. pangelinan

Si Yu'os Ma'åse!

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

(2) Attachment

Senator
Christopher M. Duenas

I Mina 'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

August 29, 2011

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?
295-31 (LS)	A. B. Palacios, Sr.	AN ACT TO ADD A NEW §72101.1 TO CHAPTER 72 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF GUAM FIRE DEPARTMENT FIREFIGHTER.	08/29/11 3:18 p.m.	8/31/11		Committee on Public Safety, Law Enforcement & Judiciary			
296-31 (LS)	A. B. Palacios, Sr.	AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER.	08/29/11 3:18 p.m.	8/31/11		Committee on Public Safety, Law Enforcement & Judiciary			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
WEDNESDAY, OCTOBER 12, 2011 – 9:00 A.M. AND 1:30 P.M.

FOR IMMEDIATE RELEASE
(Hagatna, Guam – October 5, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **9:00 a.m., Wednesday, October 12, 2011** at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

9:00 a.m.:

- **Bill No. 296-31 (LS)** – AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER. – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 306-31 (LS)** – AN ACT TO ADD A NEW §90.50 TO 9 GUAM CODE ANNOTATED, CHAPTER 90, RELATIVE TO ESTABLISHING AND ADMINISTERING AN INTERNATIONAL PRISONER TRANSFER PROGRAM. – by Senator Sam Mabini, Ph.D.
- **Bill No. 312-31 (COR)** – AN ACT TO AMEND § 11107 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE PUBLIC DEFENDER SERVICE CORPORATION BOARD OF TRUSTEES. – by Vice Speaker Benjamin J. F. Cruz

1:30 p.m.:

- **Bill No. 322-31 (COR)** – AN ACT TO AMEND §§1103.1 AND 1103.3 OF CHAPTER 1 OF 4GCA RELATIVE TO EXEMPTING CERTAIN GOVERNMENT VEHICLES FROM LOGO REQUIREMENTS. -by Senator V. Anthony Ada
- **Bill No. 302-31 (LS)** – AN ACT TO ADD NEW § 3410 TO CHAPTER 3 OF TITLE 16 OF THE GUAM CODE; RELATIVE TO CURBSTONING. – by Vice Speaker Benjamin J. F. Cruz

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

Subject: First Notice of Public Hearing scheduled for October 12th.
From: Priscilla Cruz (pris@senatorpalacios.com)
To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
Date: Wednesday, October 5, 2011 8:59 AM

Please see attached FIRST NOTICE OF PUBLIC HEARING scheduled for 9:00 am and 1:30 pm, Wednesday, October 12, 2011 in the Public Hearing Room. Thank you for your kind attention!

Priscilla T. Cruz

Administrative Officer
Office of Senator A. B. Palacios, Sr.
155 Hesler Pl.
Hagatna, Guam 96910
472-5047/5048

Listserv: phnotice@guamlegislature.org

As of Nov. 23, 2011

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wiicastro671@gmail.com

Destination	Start Time	Time	Prints	Result	Note
PDN	10-05 08:23	00:00:46	001/001	OK	
KJAM	10-05 08:24	00:00:28	001/001	OK	
PNC	10-05 08:25	00:00:24	001/001	OK	
K57	10-05 08:26	00:00:20	001/001	OK	
HIT RADIO 100	10-05 08:26	00:00:21	001/001	OK	
GLIMPSES	10-05 08:28	00:00:21	001/001	OK	
MARIANAS VARIETY	10-05 08:29	00:00:21	001/001	OK	
KSTEREO/KISH	10-05 08:30	00:00:48	001/001	OK	
JOY 92 FM	10-05 08:31	00:00:20	001/001	OK	
KPRG	10-05 08:31	00:00:24	001/001	OK	
KSTO	10-05 08:36	00:00:48	001/001	OK	
GUAM BROADCASTING SE	10-05 08:37	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
RLY: Relay, MBX: Confidential, BUL: bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
WEDNESDAY, OCTOBER 12, 2011 – 9:00 A.M. AND 1:30 P.M.

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – October 5, 2011)

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9:00 a.m.:

- **Bill No. 296-31 (LS) – AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER. – by Senator Adolpho B. Palacios, Sr.**
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1:30 p.m.:

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Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senator@senatorpalacios.com or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

Subject: First Notice of Public Hearing scheduled for October 12th.

From: Priscilla Cruz (pris@senatorpalacios.com)

To: sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; nick.delgado@kuam.com; nick@kuam.com; hottips@kuam.com; news@spbguam.com; clynt@spbguam.com; jtyquiengco@spbguam.com; news@guampdn.com; dmgeorge@guampdn.com; mpieper@guampdn.com; life@guampdn.com; dcrisost@guampdn.com; rlimtiaco@guampdn.com; slimtiaco@guampdn.com; egthompson@guampdn.com; amier@mvguam.com; editor@mvguam.com; zytaitano@mvguam.com; zita@mvguam.com; therese.hart.writer@gmail.com; mabuhaynews@yahoo.com; rgibson@k57.com; parroyo@k57.com; thebigshow@k57.com; tcoffman@k57.com; kstone@ite.net; kstokish@gmail.com; ricknauta@hitradio100.com; officemanager@hitradio100.com;

Date: Wednesday, October 5, 2011 9:05 AM

Please see attached FIRST NOTICE OF PUBLIC HEARING scheduled for 9:00 am and 1:30 pm, Wednesday, October 12, 2011 in the Public Hearing Room. Thank you for your kind attention!

Priscilla T. Cruz

Administrative Officer
Office of Senator A. B. Palacios, Sr.
155 Hesler Pl.
Hagatna, Guam 96910
472-5047/5048



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING
WEDNESDAY, OCTOBER 12, 2011 – 9:00 A.M. AND 1:30 P.M.

FOR IMMEDIATE RELEASE
(Hagatna, Guam – October 10, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Wednesday, October 12, 2011 at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

9:00 a.m.:

- **Bill No. 296-31 (LS)** – AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER. – by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 306-31 (LS)** – AN ACT TO ADD A NEW §90.50 TO 9 GUAM CODE ANNOTATED, CHAPTER 90, RELATIVE TO ESTABLISHING AND ADMINISTERING AN INTERNATIONAL PRISONER TRANSFER PROGRAM. – by **Senator Sam Mabini, Ph.D.**
- **Bill No. 312-31 (COR)** – AN ACT TO AMEND § 11107 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE PUBLIC DEFENDER SERVICE CORPORATION BOARD OF TRUSTEES. – by **Vice Speaker Benjamin J. F. Cruz**

1:30 p.m.:

- **Bill No. 322-31 (COR)** – AN ACT TO AMEND §§1103.1 AND 1103.3 OF CHAPTER 1 OF 4GCA RELATIVE TO EXEMPTING CERTAIN GOVERNMENT VEHICLES FROM LOGO REQUIREMENTS. –by **Senator V. Anthony Ada**
- **Bill No. 302-31 (LS)** – AN ACT TO ADD NEW § 3410 TO CHAPTER 3 OF TITLE 16 OF THE GUAM CODE; RELATIVE TO CURBSTONING. – by **Vice Speaker Benjamin J. F. Cruz**

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 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 • Website: www.senatorpalacios.com

Subject: Second Notice of Public Hearing scheduled for Oct. 12th.
From: Adolpho Palacios, sr. (senator@senatorpalacios.com)
To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
Date: Monday, October 10, 2011 8:57 AM

Hafa Adai, All! Please see attached press release regarding the 2nd Notice of Public Hearing scheduled for 9:00 am and 1:30 pm, Wednesday, October 12, 2011 in the Public Hearing Room. Thank you for your kind attention!

***Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)***

Listserv: phnotice@guamlegislature.org

As of Nov. 23, 2011

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floterlaje@gmail.com
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jason@senatorpalacios.com
jcamacho@senatorada.com
jean@tinamunabarnes.com
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jennifer@senatorpalacios.com
jimespaldon@yahoo.com
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val.g@senatormabini.com
victoria@senatorpalacios.com
vkomiyama.senatordrodriguez@gmail.com
wilcastro671@gmail.com

Subject: Second Notice of Public Hearing scheduled for Oct. 12th

From: Adolpho Palacios, sr. (senator@senatorpalacios.com)

To: sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; nick@kuam.com; nick.delgado@kuam.com; hottips@kuam.com; news@spbgum.com; clynt@spbgum.com; jtyquiengco@spbgum.com; news@guampdn.com; dmgeorge@guampdn.com; mpieper@guampdn.com; life@guampdn.com; dcrisost@guampdn.com; rlimtiaco@guampdn.com; slimtiaco@guampdn.com; egthompson@guampdn.com; amier@mvguam.com; editor@mvguam.com; zita@mvguam.com; therese.hart.writer@gmail.com; mabuhaynews@yahoo.com; rgibson@k57.com; parroyo@k57.com; thebigshow@k57.com; tcoffman@k57.com; kstone@ite.net; kstokish@gmail.com; ricknauta@hitradio100.com; officemanager@hitradio100.com;

Date: Monday, October 10, 2011 8:54 AM

Hafa Adai, All! Please see attached press release regarding the 2nd Notice of Public Hearing scheduled for 9:00 am and 1:30 pm, Wednesday, October 12, 2011 in the Public Hearing Room. Thank you for your kind attention!

***Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)***

Destination	Start Time	Time	Prints	Result	Note
PDN	10-10 08:36	00:00:40	001/001	OK	
KUAM	10-10 08:37	00:00:36	001/001	OK	
PNC	10-10 08:38	00:00:24	001/001	OK	
HIT RADIO 100	10-10 08:40	00:00:21	001/001	OK	
KSTO	10-10 08:41	00:00:47	001/001	OK	
GLIMPSES	10-10 08:42	00:00:22	001/001	OK	
MARIANAS VARIETY	10-10 08:43	00:00:20	001/001	OK	
KSTEREO/KISH	10-10 08:44	00:00:47	001/001	OK	
JOY 92 FM	10-10 08:45	00:00:21	001/001	OK	
KPRG	10-10 08:46	00:00:21	001/001	OK	
KS7	10-10 08:50	00:00:56	000/001	No Ans	
GUAM BROADCASTING SE	10-10 08:51	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction Sp: Special, Original, FCODE: F-code, RTX: Re-TX,
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
 LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

PRESS RELEASE

**SECOND NOTICE OF PUBLIC HEARING
 WEDNESDAY, OCTOBER 12, 2011 – 9:00 A.M. AND 1:30 P.M.**

**FOR IMMEDIATE RELEASE
 (Hagatna, Guam – October 10, 2011)**

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- **Bill No. 312-31 (COR) – AN ACT TO AMEND § 11107 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE PUBLIC DEFENDER SERVICE CORPORATION BOARD OF TRUSTEES. – by Vice Speaker Benjamin J. F. Cruz**

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Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

GOVERNMENT MEETINGS

mpdn.com

Oct. 6

Civil Service Commission: Board meeting 5:45 p.m., seventh-floor conference room, ITC Building, Tamuning. Hearing on merits continuation: Eleuterio J. Mesa vs. Department of Education; bills and laws relating to CSC. For special accommodations, call 647-1855/7 or TDD 647-1872.

Oct. 7

Committee on Public Safety, Law Enforcement and Judiciary: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 319-31 (cor), authorizing private ambulance service providers to provide emergency medical services; Bill 295-31, establishing minimum qualifications for position of Guam Fire Department firefighter; Bill 314-31 (cor), relative to qualifications for Fire Chief. For special accommodations, call 472-5047/5048.

Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human and Natural Resources: Public hearing 2 p.m., Legislature's public hearing room, Hagåtña. Bill 281-31 (cor), relative to transmittal to Compiler of Laws the adoption, repeal, rescission or amendment of rules and regulations; Bill 282-31 (cor), exempting Guam Recycling Fund from transfer authority of the governor; Bill 300-31, amending authorization of Department of Agriculture to administer and collect fees. For special accommodations, call Elaine Tajalle, 472-7679.

Guam Community College Board of Trustees: Monthly board meeting 6 p.m., president's conference room, building 2000, Mangilao. For special accommodations, call 735-5597.

Oct. 10

Guam Memorial Hospital Authority Board of Trustees: Special session 6 p.m., Daniel L. Webb conference room, first floor, C Wing, Tamuning. Review and discuss approval of administrator/chief executive officer position. For special accommodations, call Toni Villavicencio, 647-2218/2418.

Oct. 11

Consolidated Commission on Utilities: Regular meeting on Guam Power Authority matters 5:30 p.m., GPA board conference room, Harmon. Agenda copies will be available. For special accommodations, call Lou Sablan, 648-3002.

Oct. 12

Alcohol Beverage Control Board: Meeting 5 p.m., Department of Rev & Tax director's conference room, old PriceSmart building, Route 16, Barrigada. Call 635-1802/5.

Committee on Public Safety, Law Enforcement and Judiciary: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 296-31, establishing minimum qualifications for position of Department of Corrections officer; Bill 306-31, establishing and administering international prisoner transfer program; Bill 312-31, relative to composition of Public Defender Service Corp. board of trustees. 1:30 p.m., Bill 322-31 (cor), relative to exempting certain government vehicles from logo requirements; Bill 302-31, relative to curbstoning. For special accommodations, call 472-5047/5048.

Guam Ancestral Lands Commission: Regular monthly public meeting 10 a.m., 1601 and 1603 East Sunset Blvd., Tiyán. Agenda copies may be requested. For special accommodations, call 473-5263/7.

23

Pacific Daily News, Thursday, October 6, 2011



October 10, 2011

MEMORANDUM

TO: The Honorable Adolpho B. Palacios
Chairman Committee on Public Safety,
Law Enforcement and Judiciary

RECEIVED
10/10/2011
4:51 pm

FROM: Vice Speaker Benjamin J.F. Cruz

RE: Removal of Bill from Public Hearing

Hafa Adai!

Please remove bill 302-31 from your scheduled Public Hearing on Wednesday, October 12, 2011. We are soliciting public testimony for the legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

Benjamin J.F. Cruz



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**AMENDED – SECOND NOTICE OF PUBLIC HEARING
WEDNESDAY, OCTOBER 12, 2011 – 9:00 A.M. AND 1:30 P.M.**

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- **Bill No. 312-31 (COR) – AN ACT TO AMEND § 11107 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE PUBLIC DEFENDER SERVICE CORPORATION BOARD OF TRUSTEES. – by Vice Speaker Benjamin J. F. Cruz**

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- ~~**Bill No. 302-31 (LS) – AN ACT TO ADD NEW § 3410 TO CHAPTER 3 OF TITLE 16 OF THE GUAM CODE, RELATIVE TO CURBSTONING. – by Vice Speaker Benjamin J. F. Cruz**~~

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

Subject: AMENDED 2nd Notice of Public Hearing
From: Adolpho Palacios, sr. (senator@senatorpalacios.com)
To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
Date: Monday, October 10, 2011 5:02 PM

Please see attached AMENDED Second Notice of Public Hearing!

***Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)***

Subject: AMENDED Second Notice of Public Hearing

From: Adolpho Palacios, sr. (senator@senatorpalacios.com)

To: sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; nick@kuam.com; news@spbguam.com; clynt@spbguam.com; jtyquiengco@spbguam.com; news@guampdn.com; dmgeorge@guampdn.com; mpieper@guampdn.com; life@guampdn.com; dcrisost@guampdn.com; rlimtiaco@guampdn.com; slimtiaco@guampdn.com; egthompson@guampdn.com; amier@mvguam.com; editor@mvguam.com; zita@mvguam.com; therese.hart.writer@gmail.com; mabuhaynews@yahoo.com; rgibson@k57.com; parroyo@k57.com; thebigshow@k57.com; tcoffman@k57.com; kstokish@gmail.com; kstone@ite.net; ricknauta@hitradio100.com; officemanager@hitradio100.com;

Date: Monday, October 10, 2011 5:04 PM

Please see attached AMENDED Second Notice of Public Hearing!

***Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)***

Destination	Start Time	Time	Prints	Result	Note
PDN	10-10 16:54	00:00:48	001/001	OK	
PNC	10-10 16:56	00:00:26	001/001	OK	
K57	10-10 16:57	00:00:22	001/001	OK	
HIT RADIO 100	10-10 16:58	00:00:22	001/001	OK	
KSTO	10-10 16:59	00:00:49	001/001	OK	
GLIMPSES	10-10 17:00	00:00:23	001/001	OK	
MARIANAS VARIETY	10-10 17:01	00:00:21	001/001	OK	
KSTEREO/KISH	10-10 17:02	00:00:49	001/001	OK	
JOY 92 FM	10-10 17:03	00:00:22	001/001	OK	
KPRG	10-10 17:03	00:00:23	001/001	OK	
KUAM	10-10 17:07	00:00:30	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-Code, RTX: Re-TX,
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
 LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

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~~Bill No. 302-31 (LC) – AN ACT TO ADD NEW § 2410 TO CHAPTER 2 OF TITLE 16 OF THE GUAM CODE, RELATIVE TO CURBSTONING. – by Vice Speaker Benjamin J. F. Cruz~~

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Healer Place, Hagåtña, Guam 96910, or via email to smalor@senatorpalacios.com or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

WEDNESDAY, OCTOBER 12, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Discussion:

9:00 a.m.:

- **Bill No. 296-31 (LS)** – AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING MINIMUM QUALIFICATIONS FOR THE POSITION OF DEPARTMENT OF CORRECTIONS OFFICER. – by **Senator Adolpho B. Palacios, Sr.**
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- IV. Closing Remarks
- V. Adjournment



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on
Education and Public Libraries

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 7, 2011

Jose San Agustin
Director
Department of Corrections
P.O. Box 3236
Hagatna, Guam 96932

RE: Public Hearing
Wednesday, October 12, 2011

Dear Director San Agustin,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, October 12, 2011. Included on the agenda are the following bills which concern the Department of Corrections:

9:00 a.m.:

Bill No. 296-31 (LS) — "An act to add a new §90.16 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to establishing minimum qualifications for the position of Department of Corrections Officer." —Sponsored by Senator Adolpho B. Palacios, Sr.

Bill No. 306-31 (LS) — "An act to add a new §90.50 to 9 Guam Code Annotated, Chapter 90, relative to establishing and administering an international prisoner transfer program." —Sponsored by Senator Sam Mabini, Ph.D.

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Copies of the bill(s) may be obtained through Senator Palacios' website at www.senatorpalacios.com. Please contact me or my office for further information or concerns.

Sincerely,


Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

TX Result Report

P 1
 10/07/2011 13:53
 Serial No. A02E011003085
 TC: 152803

Destination	Start Time	Time	Prints	Result	Note
DOC	10-07 13:52	00:00:22	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
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Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
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Thirty-First
 Guam Legislature

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Woa Pat, Ph.D.
Member
- Senator Tina R. Muna-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Roey J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
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- Senator V. Anthony Ada
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- Senator Christopher M. Duenas
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- Senator Mans Silva-Taljezon
Member
- Senator Allene A. Yamashita, Ph.D.
Member

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Libeslaturan Guahan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 7, 2011

Jose San Agustin
 Director
 Department of Corrections
 P.O. Box 3236
 Hagatna, Guam 96932

RE: Public Hearing
 Wednesday, October 12, 2011

Dear Director San Agustin,

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 Judiciary has scheduled a public hearing on Wednesday, October 12, 2011.
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9:00 a.m.:

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 Title 9, Guam Code Annotated relative to establishing minimum qualifications for
 the position of Department of Corrections Officer." — Sponsored by Senator
 Adolpho B. Palacios, Sr.

Bill No. 306-31 (LS) — "An act to add a new §90.50 to 9 Guam Code Annotated,
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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



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Senator Mana Silva-Tajeron
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 6, 2011

Benita Manglona

Director

Department of Administration

P.O. Box 884

Hagåtña, Guam 96932

RE: Public Hearing
Wednesday, October 12, 2011

Dear Director Manglona,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, October 12, 2011. Included on the agenda are the following bills which concern the Department of Administration:

9:00 a.m.:

Bill No. 296-31 (LS) — "An act to add a new §90.16 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to establishing minimum qualifications for the position of Department of Corrections Officer." —Sponsored by Senator Adolpho B. Palacios, Sr.

1:30 p.m.:

Bill No. 322-31 (COR) — "An act to amend §§1103.1 and 1103.3 of Chapter 1 of 4GCA relative to exempting certain government vehicles from logo requirements." —Sponsored by Senator V. Anthony Ada

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Copies of the bill(s) may be obtained through Senator Palacios' website at www.senatorpalacios.com. Please contact me or my office for further information or concerns.

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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

Destination	Start Time	Time	Prints	Result	Note
DOA	10-07 13:16	00:00:21	001/001	OK	

Note TMR: Timer TX, POL: Polling, DRG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC Fax,
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 Senator Dennis G. Rodriguez, Jr.
Member
 Senator V. Anthony Ada
Member
 Senator Christopher M. Ducenas
Member
 Senator Maana Silva-Taljeron
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 Senator Aline A. Yamashita, Ph.D.
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trental Uno Na Libeslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 6, 2011

Benita Manglona
 Director
 Department of Administration
 P.O. Box 884
 Hagåtña, Guam 96932

RE: **Public Hearing**
Wednesday, October 12, 2011

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 Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 6, 2011

Benito S. Servino

Director

Department of Integrated Services for Individuals with Disabilities

DNA Building Suite 702

238 Archbishop Flores Street

Hagåtña, Guam 96910

RE: Public Hearing
Wednesday, October 12, 2011

Dear Director Servino,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, October 12, 2011. Included on the agenda is the following bill which concerns the Department of Integrated Services for Individuals with Disabilities:

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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

Destination	Start Time	Time	Prints	Result	Note
4772892	10-07 13:17	00:00:26	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
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Thirty-First
Guam Legislature

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Senator Judith P. Gurbertz, DPA
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Senator Mans Silva-Taljeron
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Senator Aline A. Yamsabita, Ph.D.
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trental Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 6, 2011

Benito S. Servino
Director

Department of Integrated Services for Individuals with Disabilities
DNA Building Suite 702
238 Archbishop Flores Street
Hagåtña, Guam 96910

RE: **Public Hearing**
Wednesday, October 12, 2011

Dear Director Servino,

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Judiciary has scheduled a public hearing on Wednesday, October 12, 2011.
Included on the agenda is the following bill which concerns the Department of
Integrated Services for Individuals with Disabilities:

9:00 a.m.:
Bill No. 296-31 (LS) – "An act to add a new §90.16 to Article 1 of Chapter 90,
Title 9, Guam Code Annotated relative to establishing minimum qualifications for
the position of Department of Corrections Officer." – Sponsored by Senator
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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



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- Senator Mana Silva-Tajeron
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- Senator Aline A. Yamashita, Ph.D.
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 6, 2011

Fred E. Bordallo
Chairman, POST Commission
c/o Guam Community College
P.O. Box 23069 GMF
Barrigada, Guam 96921

RE: Public Hearing
Wednesday, October 12, 2011

Dear Chairman Bordallo,

Buenas yan Häfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, October 12, 2011. Included on the agenda is the following bill which concerns the POST Commission:

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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

Destination	Start Time	Time	Prints	Result	Note
GPD	10-07 13:20	00:00:19	001/001	OK	
GCC	10-07 13:21	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trental Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 6, 2011

Fred E. Bordallo
 Chairman, POST Commission
 c/o Guam Community College
 P.O. Box 23069 GMP
 Barrigada, Guam 96921

RE: **Public Hearing**
 Wednesday, October 12, 2011

Dear Chairman Bordallo,

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

October 6, 2011

Ginger Porter

Guam CEDDERS

Office of Academic & Student Affairs

UOG Station

Mangilao, Guam 96923

RE: Public Hearing
Wednesday, October 12, 2011

Dear Ms. Ginger Porter,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, October 12, 2011. Included on the agenda is the following bill which concerns the Guam CEDDERS:

9:00 a.m.:

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Destination	Start Time	Time	Prints	Result	Note
UOG	10-07 13:22	00:00:20	001/001	OK	
7340167	10-07 13:23	00:01:36	001/001	OK	

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mins Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 6, 2011

Ginger Porter
Guam CEDDERS
Office of Academic & Student Affairs
UOG Station
Mangilao, Guam 96923

RE: **Public Hearing**
Wednesday, October 12, 2011

Dear Ms. Ginger Porter,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Wednesday, October 12, 2011. Included on the agenda is the following bill which concerns the Guam CEDDERS:

9:00 a.m.:
Bill No. 296-31 (LS) — "An act to add a new §90.16 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to establishing minimum qualifications for the position of Department of Corrections Officer." — Sponsored by Senator Adolpho B. Palacios, Sr.

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Copies of the bill(s) may be obtained through Senator Palacios' website at www.senatorpalacios.com. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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

2011 AUG 29 PM 3:18
[Handwritten signature]

Bill No. 296-3(LS)

Introduced by:

Adolpho B. Palacios, Sr. *[Handwritten signature]*

**AN ACT TO ADD A NEW §90.16 TO ARTICLE 1 OF
CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED
RELATIVE TO ESTABLISHING MINIMUM
QUALIFICATIONS FOR THE POSITION OF
DEPARTMENT OF CORRECTIONS OFFICER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that there is no statute that establishes the minimum qualifications for
4 the position of Department of Corrections (“DOC”) Officer. Individuals
5 interested in becoming a DOC Officer are currently evaluated based on
6 standards established by the Department of Administration, which include
7 information relative to the nature of work, illustrative examples of work,
8 minimum knowledge, abilities, and skills, minimum experience and training,
9 and special qualifications necessary for employment.

10 It is the intent of *I Liheslaturan Guåhan* to establish minimum
11 qualifications in statute for the position of Corrections Officer. *I*
12 *Liheslaturan Guåhan* intends to mirror standard requirements already
13 established for officers of the Guam Police Department in addition to those
14 promulgated by DOA, which will help to promote consistency among the
15 qualification requirements for entry-level positions among the government
16 of Guam’s primary law enforcement and public safety agencies.

1 **Section 2. Minimum Qualifications.** A new §90.16 is hereby *added*
2 to Article 1 of Chapter 90, Title 9, Guam Code Annotated relative to the
3 minimum qualifications for Department of Corrections Officer.

4 “**§90.16. Minimum Qualifications for Department of Corrections**
5 **Officer.**

6 (a) Notwithstanding other provisions of law to the contrary, persons
7 appointed as Corrections Officer shall:

8 (1) be a resident of the Territory of Guam and a U.S. citizen;

9 (2) be of good health and good moral character;

10 (3) be over the age of eighteen (18) years;

11 (4) be a high school graduate *or* equivalent, but the POST
12 Commission may set higher academic qualifications for all
13 applicants as the Commission considers necessary;

14 (5) submit to and pass a drug screening test, including but not
15 limited to a urinalysis test;

16 (6) submit to psychological testing; and

17 (7) submit to and pass a polygraph examination.

18 (b) No person shall be appointed a Corrections Officer who has not
19 established satisfactory evidence of qualifications by passing a
20 physical examination, which shall include a physical agility test,
21 and written examinations based upon standards relevant to the
22 duties to be performed, which standards shall be established by the
23 Director of Corrections in conjunction with the Department of
24 Administration.

25 (c) No person shall be appointed a Corrections Officer who has been
26 convicted in any civilian or military court of a felony, a crime

1 involving moral turpitude, a crime of domestic or family violence,
2 or who has been administratively pardoned of any crime.

3 (d) No person shall be appointed a Corrections Officer before a
4 thorough investigation of the applicant's background and moral
5 character is completed.

6 (e) A Corrections Officer dismissed for cause shall be permanently
7 ineligible for reappointment to any position in the Department. A
8 Corrections Officer who resigns for the sole purpose of negating or
9 averting a pending or anticipated disciplinary action to dismiss the
10 Corrections Officer shall be ineligible for reappointment.

11 (f) No person shall be appointed a Corrections Officer who has not
12 established satisfactory evidence, through written examination
13 administered by the Department of Administration ("DOA") or a
14 competent authority, of the ability to recognize and understand
15 persons with disabilities, including special needs and mental
16 illness. DOA shall include a minimum of two (2) items within the
17 written examination relative to persons with disabilities, including
18 special needs and mental illness. For the purpose of this section,
19 the term disability(ies), as is defined in the *Americans with*
20 *Disabilities Act*, shall mean a physical or mental impairment that
21 substantially limits one (1) or more major life activities of an
22 individual."

23 **Section 3. Effective Date.** The provisions contained herein shall be
24 effective within ninety (90) days following enactment. The Department of
25 Corrections, in coordination with the Department of Mental Health and
26 Substance Abuse and the Department of Integrated Services for Individuals

1 with Disabilities, shall recommend examination items to DOA for
2 consideration prior to the implementation of this Act.

3 **Section 4. Severability.** If any provision of this Act or its application
4 to any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Act which
6 can be given effect without the invalid provisions or application, and to this
7 end the provisions of this Act are severable.