

EDDIE BAZA CALVO  
Governor



2012  
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 Street  
Hagåtña, Guam 96910

31-11-1330  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 2/8/12  
Time 10:35AM  
Received by [Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 272-31 (COR) "AN ACT TO ADD A NEW §43101 TO ARTICLE 1 OF CHAPTER 43 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM PROCURING GOODS AND SERVICES TO ANY GOVERNMENT DEPARTMENT, AGENCY OR INSTRUMENTALITY IN WHICH THEY ARE APPOINTED TO SERVE", which I signed into law on February 3, 2012 as **Public Law 31-175**.

*Senseramente,*

  
EDDIE BAZA CALVO

Attachment: copy of Bill

1330

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

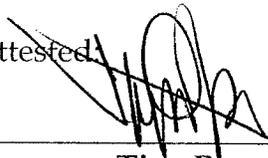
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 272-31 (COR), "AN ACT TO ADD A NEW §43101 TO ARTICLE 1 OF CHAPTER 43 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM PROCURING GOODS AND SERVICES TO ANY GOVERNMENT DEPARTMENT, AGENCY OR INSTRUMENTALITY IN WHICH THEY ARE APPOINTED TO SERVE", was on the 20<sup>th</sup> day of January, 2012, duly and regularly passed.



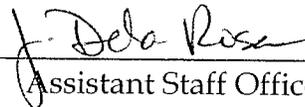
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guåhan* this 23<sup>rd</sup> day of Jan, 2012, at 12:45 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: FEB 03 2012

Public Law No. 31-175

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

**Bill No. 272-31 (COR)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
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  
Adolpho B. Palacios, Sr.  
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 §43101 TO ARTICLE 1 OF  
CHAPTER 43 OF TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO PROHIBITING MEMBERS OF BOARDS  
AND COMMISSIONS FROM PROCURING GOODS  
AND SERVICES TO ANY GOVERNMENT  
DEPARTMENT, AGENCY OR INSTRUMENTALITY IN  
WHICH THEY ARE APPOINTED TO SERVE.**

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

2        **Section 1.** A new §43101 is hereby *added* to Article 1 of Chapter 43 of  
3 Title 5, Guam Code Annotated, to read as follows:

1           “§ 43101.   **Board Members Prohibited from Procurement.**

2           Notwithstanding any other provision of law, any member of any elected or  
3           appointed board or commission *shall* be prohibited from acting or  
4           participating in discussion on any matter in which he is a principal, has a  
5           financial interest in, or acts as an agent for anyone other than the  
6           government of Guam. Interests held in blind trust *shall not* be exempt from  
7           this provision. The member *shall* be prohibited from influencing any  
8           determination made by the board or commission on which the member  
9           serves and in which the member either participates personally and  
10          substantially through decision, approval, disapproval, recommendation, the  
11          rendering of advice, investigation or otherwise, *or* which is the subject of  
12          the member’s official responsibility, where the government of Guam is a  
13          party *or* has a direct and substantial interest. Said prohibition *shall* be  
14          applicable during the tenure of the member, and one (1) year thereafter. ”

6  
1/20/12

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 1/20/12

## VOTING SHEET

Bill No. 272-31(COR)

Resolution No. \_\_\_\_\_

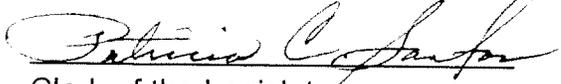
Question: \_\_\_\_\_

<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

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER  
Chairman, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting.  
Web Address: [www.senatorbjcruz.com](http://www.senatorbjcruz.com)



*I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN*  
The 31<sup>st</sup> Guam Legislature • [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)  
155 Hesler Place, Hagatna, Guam 96910  
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

2011 NOV 1 10 53 AM

November 1, 2011

The Honorable Judith T. Won Pat  
Speaker  
*I Mina' Trentai Unu Na Liheslatuaran Guahan*  
31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

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

RE: Committee Report on Bill No. 272-31 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting the on Bill No. 272-31 (COR) - "An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve." Sponsored by – Benjamin J.F. Cruz - and referred to the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

  5          TO DO PASS  
             TO NOT PASS  
  4          TO REPORT OUT ONLY  
             TO ABSTAIN  
             TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ  
Chairperson



## COMMITTEE REPORT

ON

**Bill No. 272-31 (COR)**

**Bill No. 272-31 (COR) - "An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve."**



OCT 25 2011

**MEMORANDUM**

**TO: All Members**  
Committee on Youth, Cultural Affairs, Procurement, General  
Government Operations and Public Broadcasting

**FROM: Vice Speaker Benjamin J.F. Cruz**

**SUBJECT: Committee Report on Bill No. 272-31(COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 272-31 (COR) - "An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve." This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 272-31(COR)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 272-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

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 do not hesitate to contact me.

Very truly yours,

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

BENJAMIN J.F. CRUZ  
Chairperson



**COMMITTEE VOTING SHEET**

**Bill No. 272-31 (COR) - "An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve."**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		10/23/10 ✓				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member		10/11/10 ✓				
GUTHERTZ, JUDITH P. Member		✓				
RESPICIO, RORY J. Member						
RODRIGUEZ, DENNIS G. JR. Member				11/1/10		
ADA, V. ANTHONY Member		11/1/10				
DUENAS, CHRISTOPHER Member				10/11/10		
MABINI, SAM Member				11/1/10		
YAMASHITA, ALINE Member				11/1/10		



## **Committee Report Digest**

### **I. OVERVIEW**

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Thursday, September 29<sup>th</sup>, 2011 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 272-31 (COR) - "An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve."

Bill 272-31 would prohibit members of boards and commission from procuring goods and or services for the respective board or commission that they are appointed to serve. This will increase transparency in government by making it publicly known that members of these boards and commissions are prohibited from making deals with friends or family members while serving on boards and commissions.

### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on September 22<sup>nd</sup> and 27<sup>th</sup>, 2011 via email. Copies of the hearing notices are appended to the report.

### **Senators Present**

Vice Speaker Benjamin J.F. Cruz, Chairperson  
Senator V. Anthony Ada, Committee Member  
Senator Aline A. Yamashita, Ph.D., Committee Member  
Senator Chris Duenas, Committee Member  
Senator Sam Mabini Ph.D., Committee Member  
Senator ben pangelinan, Senator

The public hearing was called to order at 10:08 a.m.

### **II. SUMMARY OF TESTIMONY AND DISCUSSION**

Vice Speaker Benjamin J.F Cruz called the public hearing to order at 10:08 a.m. and announced the morning's agenda and public hearing notices.

John Thomas Brown provided written testimony which has been appended to this report.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER  
Chairman, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting.  
Web Address: [www.senatorbjcruz.com](http://www.senatorbjcruz.com)



*I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN*  
The 31<sup>st</sup> Guam Legislature • [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)  
155 Hesler Place, Hagatna, Guam 96910  
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

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## II. FINDINGS AND RECOMMENDATION

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds this Bill to be in the best interests of the Government of Guam and hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Bill No. 272-31(COR) with the recommendation PASS.

*MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
(2011) First Regular Session

Bill No. 272-31 (Cor)

Introduced by:

B.J.F. Cruz  
2011 JUN 20  
11 9 59  
2011

**AN ACT TO ADD A NEW § 43101 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM PROCURING GOODS AND SERVICES TO ANY GOVERNMENT DEPARTMENT, AGENCY OR INSTRUMENTALITY IN WHICH THEY ARE APPOINTED TO SERVE**

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

**Section 1.** A new § 43101 is hereby added to Title 5 of the Guam Code Annotated as follows:

**“§43101. Board Members Prohibited from Procurement.** Notwithstanding any other provision of law, any member of any board or commission, including but not limited to the Consolidated Commission on Utilities, Board of Directors of the A.B. Won Pat Guam International Airport Authority, Board of Directors of the Jose D. Leon Guerrero Commercial Port of Guam, and Guam Economic Development Authority, shall not be authorized to procure any good or service to that department, agency or instrumentality in which they have been appointed to serve for the duration of their term on such board or commission. Interests held in blind trust shall not be exempt from this provision.”



# JOHN THOS. BROWN

ATTORNEY AT LAW \*

## GENERAL COUNSEL

Jones & Guerrero Co. Inc. (Guam, USA)

Its divisions, subsidiaries and affiliates<sup>†</sup>

J&G Corporate Office

545 Chalan Machaute, (Rte 8 @ Biang St.), Maite, Guam 96910

Telephone: +1-671-477-7293

Fax: +1-671-472-6153

email: jngo@ozemail.com.au

Mobile/Cell phone: +1-671-483-5960

POSTAL: GPO Box 7, Hagåtña, Guam 96932

September 6, 2011

Vice Speaker Benjamin J.F. Cruz, 31<sup>st</sup> Legislature  
155 Hesler St.  
Hagåtña, Guam 96910

RE: Bill 272-31 - conflict of interest in procurement

Dear Vice Speaker Cruz,

While I obviously would endorse the conflict of interest intent of this bill, I do not believe, as written, it is efficacious.

In a nutshell, this bill says “any member of any board ... or commission ... shall not be authorized to procure any good or service ....” To me, that is black letter law agency law, without regard to conflict of interest, because boards and commissions must act through board or commission action and no member, acting alone, has any authority to act either for the board or the agency. Thus, adding any qualification about conflict of interest fails to address the conflict problem.

I don't know what specific problem was meant to be addressed by this bill, but do note 4 GCA § 2104 addresses conflicts of interests of persons who have (pass tense) served as “Director, Administrator, Managers or has held authority to approve, disapprove or direct territorial action of any department, agency, public corporation or instrumentality”. “Authority to approve ... territorial action” might conceivably be extended to embrace a board member who votes to approve a contract if presented to the board. It might be appropriate to strengthen that provision to make it explicitly applicable to board members and to present positions, not just past positions.

I would suggest, alternatively, that 5 GCA § 5628, applicable to “employees”, be examined as a possible model (without the blind trust exemption). Indeed, it is worth considering (thinking out loud here, so no commitment), that the term “employee” (see 5 GCA § 5030(j)), be defined for purposes of § 5628 (if not other provisions of Article 11) to include “any member of any board ... or commission”.

As always, I'll be happy to personally discuss this with you or your staff.

Senseramente and With Respect,

John Thos. Brown



Office of the Vice Speaker  
Benjamin JF Cruz

Rcd. By Ch Date 9-8-11

\* Admitted to Practice: California, Guam and Commonwealth of Northern Mariana Islands, USA [Inactive in NSW, Australia]\*

† Micronesian Brokers, Inc. (Guam and CNMI)/Town House Department Stores, Inc. (Guam)/J&G Distributors/Aquarius Beach Towers, (Saipan, CNMI)/Livno Holdings PTY LTD (A.C.N. 003 585 331)/Townhouse, Inc. (Saipan, CNMI)/ IBSS (Guam and Saipan)

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 272-31 (COR)**

**AN ACT TO ADD A NEW § 43101 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM PROCURING GOODS AND SERVICES TO ANY GOVERNMENT DEPARTMENT, AGENCY OR INSTRUMENTALITY IN WHICH THEY ARE APPOINTED TO SERVE**

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Administration	Dept./Agency Head: Benita A. Manglona
Department's General Fund (GF) appropriation(s) to date:	41,281,957
Department's Other Fund (Specify) appropriation(s) to date:	8,196,091
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$49,478,048</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance <sup>1</sup>		\$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
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- 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: /x/ Yes / / No  
 /x/ Requested agency comments not received by due date / / Other: \_\_\_\_\_

Analyst: Michael M. Aflague, B&M Analyst      Date: 8/23/11      Director: John A. Rios, Acting Director      Date: 8/28/11

Footnotes: The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.



**COMMITTEE ON RULES**

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

2011  
35  
AM  
8:42

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

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

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

July 20, 2011

**MEMORANDUM**

To: **Pat Santos**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Rory J. Respicio**

Subject: **Referral of Bill Nos. 269-31 (COR) through 273-31 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 269-31 (COR) through 273-31 (COR).

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*.

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

*Si Yu'os Ma'åse!*

(4) Attachment

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**July 20, 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? Vetoes? Overridden? Public Law?
272-31 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW § 43101 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM PROCURING GOODS AND SERVICES TO ANY GOVERNMENT DEPARTMENT, AGENCY OR INSTRUMENTALITY IN WHICH THEY ARE APPOINTED TO SERVE	07/20/11 9:59a.m.	7/20/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting			

## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Thursday, September 22, 2011 9:16 AM  
**To:** 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatordrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'  
**Cc:** 'mike.lidia@senatorbjcruz.com'; 'mindy@kuam.com'; 'Sabrina Salas'; 'jason@kuam.com'; 'bmkelman@guampdn.com'; 'egthompson@guampdn.com'; 'dcrisostomo@guampdn.com'; 'travis.coffman@gmail.com'; 'Kevin Kerrigan'; 'clynt@spbguam.com'; 'therese.hart.writer@gmail.com'; 'Janela'; 'krystal@kuam.com'; 'Ray Gibson'; 'parroyo@k57.com'; 'joshua.tenorio@senatorbjcruz.com'; 'Chris Carillo'; 'carlos.pangelinan@senatorbjcruz.com'; 'phnotice@guamlegislature.org'  
**Subject:** First Notice of Public Hearing – September 29th, 2011  
**Attachments:** PH9292011.pdf

Hafa Adai All,

Please see the attached.

September 22, 2011

### MEMORANDUM

**TO:** All Members/All Senators  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
**RE:** First Notice of Public Hearing – September 29th, 2011

*Hafa Adai!* Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Thursday, September 29th, 2011, beginning at 9:00 A.M. in *I Liheslaturan's* Public Hearing Room with the following agenda:

- Bill No. 261-31 (COR) - C.M. Duenas / V.A. Ada / R.J. Respicio / B.J.F. Cruz- “An act to provide the Department of Youth Affairs with the authority to enter into a lease of its Talofoto property for the purpose of utilizing the leasehold payments as a source for the repayment of funds borrowed to design, construct and equip its new facility; and, to add a *new* Article 3 to Chapter 20, Title 19, Guam Code Annotated, relative to establishing the "*Department of Youth Affairs Facility Fund*"
- Bill No. 268-31 (COR) - A.B. Palacios, Sr.- “An act relative to authorizing the Department of Labor to contract for legal services, as deemed necessary for the conduct of its operations; through adding a new Subsection "D" to § 1114 of Chapter 1, Title 22, Guam Code Annotated, Business Regulations, Department of Labor Services and Agreements.”
- Bill No. 272-31 (COR) - B.J.F. Cruz- “An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve.”
- Bill No. 289-31 (COR) - C.M. Duenas / V.A. Ada / F.F. Blas, Jr. / A.B. Palacios, Sr.- “An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the "*Disaster Service Volunteer Leave Act*". “

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com).

**Senseramente,**

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman,Committee on Youth, Cultural Affairs,Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
**The 31st Guam Legislature**  
**155 Hesler Place**  
**Hagåtña, Guam 96910**  
**Phone: (671) 477-2520/1**  
**Fax: (671) 477-2522**  
**Web Address: <http://www.senatorbjcruz.com>**  
**E-mail: [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)**

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**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)**

**As of Oct. 17, 2011**

aguon4guam@gmail.com  
alerta.jermaine@gmail.com  
aline4families@gmail.com  
ataylor.senatorrodriguez@gmail.com  
audrey@judiwonpat.com  
baza.matthew@gmail.com  
berlene@senatorpalacios.com  
bruce.lloyd.media@gmail.com  
candasofrank@gmail.com  
carlo@tinamunabarnes.com  
chechsantos@gmail.com  
chelsea@tinamunabarnes.com  
cherbert.senatorrodriguez@gmail.com  
cipo@guamlegislature.org  
clerks@guamlegislature.org  
colleen@judiwonpat.com  
cor@guamlegislature.org  
cyrus@senatorada.org  
doc.wyppenbachsantos@gmail.com  
duenasenator@gmail.com  
edleonguerrero@gmail.com  
edpocaigue@judiwonpat.com  
edwardglee671@yahoo.com  
elaine@tinamunabarnes.com  
etajalle@guamlegislature.org  
evelyn4families@gmail.com  
faith.r@senatormabini.com  
faith.r@senatormabini.com  
fbtorres@judiwonpat.com  
floterlaje@gmail.com  
frank.blasjr@gmail.com  
gavin@tinamunabarnes.com  
guamnativesun@yahoo.com  
jamespcastro@gmail.com  
jane@tinamunabarnes.com  
jason@senatorpalacios.com  
jcamacho@senatorada.com  
jean@tinamunabarnes.com  
jeff.m@senatormabini.com  
jennifer@senatorpalacios.com  
jmesngon.senatorrodriguez@gmail.com  
john.calvo@noaa.gov  
joshua.tenorio@senatorbjcruz.com  
judiguthertz@gmail.com  
julian@senatorpalacios.com  
leonguerrero.angela@gmail.com  
lou4families@gmail.com  
louise\_atalig@yahoo.com  
markaflague@gmail.com  
maryfejeran@gmail.com  
mcarlson@guamlegislature.org  
mis@guamlegislature.org  
msuarez.senatorrodriguez@gmail.com  
mtorres.senatorrodriguez@gmail.com  
miracle.m@senatormabini.com  
nsantos@senatorada.org  
office@senatorada.org  
oliviampalacios@gmail.com  
peterlg@gmail.com  
phillipsguam@gmail.com  
pris@senatorpalacios.com  
rfteehan@yahoo.com  
richard@tinamunabarnes.com  
rob.tupaz@gmail.com  
roryforguam@gmail.com  
Santos.duenas@gmail.com  
sem@guamlegislature.org  
senator@senatorbjcruz.com  
senator@senatorpalacios.com  
senator@tinamunabarnes.com  
senatorrodriguez@gmail.com  
senatormabini@senatormabini.com  
senatorsam@senatormabini.com  
senatortonyada@guamlegislature.org  
senbenp@guam.net  
sgrarmes@guamlegislature.org  
speaker@judiwonpat.com  
tanya4families@gmail.com  
tcastro@guam.net  
telo.taitague@guam.gov  
tinaokada@gmail.com  
tom@senatorada.org  
tterlaje@guam.net  
uriah@tinamunabarnes.com  
val.g@senatormabini.com  
victoria@senatorpalacios.com  
vkomiyama.senatorrodriguez@gmail.com  
wilcastro671@gmail.com



September 22, 2011

**MEMORANDUM**

**TO:** All Members/All Senators  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
**RE:** First Notice of Public Hearing – September 29th, 2011

*Hafa Adai!* Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Thursday, September 29th, 2011, beginning at 9:00 A.M. in *I Liheslaturan's* Public Hearing Room with the following agenda:

- Bill No. 261-31 (COR) - C.M. Duenas / V.A. Ada / R.J. Respicio / B.J.F. Cruz- "An act to provide the Department of Youth Affairs with the authority to enter into a lease of its Talofofo property for the purpose of utilizing the leasehold payments as a source for the repayment of funds borrowed to design, construct and equip its new facility; and, to add a new Article 3 to Chapter 20, Title 19, Guam Code Annotated, relative to establishing the "*Department of Youth Affairs Facility Fund*"
- Bill No. 268-31 (COR) - A.B. Palacios, Sr.- "An act relative to authorizing the Department of Labor to contract for legal services, as deemed necessary for the conduct of its operations; through adding a new Subsection "D" to §1114 of Chapter 1, Title 22, Guam Code Annotated, Business Regulations, Department of Labor Services and Agreements."
- Bill No. 272-31 (COR) - B.J.F. Cruz- "An act to add a new § 43101 to Title 5 of the Guam Code Annotated relative to prohibiting members of boards and commissions from procuring goods and services to any Government Department, Agency or Instrumentality in which they are appointed to serve."
- Bill No. 289-31 (COR) - C.M. Duenas / V.A. Ada / F.F. Blas, Jr. / A.B. Palacios, Sr.- "An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the "*Disaster Service Volunteer Leave Act*". "

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com).

## Chris Carillo

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**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Tuesday, September 27, 2011 9:11 AM  
**To:** 'speaker@judiwonpat.com'; 'Senator Tom Ada'; 'senatortonyada@guamlegislature.org'; 'senator@tinamunabarnes.com'; 'Senator Frank F. Blas, Jr.'; 'senator@senatorbjcruz.com'; 'duenasenator@gmail.com'; 'judiguthertz@gmail.com'; 'senatorsam@senatormabini.com'; 'Senator Ben C. Pangelinan'; 'cor@guamlegislature.org'; 'senatordrodriguez@gmail.com'; 'senatormana@gmail.com'; 'Aline Yamashita'; 'phnotice@guamlegislature.org'  
**Cc:** 'mike.lidia@senatorbjcruz.com'; 'mindy@kuam.com'; 'Sabrina Salas'; 'jason@kuam.com'; 'bmkelman@guampdn.com'; 'egthompson@guampdn.com'; 'dcrisostomo@guampdn.com'; 'travis.coffman@gmail.com'; 'Kevin Kerrigan'; 'clynt@spbguam.com'; 'therese.hart.writer@gmail.com'; 'Janela'; 'krystal@kuam.com'; 'Ray Gibson'; 'parroyo@k57.com'; 'joshua.tenorio@senatorbjcruz.com'; 'Chris Carillo'; 'carlos.pangelinan@senatorbjcruz.com'; 'phnotice@guamlegislature.org'  
**Subject:** Second Notice of Public Hearing – September 29th, 2011  
**Attachments:** 2ndnotice9.29.2011.pdf

Hafa Adai All,

Please see the attached notice....

September 27, 2011

### MEMORANDUM

**TO:** All Members/All Senators

**FROM:** Vice Speaker Benjamin J.F. Cruz

**RE:** Second Notice of Public Hearing – September 29th, 2011

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**Senseramente,**

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman, Committee on Youth, Cultural Affairs, Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
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September 27, 2011

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**FROM:** Vice Speaker Benjamin J.F. Cruz  
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## Public Hearing Agenda Thursday September 29<sup>th</sup> 2011

Public Notices were emailed to Media and all Senators on September 22<sup>nd</sup> and 27<sup>th</sup> 2011.

Bill No. 261-31 (COR) - C.M. Duenas / V.A. Ada / R.J. Respicio / B.J.F. Cruz- "An act to provide the Department of Youth Affairs with the authority to enter into a lease of its Talofofu property for the purpose of utilizing the leasehold payments as a source for the repayment of funds borrowed to design, construct and equip its new facility; and, to add a *new* Article 3 to Chapter 20, Title 19, Guam Code Annotated, relative to establishing the "*Department of Youth Affairs Facility Fund*"

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***MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN***  
**(2011) First Regular Session**

Bill No. 272-31(cor)

Introduced by:

2011 JUN 20 11  
B.J.F. Cruz  
  
9:59

**AN ACT TO ADD A NEW § 43101 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING MEMBERS OF BOARDS AND COMMISSIONS FROM PROCURING GOODS AND SERVICES TO ANY GOVERNMENT DEPARTMENT, AGENCY OR INSTRUMENTALITY IN WHICH THEY ARE APPOINTED TO SERVE**

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

**Section 1.** A new § 43101 is hereby added to Title 5 of the Guam Code Annotated as follows:

**“§43101. Board Members Prohibited from Procurement.**  
Notwithstanding any other provision of law, any member of any board or commission, including but not limited to the Consolidated Commission on Utilities, Board of Directors of the A.B. Won Pat Guam International Airport Authority, Board of Directors of the Jose D. Leon Guerrero Commercial Port of Guam, and Guam Economic Development Authority, shall not be authorized to procure any good or service to that department, agency or instrumentality in which they have been appointed to serve for the duration of their term on such board or commission. Interests held in blind trust shall not be exempt from this provision.”