

FD

EDDIE BAZA CALVO
Governor



Office of the Governor of Guam

2012 FEB 6 AM 2:50
RAY TENORIO
Lieutenant Governor

31-11-1329

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 2/7/12
Time 4:19 PM
Received by [Signature]

February 6, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 338-31 (COR) "AN ACT TO AMEND §4207 OF ARTICLE 2, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE PRIORITY PLACEMENT FOR AFFECTED EMPLOYEES OF THE GOVERNMENT OF GUAM RESULTING FROM ANY REORGANIZATION OR REDUCTION IN FORCE INITIATIVE OF THE EXECUTIVE BRANCH", which I signed into law on February 3, 2012 as **Public Law 31-181**.

Senseramente,

[Signature]
EDDIE BAZA CALVO

Attachment: copy of Bill

1329

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 **Substitute Bill No. 338-31 (COR), "AN ACT TO AMEND §4207 OF ARTICLE 2, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE PRIORITY PLACEMENT PROGRAM FOR AFFECTED EMPLOYEES OF THE GOVERNMENT OF GUAM RESULTING FROM ANY REORGANIZATION OR REDUCTION IN FORCE INITIATIVE OF THE EXECUTIVE BRANCH"**, 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'lahaen Guåhan* this 23rd day of Jan., 2012, at 12:45 o'clock 8.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 338-31(COR)

As substituted on the Floor.

Introduced by:

Judith P. Guthertz, DPA
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 *AMEND* §4207 OF ARTICLE 2, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE PRIORITY PLACEMENT PROGRAM FOR AFFECTED EMPLOYEES OF THE GOVERNMENT OF GUAM RESULTING FROM ANY REORGANIZATION OR REDUCTION IN FORCE INITIATIVE OF THE EXECUTIVE BRANCH.

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

2 **Section 1.** §4207 of Article 2, Chapter 4 of Title 4, Guam Code

3 Annotated, is hereby *amended* to read:

1 “§ 4207. **Reduction in Force.** There *shall* be *no* reduction in
2 force by any government of Guam department, bureau or agency, which
3 includes autonomous agencies or other instrumentalities of the Executive
4 Branch of the government of Guam, until such time as the particular
5 department, bureau or agency implements a layoff, demotion or salary
6 reduction procedure, which among other considerations adopted by the
7 Director of Administration *shall* be based upon employee efficiency and
8 seniority.

9 (a) The Priority Placement Procedure as listed in Appendix
10 C of Chapter 1, Division 1, Title 2, Guam Administrative Rules and
11 Regulations, relative to the Personnel Rules and Regulations of the
12 Department of Administration, government of Guam are hereby
13 adopted and *shall* be the standard policy and uniform guideline to
14 address employees affected by adverse affects such as, but *not* limited
15 to, consolidation, transfer of functions, lack of work or funds, position
16 classification or reduction in force; or Executive Branch
17 reorganization, restructuring, reform, modernization, streamlining,
18 innovation or transformation initiatives.

19 (b) The Department of Administration *shall* develop a
20 uniform methodology to ensure all vacant classified positions opened
21 for recruitment and intended to be filled by all departments, bureaus,
22 agencies, commissions, or other instrumentalities, whether
23 autonomous, semi-autonomous, or non-autonomous in the Executive
24 Branch of the government of Guam, including all line agencies and
25 the A.B. Won Pat International Airport Authority, the Port Authority
26 of Guam, the Guam Power Authority, the Guam Waterworks
27 Authority, the Guam Visitors Bureau, and the Guam Housing and

1 Urban Renewal Authority, among other entities, are recorded and
2 offered to registrants that qualify for the Priority Placement Program.

3 (c) Employees who have met the minimum qualifications
4 and were hired as a result of the provisions of the Priority Placement
5 Procedure *shall* receive the same level of compensation closest to but
6 *not more than* the pay they were receiving prior to their separation
7 from the government of Guam. Funding for the placement of
8 employees *shall* come from the allotted budget of the respective entity
9 in which the vacancy exists.

10 (d) The Department of Administration *shall* submit a
11 quarterly report of all vacancies of agencies as contained in
12 Subsection (b) of this Section; contained in these reports *shall* be the
13 management of those vacancies, i.e. whether such positions remain
14 vacant, were filled pursuant to this Section or otherwise.

15 (e) The Civil Service Commission may hear and investigate
16 claims of persons registered under the Priority Placement Program
17 who feel that they may have been bypassed during the hiring process
18 for positions wherein they meet the minimum qualifications for
19 consideration and shall be the final adjudication body for such
20 complaints.”

21 **Section 2. Effective Date.** This Act *shall* take effect *no later than* sixty
22 (60) days after its enactment into law. Employees affected as a result of actions
23 taken by the Executive Branch relative to reorganization, reduction in force, or
24 similar initiatives beginning with Reorganization Advisory Number 1, signed on
25 August 10, 2011, and any future action by the Executive Branch, *shall* be qualified
26 for inclusion under the Priority Placement Program.

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

PRIORITY PLACEMENT PROCEDURE

PURPOSE

To establish uniformed guidelines for the government of Guam in case of a need to transfer functions, abolishment of positions, demotions, lack of work or funds, or reduction in force.

STATEMENT OF POLICY

It is the policy of the government of Guam to promote stability of employment of permanent classified employees affected by changing manpower requirements and to provide maximum opportunity for placement in the Executive Branch of the government. Consistent with this policy, a strong Priority Placement Procedure shall be maintained to minimize the adverse affects on employees caused by actions required for the effective management of government such as, but not limited to, consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction in force.

I. COVERAGE

A. DEPARTMENTS AND AGENCIES

This procedure is applicable to all departments, bureaus, agencies, commissions, or other instrumentalities, whether autonomous, semi-autonomous, or non-autonomous in the Executive Branch of the government.

B. EMPLOYEES

This procedure covers all probationary and permanent classified employees who are to be or have been issued notice of impending demotion or separation due, but not limited to, consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction in force.

II. RESPONSIBILITIES

- A. All department and agency heads shall assure efficient operations of these procedures within their respective department/agency and shall insure that all managers, supervisors and department officials comply with these procedures.
- B. Annually, all department and agency heads shall issue a written statement of support to their employees for these procedures and shall insure that all managers and supervisors comply with these procedures, and that employees are notified with respect to these procedures.
- C. All personnel offices are responsible for the effective administration of these placement procedures, for counseling employees on the provisions of these regulations, and for informing department heads, managers, supervisors, and employees on the placement requirements.
- D. Affected employees shall be responsible for notifying the respective personnel office of any changes to their employment status i.e., availability, latest address and telephone number, lowest acceptable salary, etc.
- E. The Civil Service Commission shall monitor and enforce compliance of these procedures.

III. ADVANCED PLANNING

Whenever a consolidation, transfer of functions, lack of work or funds, position classification decisions or reduction in force occurs within a department or agency, the following actions shall be carried out:

- A. The department/agency head shall immediately inform, in writing, the servicing personnel office of the positions impacted and the number of employees affected. A copy of the notice shall be provided to all other personnel offices within the Executive Branch and to the Civil Service Commission.
- B. Immediately upon receipt of notice, all other personnel offices shall forward the servicing personnel office and the Civil Service Commission, a listing of all position vacancies. Position vacancy listings shall continue to be provided on a monthly basis as long as there are employees on the Priority Placement List who have not been matched to appropriate positions.

IV. DURING THE NOTICE PERIOD

- A. The servicing personnel office shall be responsible for the following actions:
1. Obtain from each affected employee a list of positions, but not more than ten, to which they wish to be considered, to include the lowest pay grade acceptable, and a completed application form. Affected employees, in determining this listing, shall be provided a copy of the position vacancy listing.
 2. Review applications of employees to determine qualifications to positions identified for consideration.
 3. Based on positions identified by affected employees, establish and forward a Priority Placement Listing to all personnel offices for placement assistance.
 4. Immediately upon receipt of the Priority Placement Listing, all personnel offices shall freeze all recruitment action and review all vacancies within the respective department(s) for placement assistance, including all classified positions encumbered by unclassified employees appointed on a 120 day basis.
 5. An offer of a position vacancy matching the Priority Placement Listing shall be immediately made to the employee and the releasing department will be immediately notified of the placement. A copy of the appointment action shall be submitted to the Civil Service Commission.
 6. If there are more priority placements to be made than there are vacancies, placement shall be based on retention points whereby those employees with the highest retention points shall be given first offer of employment.
 7. In those instances where inadequate position vacancies exist to those position classifications where employees have indicated an interest in, but where there are existing positions in the classifications of interest which are filled by temporary unclassified appointments (120 days), the personnel office shall contact the department head where the position(s) exists to inform him that the 120 day appointment(s) shall be terminated in order to place a priority placement eligible.
- B. Qualification Dispute - The gaining personnel office is not authorized to disqualify a priority placement employee without the mutual agreement of the

releasing personnel office. Disagreements of qualification of a priority placement employee shall be submitted to the Civil Service Commission.

- C. Priority placement shall not be applicable in those instances, where an affected employee is being considered for promotional opportunities to position levels higher than the position held prior to the demotion or reduction-in-force action.

V. AFTER THE NOTICE PERIOD

Notwithstanding any other provision of law or regulation, all personnel offices shall continue to monitor their vacancies and offer priority placement assistance, as provided in Section IV of these procedures, to affected employees for a period of two years, or until such time that the affected employees are matched to a position of not less than that prior to demotion or reduction in force.

VI. RECORDS AND REPORTS

- A. Each personnel office shall maintain for a two year period, an individual folder of each affected employee. The individual folder shall contain the following information.
 - 1. Employee's name
 - 2. Date(s) of counseling
 - 3. Position title, pay grade and salary prior to layoff or demotion
 - 4. Most recent application form
 - 5. Offers received, accepted or declined
 - 6. Date removed from the priority placement listing and reason (i.e. acceptance of position, request by employee, etc.)
 - 7. Current address and phone number
 - 8. Any additional relevant information.

6

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

Date: 1/20/12

VOTING SHEET

SBill No. 338-31(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. III		✓			
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

12 2 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



the People

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

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

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

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

I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

DEC 19 2011

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

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

RE: Committee Report on Bill No. 328-31 (COR)

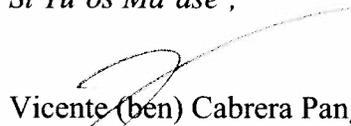
Dear Speaker Won Pat:

Transmitted herewith is the Committee Report Bill No. 328-31 (COR): "An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated." sponsored by Senator Dennis Rodriguez which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 4 TO PASS
- 0 TO NOT PASS
- 3 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'ase',


Vicente (ben) Cabrera Pangelinan
Chairman

2012 JAN 12 AM 11:23

W

**COMMITTEE REPORT
ON**

Bill No. 328-31 (COR):

“An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.”



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

DEC 19 2011

MEMORANDUM

To: All Members

Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 328-31 (COR)

Transmitted herewith is the Committee Report Bill No. 328-31 (COR):
"An act to provide for the regulated conduct of special tasting and
sampling events at approved locations, when conducted by a off-sale
licensee, wholesale licensee or agent licensee, for the sale of alcoholic
beverages and distilled spirits by adding a new §3229 to Article 2 of
§3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both
of Title 11, Guam Code Annotated." sponsored by Senator Dennis
Rodriguez which was referred to the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 328-31 (COR)
4. Public Hearing Sign-in Sheet
5. Copies of Submitted Testimony & Supporting Documents
6. Copy of COR Referral of Bill No. 328-31 (COR)
7. Notices of Public Hearing
8. Copy of the Public Hearing Agenda
9. Fiscal Notes

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 my office.

Si Yu`os Ma`åse`,

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

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

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

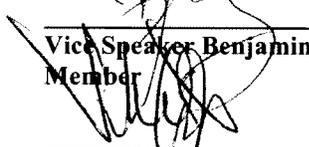
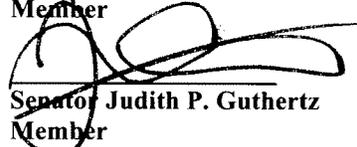
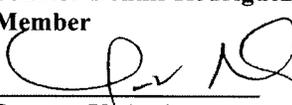
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement, and Land**

Bill No. 328-31 (COR): An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Committee Members	To Pass	To Not Pass	Report Out	Abstain	Inactive Files
 _____ Senator Vicente C. Pangelinan Chairperson	✓	_____	_____	_____	_____
_____ Speaker Judith T. Won Pat, Ed.D Vice Chairperson	_____	_____	_____	_____	_____
 _____ Vice Speaker Benjamin J.F. Cruz Member	12/19/11 ✓	_____	_____	_____	_____
_____ Senator Tina Rose Muña-Barnes Member	_____	_____	_____	_____	_____
 _____ Senator Judith P. Guthertz Member	_____	_____	✓	_____	_____
_____ Senator Dennis Rodriguez, Jr. Member	_____	_____	_____	_____	_____
 _____ Senator V. Anthony Ada Member	⊗	_____	12/19/11	_____	_____
 _____ Senator Christopher M. Dueñas Member	_____	_____	✓	_____	_____
 _____ Senator Maria Silva Taijeron Member	_____	_____	12/19/11 ✓	_____	_____



the People

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

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Federal, Foreign &
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Military Buildup and
Homeland Security

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

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 328-31 (COR): An act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits by adding a new §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on November 29, 2011 at 1:00 pm in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on November 21, 2011 (5-Day Notice), and again on November 27, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Senator Dennis Rodriguez, Member
Senator V. Anthony Ada, Member
Senator Mana Silva Taijeron, Member
Senator Adolpho Palacios
Senator Tom Ada
Senator Frank Blas, Jr.

(b) Appearing before the Committee

Ms. Lucia Perez, ABC Board
Mr. Craig Thompson, ABC Board
Ms. Maria Flor Herrero, Lorea Industries - President

(c) Written Testimonies Submitted

Ms. Lucia Perez, ABC Board
Ms. Maria Flor Herrero, Lorea Industries - President
Mr. James Anthony Castro, MidPac – Marketing Director

II. COMMITTEE PROCEEDINGS

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

(a) Bill Sponsor Summary

Senator Rodriguez: Thank you very much and thank you as well for holding a hearing on this measure. Bill 328-31, as of right now, special tasting events and sampling of by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits is prohibited by law. At least in so far that the consumer cannot participate in the event. The inability to conduct tasting events upon the premises has historically blocked what is commonly a responsibly conducted practice in other areas such as California. My purpose was to facilitate the judicious and responsible conduct of these events where wines and liquors are sampled and tasted under responsible and controlled conditions on approved premises with a holder of a valid license issued by the Alcoholic Beverage Control (ABC) board. This will not allow, promote, or be responsible for the onsite conduct for tasting events of alcohol beverages and distilled spirits. Consumers will now be able to participate in the sampling of varying types of wines and other alcoholic beverages and distilled spirits and subsequently be provided the opportunity to purchase the products at the end of the tasting event as they leave or at a future date, at their leisure, already experiencing the products.

The bill also calls for the ABC board to provide for the proper conduct of sampling and tasting events for alcoholic or distilled spirits by promulgating applicable rules and regulations consistent with the scope and act.

Most importantly, this legislation will help our non-profit organizations conduct fundraisers. We have seen more now have wine tasting events but they really are not maximizing their full potential that they can receive from these fundraisers because of how are laws are written and hopefully what this does is give them more opportunity to benefit.

(b) Testimony

1. Ms. Lucia Perez, ABC Board

(read written testimony)

Panel Comments and Questions

Chairman Pangelinan: Thank you

2. Ms. Maria Flor Herrero, Lorea Industries - President

(read written testimony)

Panel Comments and Questions

Chairman Pangelinan: I'm not sure how you envision this but will there be, other than non-profits when you are making a donation, would there be charges that were allowed? Do you envision that?

Ms. Perez: Part of the bill states that during an event, the consumer cannot be charged, because it is simply that, a wine tasting event. However, if a consumer wishes, at a later time because they have tasted that wine and they know exactly what they wanted to purchase, they can go off site and do just that.

Chairman Pangelinan: So, there are no sales to the public?

Ms. Perez: Right.

Chairman Pangelinan: This concludes the testimony on Bill No. 328-31. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at senbenp@guam.net or through our website at senbenp.com

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 328-31 (COR), As Introduced, by the committee with the recommendation To report out only.

MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular

Bill No. 328-31 (for)

Introduced by:

D.G. RODRIGUEZ, JR. *DR*

T.C. ADA *ADA*

F.F. BLAS, JR. *FB*

A.B. PALACIOS, SR. *AP*

2011 OCT -4 PM 2:00
WLB

AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLE 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds

3 that the conduct of wine, liquor and liqueur tasting / sampling events by a off-sale
4 licensee, wholesale dealer licensee or agent licensee of alcoholic beverages or
5 distilled spirits is prohibited by law (11 GCA, Chapter 3, Article 4, §3413) in so far
6 as that the consumer cannot participate in the event. The inability to conduct
7 tasting events upon the premises has historically blocked what is commonly a
8 responsibly conducted practice in other areas such as California where wine
9 tasting, as well as other alcoholic beverages and distilled spirits, is a common
10 event.

1 It is the intent of *I Liheslaturan Guåhan* to facilitate the judicious and
2 responsible conduct of special events where displays of wines and liquors are
3 sampled and tasted under responsible, controlled conditions on approved premises
4 by the holder of a valid Off-Sale License, Wholesale Dealer License or Agent
5 License issued by the Alcohol Beverage Control Board, as provided pursuant to
6 applicable law, rules and regulations. It is, further, the intent of *I Liheslaturan*
7 *Guåhan* to allow and promote the responsible, regulated on-site conduct of tasting
8 events for alcohol beverages and distilled spirits. Consumers would now be able to
9 participate in the sampling of varying types of wines and other alcoholic beverages
10 and distilled spirits, and, subsequently, be provided the opportunity to purchase the
11 products at the end of the tasting event as they leave, or at their leisure at a future
12 date having already experienced the products.

13 It is, further, the intent of *I Liheslaturan Guåhan* that the Alcohol Beverage
14 Control Board provide for the proper conduct of sampling and tasting events for
15 alcoholic beverages or distilled spirits by promulgating applicable rules and
16 regulations, as authorized pursuant to this Act, and consistent within the scope of
17 its intent.

18 **Section 2.** A new §3229 is hereby added to Article 2 of Chapter 3, Title 11,
19 Guam Code Annotated, to read:

20 **“§3229. Special Display and Tasting / Sampling Events; Authorized.**

21 (a) A person holding a valid Off-Sale License, Wholesale Dealers’ License, or
22 Agent’s License, is authorized to conduct special display and sampling / tasting
23 events of authorized alcoholic beverages and distilled spirits for the purpose of
24 familiarizing consumers with the taste of an alcoholic beverage or distilled spirit
25 product(s) on authorized premises.

1 (b) The Board shall, within 120 days of the enactment of this Act, develop
2 necessary procedures, and as deemed necessary promulgate rules and regulations,
3 if any, to implement this Section. The procedures, rules and regulations shall be
4 duly promulgated by the Board pursuant to Article 3 - Rule Making Procedures, of
5 Chapter 9, Title 5, Guam Code Annotated.

6 i. The Board shall designate the categories of approved alcoholic
7 beverages and/or distilled spirits which are authorized for consumption
8 during sampling / tasting events; and

9 ii. Shall determine the amount of, and manner by which, the beverages
10 may be offered or served for sampling / tasting.

11 (c) The authorized licensee shall, in addition to complying with applicable
12 rules and regulations promulgated relative to this Section, be subject to the
13 following conditions for the conduct of a sampling / tasting event:

14 i. The tasting / sampling shall not be for a fee or charge in any amount
15 to the consumer;

16 ii. The amount of alcoholic beverages offered for tasting shall be limited
17 to no more one (1) three-ounce (3 oz.) sample of each item per person, with
18 the exception of distilled spirits, which will be limited to a single one-ounce
19 (1 oz.) sample of each item per person;

20 iii. A Wholesale Dealer Licensee or Agent Licensee shall not directly sell
21 any alcoholic beverage product directly to a consumer during the tasting /
22 sampling event, provided, however, the holder of an off-sale license
23 applicable to the premises upon which the event is conducted, may sell
24 directly to consumers for later consumption *off* the premises;

1 iv. Frequency of Event. A special tasting and sampling event shall not be
2 conducted for more than two consecutive days at a single location per week,
3 nor more than a total of six days at the same location per month;

4 v. Advance Notification of Planned Event to Board. The anticipated or
5 planned conduct of an event, or multiple events, shall be submitted to the
6 Board in writing or by electronic notification at least five (5) business days
7 in advance of the event. The one (1) day per event special license shall be
8 assessed a non-recurring fee of \$25.00. For all submissions received less
9 than five (5) business days from planned event, an "Expedited Processing
10 Fee" \$50.00 will be assessed. Full payment of the license fee is due and
11 payable at the time license is issued to the applicant; and

12 vi. Authorized Locations. The following locations are authorized for the
13 temporary conduct of special display and sampling / tasting events for
14 authorized alcoholic beverages:

- 15 1. Business holding an Off-Sales License, or sponsored on the
16 premises by a Licensed Wholesale Dealer or Licensed Agent of
17 Alcoholic Beverages;
- 18 2. Class 1 Manufacturer's establishment, as defined in this Chapter;
- 19 3. Hotel lobbies and hotel special event rooms, to include, but not be
20 limited to, exhibit halls, convention center, Mall courtyards, Club,
21 Vessel, Transient Vessel, Condominium Hotel, Brewpub and
22 General Caterer; when sponsored by a Licensed Wholesale Dealer
23 or Licensed Agent of Alcoholic Beverages.

24 vii. Monies Collected from Assessment of Fees. All monies collected for
25 the Non-Recurring and/or "Expedited Processing Fee" shall be deposited
26 into a separate account labeled, "Alcohol Beverage Compliance Fees and

1 Fines Fund.” The Administrator, with Board approval, shall be authorized
2 to use monies collected for programs to promote compliance with liquor
3 laws, business development, and improvement of interagency and interoffice
4 functions. Such programs may include but are not limited to: enforcement,
5 public services announcements promoting responsible drinking and driving
6 practices, youth programs, education and Alcoholic Beverage Control Board
7 and administrative meetings.

8 (d) Sampling and Licensed Premise.

9 i. Licensees desiring to have a promotional sampling on their premises shall
10 clearly stated and identify in application the type of liquor to be sampled, the
11 date and hours sampling is to take place and the name of the person in
12 charge of the sampling;

13 ii. Samples of alcoholic beverages, will be limited to one (1) three-ounce (3
14 oz.) sample of each item per person. Distilled spirits will be limited to a
15 single one-ounce (1 oz.) sample of each item per person;

16 iii. No minors or person under the age of 21 years of age shall be permitted
17 sample liquor;

18 iv. No person under the age of eighteen (18) years shall serve alcohol,
19 liquor, beer and/or wine;

20 v. A copy of the approval license shall be posted in the vicinity of the
21 sampling area; and

22 vi. Consumers (Tasters) shall remain within the designated “event room”
23 and not be allowed to wander throughout the premise and shall not be
24 allowed to exit the premises with alcohol, liquor, wine and or beer.

25 **Section 3.** § 3413 of Article 4, Title 11, Guam Code Annotated, is hereby
26 amended adding a new Subsection (a), to read:

1 **“§3413. Consumption Forbidden.** Unless authorized by a license issued
2 for the premises and sold by the licensee, a person shall not consume any alcoholic
3 beverages on any premises where alcoholic beverages are sold, nor except as
4 prescribed by the Board by regulation, on any premises open or used by the public.

5 (a) Exception; This §3413 shall not apply to temporary special tasting and
6 sampling events, as authorized pursuant to §3229 of Article 2, of this
7 Chapter.”

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

13 **Section 5. Effective Date.** This Act shall become immediately effective
14 upon enactment.



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
 INSURANCE, RETIREMENT AND LAND**

Tuesday, November 29, 2011

Bill No. 328

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Lucia P. Gonzalez			lpangelina.net	✓	✓	✓	



Testimony in Support of Bill No. 328-31

AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFF-SALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLES 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.

*A warm Hafa Adai and Good Afternoon Senators_____ . On behalf of ABC Board Member Craig Thompson and me (Lucia Perez), we appreciate the opportunity to submit this **testimony in support of Bill No. 328-31**. It is because of the teamwork and research conducted by the Alcohol Beverage Control team within the Department of Revenue & Taxation, Board Member Thompson, myself and staff from the office of Senator Dennis Rodriguez, Jr. office that we feel this bill in present form presented to you today is ready to be presented to the Legislature as a whole.*

The bill when passed into law will allow and promote responsible and regulated "Special Tasting and Sampling Events." It also establishes the amount of alcoholic beverages allowed to be dispensed in addition to the establishment of a separate account called the "Alcohol Beverage Compliance Fees and Fines Funds." The funding source will be utilized for programs to promote compliance with liquor laws, public education and improvements within the office.

The bill also allows the development of rules and regulations necessary to ensure compliance and most importantly makes the rules and regulations dynamic enough so when updating is needed it can be done so via the ABC Board. This in itself will ensure that all fee structures are current.

Should you have any questions Mr. Thompson and I are available at this time or can be contacted at 488-5824.

11-29-2011

Lorea Industires

220 East Harmon Industrial Park, C-6

Harmon, Guam 96913

Dear Senators,

My name is Maria Flor Herrero and I am the president of Lorea Industries, an importer and wholesaler/distributor of wines, liquors and other products in Guam.

I represent various wine companies from Europe, mainly Spain, as well as companies from Portugal, Chile, Argentina, and California in the United States.

The reason why I am here today is because I would like to testify on behalf of Bill No. 328-31, an Act to provide for the regulated conduct of special wine tasting and sampling events at approved locations, and to amend the existing law regarding tastings of wines and liquors in different establishments of Guam.

Currently the existing law prohibits the tasting of alcoholic beverages, including wine, in off-sale Licensee locations such as supermarkets and other establishments/gift shops which sell wine and other alcoholic beverages.

As a wholesaler, of course I will benefit from this Bill and so will a whole lot of business people in Guam as well as the whole Guam economy in general because it will generate more wine sales.

However, the ones who will benefit the most are the consumers of Guam.

Wine is becoming a very popular drink for many reasons. Doctors recommend it, with moderation of course, because it is natural, is a great compliment to a great meal, it enhances the taste of the food, and especially because red wine has an enzyme Resveratrol, an antioxidant present in many plants and products, especially in red grape skins, which has been found in various studies to be a very good health enhancer.

But how to navigate the market and find out which of the many choices available is the right one at each particular moment and occasion? The obvious answer is of course, Wine Tastings. One of the main aspects of wine Tastings is to educate the consumer as to the many different types of wines available and its many characteristics.

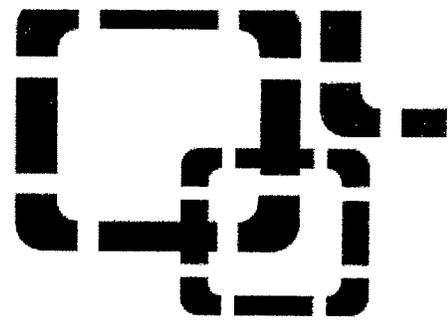
Besides being an importer and wholesaler of wine, I do happen to love and enjoy all the aspects of the Wine World and the Culture of wine. It is amazing because there are so many variables involved in the making of wine, from the terrain/soil, to the different climatic zones where the vines grow, to the climate conditions, to the different types /varieties of grapes, to the actual Wine maker and the making of the wine each and every year after the harvest.

But in the end the most crucial aspect is how the final product tastes. There is only one way to find out, that is by tasting it. However, the making of wine is not cheap, thus the final product is not cheap either. This is why there are wine tastings all over the world, from Spain, where I come from, to France, Italy, California, Japan, Australia and even in China, which is quickly becoming one of the mayor consumers of wine.

I myself conduct wine tastings regularly in most of the NEX and AFEX stores in Guam, which are located inside the military bases. I do enjoy these tastings because it gives me a chance to share my products with the consumers, to educate them as to the many aspects of wine, and to share with them my limited knowledge and love of the amazing world of wine.

Frankly, I see no reason why the rest of the people of Guam, especially those who are starting to discover the world of wine and slowly but surely developing a love and taste for it, always in moderation of course, should not have the same opportunity as the people who are inside, or have access to the military bases.

Thank you.



Mid Pacific Distributors, Inc.
600 Belle St. Suite 110
Hagigada, GU 96963

Phone | (671) 635-5891/2
Fax | (671) 637-5832

November 29, 2011

Hafa Adai I Liheslaturan Guahan,

Thank you for your time and allowing us to enter into record our testimony.

We are in support of Bill No. 328-31, an act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by an off-sale licensee, wholesale licensee or agent licensee, for the sale of alcoholic beverages and distilled spirits.

This bill would help us to support non-profit organizations (NPO) for their fundraisers. Currently, NPOs would have to hold their events in a non-ABC licensed venue, in order to do a sampling or special tasting fundraising occasion. NPOs are only able to sell tickets to the events that allow them to attend their event and enjoy what's available. This limits the NPO's opportunity to raise more money for their cause, due to the limitation of selling products. Should this bill pass, NPOs would now have the ability to hold events at ABC licensed venues and have the ability to increase their fundraising proceeds.

We believe in helping our community and we believe in supporting various NPOs on Guam. Bill No. 328-31 would allow us to do this and help all of the island's non-profit organizations raise the necessary money needed to keep their organizations operational to help our people.

Please support Bill No. 328-31.

Si Yu'os Ma'ase

Senseramente!

James Anthony Castro
Marketing Director

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 328-31 (COR)**

AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFFSALE LICENSEE, WHOLESALE LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLE 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Revenue & Taxation (DRT)	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	\$9,738,912
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (TCEF) - \$491,863 Better Public Service Fund (BPSF) - \$1,422,747	1,914,610
Total Department/Agency Appropriation(s) to date:	\$11,653,522

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 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 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?
If Yes, see attachment // Yes /x/ No
- 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?
If yes, will the program duplicate existing programs/agencies? // Yes /x/ No
Is there a federal mandate to establish the program/agency? /x/ N/A // Yes // 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 // No
/x/ Requested agency comments not received by due date / / Other: _____

Analyst: Michael M. Aflague, B&M Analyst Date: 10/27/11 Director: [Signature] Date: 11/3/11

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 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

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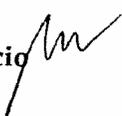
Senator
Christopher M. Duenas

October 5, 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. 326-31(COR) through 336-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 326-31 (COR) through 336-31 (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!

(6) Attachment

328-31 (COR)	D.G. Rodriguez, Jr. T.C. Ada F.F. Blas, Jr. A.B. Palacios, Sr.	AN ACT TO PROVIDE FOR THE REGULATED CONDUCT OF SPECIAL TASTING AND SAMPLING EVENTS AT APPROVED LOCATIONS, WHEN CONDUCTED BY A OFF-SALE LICENSEE, WHOLESale LICENSEE OR AGENT LICENSEE, FOR THE SALE OF ALCOHOLIC BEVERAGES AND DISTILLED SPIRITS BY ADDING A NEW §3229 TO ARTICLE 2 OF §3215, CHAPTER 3, AND BY AMENDING §3413 OF ARTICLE 4 OF CHAPTER 3, BOTH OF TITLE 11, GUAM CODE ANNOTATED.	10/04/11 2:00 p.m	10/5/11	Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			
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Public Hearing - First Notice

from Lisa Cipollone cipo@guamlegislature.org
to phnotice@guamlegislature.org
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mailed by guamlegislature.org

Date details: 5:35 PM (16 hours ago) Reply

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Yong Pak yong@guamlegislatur...
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Hafa Adai,
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Tuesday, November 29 beginning at 1:00pm at the Guam Legislature Public Hearing Room and 6:30pm at the Chalan Pago Community Center. See attached for further details.

Saina Ma'ase.

Lisa Cipollone
Chief of Staff
Office of Senator ben c pangelinan
(671) 473-4236
cipo@guamlegislature.org

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Development, and Election
Reform

I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 21, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – FIRST NOTICE

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing on **Tuesday, November 29, 2011 beginning at 1:00m** at the Guam Legislature's Public Hearing Room and **beginning at 6:30pm** at the Chalan Pago Community Center.

Agenda

1:00 pm

Guam Legislature Public Hearing Room

Bill No. 205-31 (COR): An Act authorizing *I Maga'lahaen Guahan* to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

Bill No. 280-31 (COR): An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.

Bill No. 328-31 (COR): An Act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits by adding a New §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Bill No. 175-31 (COR): An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".

Bill No. 251-31 (COR): An Act relative to re-zoning Lot No. 54NEW-R1, located in the Municipality of Tamuning, from Residential ("R-1") to Commercial ("C") for purposes of establishing a medical related business.

Bill No. 352-31 (COR): An Act to rezone Lot No. 10060REM-4-1-1, In the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 353-31 (COR): An Act to rezone Lot No. 10060 REM 3-R3, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 354-31 (COR): An Act to rezone Lot No. 10060-REM-3-1, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 355-31 (COR): An Act to rezone Lot No. 10060 REM 3-2, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 356-31 (COR): An Act to rezone Lot No. 10060 REM 3-3, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 357-31 (COR): An Act to rezone Lot No. 10060-REM-2-2NEW, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 358-31 (COR): An Act to rezone Lot No. 10060 REM2-1-R2, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 359-31 (COR): An Act to rezone Lot No. 10060 REM-2-2-1-R1, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

Bill No. 369-31 (COR): An Act to zone the previously unzoned Lot No. 1060-5-1, in the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 370-31 (COR): An Act to zone the previously unzoned Lot No. 1060-5-2, in the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 371-31 (COR): An Act to rezone Lot No. 19A-3, in the Municipality of Sinajana from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Agenda

6:30pm

Chalan Pago Community Center

Bill No. 334-31 (COR): An Act to Rezone Lot No. 3261-R4 in the Municipality of Chalan Pago from Residential “R-1” to Light Industrial “M1” Zone.

Bill No. 335-31 (COR): An Act to Rezone Lot No. 3261-1-R3 in the Municipality of Chalan Pago from Residential “R-1” to Light Industrial “M1” Zone.

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com. Yanggen para un na’hâlom testigu-mu, chule’ para i ifisinan-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature’s website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net



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date Mon, Nov 21, 2011 at 5:31 PM

subject Public Hearing - First Notice

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Hafa A dai,
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Tuesday, November 29 beginning at 1:00pm at the Guam Legislature Public Hearing Room and 6:30pm at the Chalan Pago Community Center. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Måttes, gi diha 29 gi Nubembre 2011 (Tuesday, November 29, 2011)

Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan (Guam Legislature Public Hearing Room)

TAREHA (AGENDA)

ala una gi despues di talo'áni (1:00 PM)

Priniponi Siha (Bills)

Bill No. 205-31 (COR): An Act authorizing I Maga'lahan Guahan to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

Bill No. 280-31 (COR): An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.

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Bill No. 175-31 (COR): An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".

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Bill No. 370-31 (COR): An Act to zone the previously unzoned Lot No. 1060-6-2, in the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 371-31 (COR): An Act to rezone Lot No. 19A-3, in the Municipality of Sinajana from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

**Sentan Kumunidat Chalan Pago
(Chalan Pago Community Center)**

**TAREHA
(AGENDA)**

**gi alas 6:30 gi pipuengi
(6:30 pm)**

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Saina Ma'ase.

Lisa Cipollone
Chief of Staff
Office of Senator ben c pangelinan
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Saina Ma'ase.

Lisa Cipollone
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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 27, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

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

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

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

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing on **Tuesday, November 29 2011 beginning at 1:00pm** at the Guam Legislature's Public Hearing Room and **beginning at 6:30pm** at the Chalan Pago Community Center.

Agenda

1:00 pm

Guam Legislature Public Hearing Room

Bill No. 205-31 (COR): An Act authorizing *I Maga'lahaen Guahan* to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.

Bill No. 280-31 (COR): An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.

Bill No. 328-31 (COR): An Act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by a off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits by adding a New §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.

Bill No. 175-31 (COR): An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".

Bill No. 251-31 (COR): An Act relative to re-zoning Lot No. 54NEW-R1, located in the Municipality of Tamuning, from Residential ("R-1") to Commercial ("C") for purposes of establishing a medical related business.

Bill No. 352-31 (COR): An Act to rezone Lot No. 10060REM-4-1-1, in the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.

Bill No. 353-31 (COR): An Act to rezone Lot No. 10060 REM 3-R3, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

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Agenda

6:30pm

Chalan Pago Community Center

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Public Hearing - Second Notice

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**INEKUNGOK PUPBLEKO
 (PUBLIC HEARING)**

*gi Máttas, gi díha 29 gi Nubembre 2011
 (Tuesday, November 29, 2011)*

*Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan
 (Guam Legislature Public Hearing Room)*

**TAREHA
 (AGENDA)**

*ala una gi despues di talo'ani
 (1:00 PM)*

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 (Bills)

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Bill No. 359-31 (COR): An Act to rezone Lot No. 10060 REM-2-2-1-R1, In the Municipality of Dededo from Single Family/Multi Dwelling (“R1/R2”) to Commercial (“C”) Zone.

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Bill No. 370-31 (COR): An Act to zone the previously unzoned Lot No. 1060-5-2, in the Municipality of Barrigada, to Single-Family Dwelling (R-1).

Bill No. 371-31 (COR): An Act to rezone Lot No. 19A-3, in the Municipality of Sinajana from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

**Sentan Kumunidat Chalan Pago
(Chalan Pago Community Center)**

**TAREHA
(AGENDA)**

*gi alas 6:30 gi pipuengi
(6:30 pm)*

Bill No. 334-31 (COR): An Act to Rezone Lot No. 3261-R4 in the Municipality of Chalan Pago from Residential “R-1” to Light Industrial “M1” Zone.

Bill No. 335-31 (COR): An Act to Rezone Lot No. 3261-1-R3 in the Municipality of Chalan Pago from Residential “R-1” to Light Industrial “M1” Zone.

Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com. Yanggen para un na hálom testigu-mu, chule para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuaatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisio inapási nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature’s website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

Saina Ma’ase.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c pangelinan
(671) 473-4236
cipo@guamlegislature.org

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Opportunities
 Individuals to entertain and
 with warm local hospitality

Reservations Manager
Sous Chef
Coordinator (Japan Market)
Front Office Agent
Recreation Attendant
Bell Attendant

Resources Office
 from 9:00 am to 5:00 pm
 hr@fiestaguam.com
 Free / Drug-Free Workplace
 fiestaguam.com

22 Employment 22

Skills: Fuji Ichiban needs Waitstaff, Bus-boy & Cooks. Pick up applications at Fuji Ichiban 1. No phone calls.

Help wanted! Assistant Manager/ Part Time-Sales & Marketing/ Bartender/Wait-Staff/Barista Tumon Bay Lobster & Grill. Apply in person from 3pm-5pm.

Kutsurogi hire professional reliable facial therapist after 9am 988-1713

Licensed Cosmetologist Needed Pls. call Angel @ 637-7763

Marketing Director 3yrs min. exp req. email resume w/sal req. to dededolaoffice@gmail.com

Outside & Counter Part Sales positions. Exp w commercial trucks or heavy equip parts; excel cust serv skills; good org skills; comp lit; traffic & court clear req send resume to jobs@morricoequipment.com

Retail Leader and Sales Associate Available evenings/weekends Apply in person at PIC HR

Waitstaff App in person @ Watabe Rest Grand Plaza Hotel Tumon

WANT CERTIFIED ELECTRICIAN Call 649-9110 or 888-4479

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Friday, November 27, 2011

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\$1,199
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Special Game Card Prices
 (tax included in buy in)
 \$75.00 or less - Blackout - \$3.00 ea.
 \$3.00 ea. - Additional Packages \$5.00 ea.
 \$3.00 ea.



I Mina Trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
 Senator Vicente "ben" Cabrera Pangelinan
 Office of the People
 Website: www.senbenp.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Malttes, gi dila 29 gi Nubembre 2011
 (Tuesday, November 29, 2011)

Kualltan Inekungok Pupbleko gi Liheslaturan Guahan
 (Guam Legislature Public Hearing Room)

TAREHA
(AGENDA)

sis una gi despues di lalo' ani
 (1:00 PM)

Prinsipni Siba
(Bills)

- Bill No. 205-31 (COR):** An Act authorizing i Maga'tehen Guahan to borrow up to \$2,000,000 for the purchase and installation of a new emergency 911 system.
- Bill No. 280-31 (COR):** An Act to appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department Capital Revolving Fund for the purpose of purchasing ambulances.
- Bill No. 328-31 (COR):** An Act to provide for the regulated conduct of special tasting and sampling events at approved locations, when conducted by an off-sale licensee, wholesale licensee or agent licensee for the sale of alcoholic beverages and distilled spirits by adding a New §3229 to Article 2 of §3215, Chapter 3, and by amending §3413 of Article 4 of Chapter 3, both of Title 11, Guam Code Annotated.
- Bill No. 175-31 (COR):** An Act to rezone Lot No. 5231-9-1, in the Municipality of Dededo from Agriculture "A" to Commercial "C".
- Bill No. 352-31 (COR):** An Act to rezone Lot No. 10060REM-4-1-1, in the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.
- Bill No. 353-31 (COR):** An Act to rezone Lot No. 10060 REM 3-R3, in the Municipality of Dededo from Single Family/Multi Dwelling ("R1/R2") to Commercial ("C") Zone.
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Santian Kumantidit Chalan Pago
 (Chalan Pago Community Center)

TAREHA
(AGENDA)

gi alas 8:30 gi piamangi
 (8:30 pm)

- Bill No. 334-31 (COR):** An Act to Rezone Lot No. 3261-R4 in the Municipality of Chalan Pago from Residential "R-1" to Light Industrial "MI" Zone.
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Yanggen un nisista espesit na setblisan, put fabot agang i ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisista koplan i prinsipni siba ginen este na tareha, hitlom gi i uepsai i Liheslaturan Guahan gi www.guamlegislature.com. Yanggen para un ne'ndiom testigu-mu, chule' para i ifisinan-miami gi 324 West Soledad Avenue gi Iya Hagatira, put guatto gi i Kualltan Katta gi i Liheslatura, put faks gi 473-4236, patino inel gi senbenp@guam.net. E ste na outisau inapa'si nu i fendon gubetnamento.

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Nov 27, 2011



**I Mina'trentai Unu Na
Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Måttes, gi diha 29 gi Nubembre 2011
(Tuesday, November 29, 2011)***

***Kuåtton Inekungok Pupbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)***

**TAREHA
(AGENDA)**

***ala una gi despues di talo'ani
(1:00 PM)***

**Priniponi Siha
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**Sentan Kumunidat Chalan Pago
(Chalan Pago Community Center)**

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(AGENDA)**

**gi alas 6:30 gi pipuengi
(6:30 pm)**

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

2011 OCT -6 PM 2:53
EJW

Bill No. 338 -31(COR)

Introduced by:

Judith P. Guthertz, DPA. 

AN ACT TO AMEND THE TITLE AND SUB SECTIONS 4601, 4601(E), 4602, 4603, AND 4605 AND TO ADD SUB SECTION 4601(F)(G) AND A NEW SUB SECTION 4611 TO ARTICLE 6 OF CHAPTER 4, TITLE 4 GUAM CODE ANNOTATED RELATIVE TO EXPANDING THE ELIGIBILITY FOR INCLUSION IN THE ENHANCED PLACEMENT PROGRAM FOR PUBLIC EMPLOYEES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Article 6 of Chapter 4, Title 4 Guam Code Annotated, is
3 hereby amended to read:

4 "ARTICLE 6

5 ENHANCED PLACEMENT FOR PUBLIC EMPLOYEES DISPLACED DUE
6 TO OUTSOURCING, GOVERNMENT REORGANIZATION EFFORTS OR
7 REDUCTION IN FORCE INITIATIVES.

8 "§ 4611. Establishment of Vacancy Pool for Enhanced Placement.

9 § 4601. Definitions.

10 In this Article:

1 (e) *Separated* means termination *or* discharged as a result of
2 privatization, government reorganization, or as a result of reduction in
3 force initiatives.

4 (f) Reorganization means any proposed reorganization plan for a
5 department, agency or instrumentality of the government of Guam
6 wherein layoffs may off occur using derivatives of words such as
7 reorganization, restructuring, reform, modernization, streamlining, innovation or
8 transformation.

9 (g) Reduction in force the definition shall be pursuant to reduction
10 in force procedures contained in 4 GCA § 4207, and Public Law 27-05:IV:19.

11 **§ 4602. Eligibility.**

12 Any classified employee of a government of Guam agency *or*
13 department which is undergoing a process of ~~complete~~ privatization,
14 reorganization, or implementing any reduction in force initiatives and who
15 will be separated from government service as a result of such, *shall* be
16 eligible for enhanced placement. Classified employees still under probation
17 *shall not* be eligible for enhanced placement.

18 **§ 4603. Enhanced Placement.**

19 Classified employees eligible, as a result of privatization,
20 reorganization, or as a result of reduction in force initiatives, and properly
21 registered for enhanced placement *shall* be granted by a government of
22 Guam agency *or* department, or instrumentality of the government of
23 Guam, the right of first refusal for an opened and vacant government of

1 Guam classified position provided that such classified employee *shall* meet
2 all qualifications for such position and further provided that such position
3 is vacant and has been opened for recruitment for *bona fide* reasons with an
4 actual intent to fill such position under the merit system. ~~Enhanced~~
5 ~~placement is not available when a classified position has been opened~~
6 ~~government wide or for the purpose of promotion.~~ When more than one
7 (1) person eligible for enhanced placement applies for a vacant and opened
8 classified position subject to the provisions of this Article, the process of
9 selection between such persons eligible for enhanced placement shall be
10 competitive as would normally be the case under the provisions of the
11 merit system. This right of first refusal shall supersede any previously
12 passed Law which gives preferential hire treatment (e.g. Title 4, Guam
13 Code Annotated, §4104.1 Preferences for Scholarship Recipients.).

14 **§ 4605. Period of Eligibility.**

15 A classified employee eligible to participate in enhanced placement,
16 as detailed in this Article, *shall* acquire such eligibility upon the final
17 ~~approval~~ implementation and notice of the relevant privatization,
18 reorganization, or reduction in force initiative directly affecting such
19 employee ~~by I Liheslaturan Guåhan or in the absence of a legislative~~
20 ~~approval process~~ upon the date with such instruments as *shall* mandate the
21 relevant privatization, reorganization, or reduction in force initiatives are
22 ~~enacted~~ effectuated. Such eligibility *shall* remain in effect for a period of *no*
23 *more than* two (2) years.

1 Registrants that decline a job offer (either voluntary *or* involuntary)
2 *shall* be permanently removed as an enhanced placement registrant.

3 Funding for the placement of former employees under the Enhanced
4 Placement Program as a result of privatization *shall* come from the sale of
5 the affected government of Guam function *or* entity *or* any previous sale.

6 Funding for the placement of former employees under the Enhanced
7 Placement Program as a result of reorganization or reduction in force
8 initiatives *shall* come from the allotted budget of the respective entity in
9 which the vacancy exists.

10 **Section 2. A new sub section 4611 is hereby added to Article 6,**
11 **Chapter 4, Title 4 Guam Code Annotated**

12 **“§ 4611. Establishment of Vacancy Pool for Enhanced Placement.**

13 Upon enactment of provisions contained herein and upon determining that
14 a classified position is vacant and is to be opened for recruitment with an
15 intent to fill, the Department of Administration shall, prior to the entity’s
16 public notice of recruitment, be notified by respective government of
17 Guam agencies, departments, or instrumentalities which posses such
18 classified position/s. All open positions shall be held to provisions herein
19 affording the right of first refusal to those eligible and registered for
20 enhanced placement provided that such registrant shall meet all
21 qualifications for such position.

22 The Department of Administration shall develop a methodology to
23 ensure all vacant classified positions opened for recruitment and intended

1 to be filled by respective government of Guam agencies, departments, or
2 instrumentalities, including the Guam International Airport Authority, the
3 Port Authority of Guam, The Guam Power Authority and the Guam
4 Waterworks Authority; are recorded and offered to registrants that qualify
5 for Enhanced Placement.

6 **Section 3. Effective Date:** Provisions of this Act shall take effect upon
7 enactment into law.

8 a) the Department of Administration personnel services (or
9 applicable independent personnel agency office) shall, within ten (10)
10 working days, notify all individuals whom were separated from the
11 government of Guam as a result of any reorganization or reduction in force
12 initiative prior to the enactment of this provision of their new eligibility to
13 register under the Enhanced Placement program. The newly eligible
14 individual shall be notified via telephone, however, should the Department
15 of Administration personnel services (or applicable independent personnel
16 agency office) fail to make telephone contact with the individual, then
17 notification shall be made by certified mail to eligible persons;

18 b) Persons that fail to register within twenty (20) calendar days
19 under for Enhanced Placement, after being informed of their eligibility via
20 telephone, or in instances when persons were not available via telephone,
21 from the postmarked date of their written notification shall no longer be
22 eligible to be registered or qualified for Enhanced Placement.

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