

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

February 29, 2012

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

Dear Madame Speaker:

Transmitted herewith is Bill No.289-31 (COR) "AN ACT TO AMEND CHAPTER 16 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE "DISASTER SERVICE VOLUNTEER LEAVE ACT", which I signed into law on February 27, 2012 as Public Law 31-185.

*Senseramente*

**RAY TENORIO**

*I Maga'lahren Guåhan para pa'go*  
Acting Governor of Guam

31-11-1370ch

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

Date 2/29/12  
Time 3:19  
Received by [Signature]

Attachment: copy of Bill

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. 289-31 (COR), "AN ACT TO AMEND CHAPTER 16 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE "DISASTER SERVICE VOLUNTEER LEAVE ACT", was on the 17<sup>th</sup> day of February, 2012, duly and regularly passed.



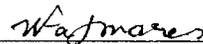
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 17 day of FEB., 2012, at  
1:22 o'clock P.M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:



RAYMOND S. TENORIO  
Acting Governor of Guam

Date: Feb. 27, 2012

Public Law No. 31-185

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

**Bill No. 289-31 (COR)**

As amended on the Floor.

Introduced by:

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

**AN ACT TO *AMEND* CHAPTER 16 OF TITLE 4, GUAM  
CODE ANNOTATED, RELATIVE TO THE “*DISASTER  
SERVICE VOLUNTEER LEAVE ACT.*”**

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

2        **Section 1. Legislative Intent.**    *I Liheslaturan Guåhan* gratefully  
3 acknowledges the assistance provided by the American Red Cross on Guam  
4 during good times and bad times. *I Liheslatura* also states its continued support for  
5 the policy to allow government of Guam and private sector employees an  
6 opportunity to use their skills as disaster service volunteers. The amendments to  
7 this Chapter seek to provide additional opportunities for disaster volunteer service

1 by expanding the list of organizations employees may volunteer at by including  
2 non-governmental and faith-based organizations along with the American Red  
3 Cross. It is also the intent of *I Liheslaturan Guåhan* to recognize the Guam Office  
4 of Homeland Security or Office of Civil Defense as the official government entity  
5 responsible for the coordination of relief efforts, including volunteer service as  
6 outlined in the Guam Emergency Response Plan.

7 **Section 2.** Chapter 16 of Title 4, Guam Code Annotated, is *amended* to  
8 read:

9 **“CHAPTER 16**

10 **DISASTER SERVICE VOLUNTEER LEAVE ACT**

11 § 16101. Legislative Intent.

12 § 16102. Nomenclature of Act.

13 § 16103. Definitions.

14 § 16104. Disaster Service Volunteer Leave.

15 § 16105. Certification as a Certified Disaster Service Volunteer.

16 § 16106. Private Sector Employees.

17 **§ 16101. Legislative Intent.** *I Liheslaturan Guåhan* [the Guam  
18 Legislature] finds and recognizes that the American Red Cross and other  
19 non-governmental organizations (NGOs), as well as faith-based member  
20 organizations, have a long tradition of humanitarian service. Guam has been  
21 assisted by the American Red Cross during times of disasters in addition to  
22 humanitarian assistance involving finding or locating relatives, along with  
23 blood drives. Our island has also been the recipient of assistance provided  
24 by various NGOs and faith-based member organizations, whether during a  
25 declared disaster or in response to a humanitarian need. In response to an  
26 increasing number of disasters in recent years, and in response to their rising

1 costs, several states have enacted legislation authorizing paid leave for  
2 government employees who volunteer for American Red Cross disaster  
3 operations. Often, government employees possess skills that can be  
4 transferred to disaster operations, including shelter management, mass  
5 feeding, damage assessment and family services. This Act allows  
6 government employees a maximum of fifteen (15) days paid leave during a  
7 twelve (12)-month period, without loss of seniority, vacation time, sick  
8 leave, or earned overtime accumulation. *I Liheslaturan Guåhan* [the  
9 Legislature] further finds that it is essential that the government of Guam  
10 allows for its employees to request for disaster leave during periods of  
11 disasters and humanitarian need assisting the American Red Cross, other  
12 NGOs and faith-based member organizations.

13           **§ 16102. Nomenclature of Act.** This Chapter may be cited as the  
14 *Disaster Service Volunteer Leave Act*.

15           **§ 16103. Definitions.** As used in this Chapter, *unless* the context  
16 indicates a different intent:

17           (a) *Department* or *agency* means any office, officer, official,  
18 department, board, commission, institution, bureau, agency, division  
19 or unit of the government of Guam, including those within the  
20 legislative and judicial branches of the government of Guam.

21           (b) *Disaster* means a local disaster designated at level 1 or  
22 higher in the American National Red Cross Regulations and  
23 Procedures, or a national disaster at level III or higher in the  
24 American National Red Cross Regulations.

25           (c) *Certified disaster service volunteer* or *volunteer* means  
26 any person who has completed the necessary training for and has been

1 certified as a disaster service specialist by the American Red Cross,  
2 the Guam Office of Homeland Security or Office of Civil Defense.

3 (d) *Registered Organization* means a non-governmental  
4 organization, or a faith-based organization, that has been recognized  
5 by the Guam Office of Homeland Security or Office of Civil Defense  
6 as possessing the abilities to provide certain forms of assistance  
7 following a declared disaster, or in response to an immediate  
8 humanitarian need.

9 **§ 16104. Disaster Service Volunteer Leave.** (a) An employee of  
10 an agency who is a certified disaster service volunteer may be granted leave  
11 from work with pay, in accordance with Subsection (b) *infra*, for *up to* an  
12 aggregate of fifteen (15) days, consecutively or non-consecutively, in any  
13 twelve (12)-month period to participate in specialized disaster relief services  
14 for the American Red Cross, or an NGO or faith-based member organization  
15 registered with the Guam Office of Homeland Security or Office of Civil  
16 Defense in connection with any disaster, upon the request of the American  
17 Red Cross or any registered organization for such employee's services and  
18 upon the approval of such employee's employing agency.

19 (b) An employee of an agency granted leave pursuant to  
20 Subsection (a) of this Section *shall* be compensated by the employee's  
21 employing agency at the employee's regular rate of pay for those regular  
22 work hours during which the employee is absent from work, but *shall not*  
23 receive overtime pay, shift differential pay, hazardous duty pay or any other  
24 form of pay or compensation in addition to the employee's regular pay. An  
25 employee of an agency who is granted leave pursuant to Subsection (a) of  
26 this Section *shall not* lose any seniority or any already accumulated vacation

1 time, sick time or earned overtime due to such leave.

2 (c) The government of Guam *shall not* be liable for workers  
3 compensation claims arising from accident or injury while an employee is  
4 on assignment as a certified disaster service volunteer for the American Red  
5 Cross, or a registered organization. Duties performed while on disaster leave  
6 *shall not* be considered to be a work assignment by any department or  
7 agency. In determining whether to grant leave to an employee, the  
8 employee's employing agency may consider the needs of the American Red  
9 Cross, or the requesting registered organization, for expertise in a particular  
10 certified area. The employee's activities and job functions while on leave,  
11 however, *shall not* be directed by the government of Guam, but *shall* be  
12 determined and controlled *solely* by the American Red Cross, or the  
13 registered organization.

14 (d) An employee who is on leave pursuant to this Section *shall not*  
15 be deemed to be an employee of the government of Guam for purposes of  
16 the Government Claims Act of Chapter 6, of Title 5 of the Guam Code  
17 Annotated.

18 **§ 16105. Certification as a Certified Disaster Service**  
19 **Volunteer.** No employee shall be paid during regular work hours in the  
20 completion of any training towards a certification as a disaster service  
21 volunteer, *unless* such employee uses personal or annual leave.

22 **§ 16106. Private Sector Employees.** (a) An employee of any  
23 private sector business who is a certified disaster service volunteer may be  
24 granted leave from work with pay, in accordance with Subsection (b) *infra*,  
25 for *up to* an aggregate of fifteen (15) days, consecutively or non-  
26 consecutively, in any twelve (12)-month period to participate in specialized

1 disaster relief services for the American Red Cross, or an NGO or faith-  
2 based member organization registered with the Guam Office of Homeland  
3 Security or Office of Civil Defense in connection with any disaster, upon  
4 the request of the American Red Cross, or the registered organization, for  
5 such employee's services and upon the approval of such employee's  
6 employing company.

7 (b) An employee of any private sector business granted leave  
8 pursuant to Subsection (a) of this Section *shall* be compensated by the  
9 employee's employing company at the employee's regular rate of pay for  
10 those regular work hours during which the employee is absent from work,  
11 but *shall not* receive overtime pay, shift differential pay, hazardous duty pay  
12 or any other form of pay or compensation in addition to the employee's  
13 regular pay. An employee of any private sector business who is granted  
14 leave pursuant to Subsection (a) of this Section *shall not* lose any seniority  
15 or any already accumulated vacation time, sick time or earned overtime due  
16 to such leave.

17 (c) The employing company *shall not* be liable for workers  
18 compensation claims arising from accident or injury while an employee is  
19 on assignment as a certified disaster service volunteer for the American Red  
20 Cross, or a registered organization. Duties performed while on disaster leave  
21 *shall not* be considered to be a work assignment by its employing company.  
22 In determining whether to grant leave to an employee, the employee's  
23 employing company may consider the needs of the American Red Cross, or  
24 the requesting registered organization, for expertise in a particular certified  
25 area. The employee's activities and job functions while on leave, however,  
26 *shall not* be directed by its employing company, but *shall* be determined and

1 controlled *solely* by the American Red Cross, or the registered  
2 organization.”

6

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

Date: 2/17/12

**VOTING SHEET**

Bill No. 289-31(COR)

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

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

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
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.			1-EXCUSED		
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	111	A ✓			
YAMASHITA, Aline A.	✓				

TOTAL

12

2

1-EXCUSED

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence



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. 289-31 (COR)

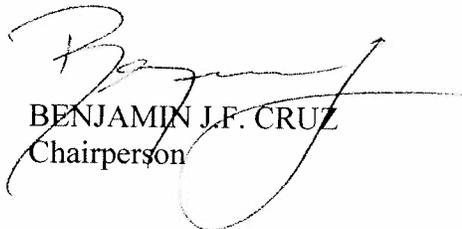
Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting the on Bill No. 289-31 (COR) - "An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the *"Disaster Service Volunteer Leave Act"*. 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:

<u>  2  </u>	TO DO PASS
<u>    </u>	TO NOT PASS
<u>  7  </u>	TO REPORT OUT ONLY
<u>    </u>	TO ABSTAIN
<u>    </u>	TO PLACE IN INACTIVE FILE

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairperson

NOV 01 2011 2:36 PM



## COMMITTEE REPORT

ON

**Bill No. 289-31 (COR)**

**Bill No. 289-31 (COR) - "An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the *"Disaster Service Volunteer Leave Act"***



OCT 26 2011

**MEMORANDUM**

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

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

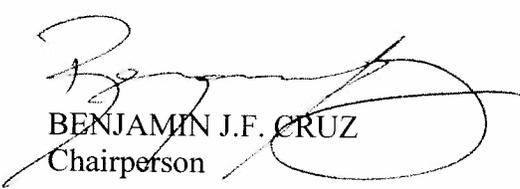
**SUBJECT: Committee Report on Bill No. 289-31(COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 289-31 (COR) - "An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the "Disaster Service Volunteer Leave Act" This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 289-31(COR)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 289-31(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,

  
BENJAMIN J.F. CRUZ  
Chairperson



**COMMITTEE VOTING SHEET**

**Bill No. 289-31 (COR) - "An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the "Disaster Service Volunteer Leave Act"**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson				10/26/11		
MUÑA BARNES, TINA ROSE Vice-Chairperson				✓		
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member						
GUTHERTZ, JUDITH P. Member				NY		
RESPICIO, RORY J. Member						
RODRIGUEZ, DENNIS G. JR. Member				✓ 11/1/11		
ADA, V. ANTHONY Member		11/1/11		11/1/11		
DUENAS, CHRISTOPHER Member				<del>11/1/11</del>		
MABINI, SAM Member				11/1/11		
YAMASHITA, ALINE Member				11/1/11		



## **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. 289-31 (COR) - "An act to amend Chapter 16 of Title 4, Guam Code Annotated, relative to the "*Disaster Service Volunteer Leave Act*"

Bill 289-31 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.

**Senator Chris Duenas**, Deferred to Charles Ada Administrator of Guam Homeland and Civil Defense.

**Charles Ada Administrator of Guam Homeland and Civil Defense**- Testified in favor of the Bill. The administration has been very supportive of National Preparedness Month which is the



month of September. The Homeland Security Office of Guam and Civil Defense has been teaming up to promote community resiliency. This bill would allow for time of for Volunteers in time of emergency to aid the government in disaster relief. This is being doing collaboratively with public and private agencies such as the American Red Cross, Salvation Army and the like. Training has been provided by the Federal Government under the Voluntary Organizations Active in Disaster.

**Anthony Anderson OSHA Safety Coordinator-** Is in support, he feels that we need to create this program to assist the community in times of an emergency.

**Doris Aguon DOL-** Received training from Guam National Guard, feels this legislation is important and is in support.

**Senator Ben Pangelinan-** Asked Mr. Ada what the criteria to be qualified for time off in accordance with VOAD.

**Charles Ada Administrator of Guam Homeland and Civil Defense-** Explained that the trigger is VOAD, that anyone trained under the program will be given time off to volunteer to assist the community.

**Senator Aline Yamashita Ph.D-** Asked if Mr. Ada was under Payuta he replied no, the she went on to ask if there was a registry of special needs residents. She said sometimes the Mayors know other times they don't, and what would the organization do to help those with special needs. She asked if all volunteers were trained to help with those who have special needs.

**Charles Ada Administrator of Guam Homeland and Civil Defense-** Mr. Ada says he does not work with FEMA on a daily basis, but their standards are very high for those that they accept to be included in VOAD. Mr. Ada also said that indentifying those with special needs may violate the HIPAA act however when individuals from the community are engaged, they would have a better understanding of residents from their village, and FEMA would provide the necessary training.

### **III. 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 TO REPORT OUT ONLY.

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) REGULAR SESSION

2011 MAY 12 PM 4:12 - De

Bill No. 2009-31 COR

Introduced by:

Chris 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”.**

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

**Section 1. Legislative Intent.** *I Liheslaturan Guåhan* gratefully acknowledges the assistance provided by the American Red Cross on Guam during good times and bad times. *I Liheslatura* also states its continued support for the policy to allow government of Guam and private sector employees an opportunity to use their skills as disaster service volunteers. The amendments to this Chapter seek to provide additional opportunities for disaster volunteer service by expanding the list of organizations employees may volunteer at by including non-governmental and faith-based organizations along with the American Red Cross. It is also the intent of *I Liheslaturan Guåhan* to recognize the Guam Volunteers Organizations Active in Disasters (VOAD) as the official government entity responsible for the coordination of relief efforts in conjunction with the Guam Homeland Security and the Office of Civil Defense.

**Section 2. Chapter 16 of Title 4, Guam Code Annotated, is amended to read:**

**“CHAPTER 16**

**DISASTER SERVICE VOLUNTEER LEAVE ACT**

§ 16101. Legislative Intent.

§ 16102. Nomenclature of Act.

§ 16103. Definitions.

§ 16104. Disaster Service Volunteer Leave.

§ 16105. Certification as a Certified Disaster Service Volunteer.

§ 16106. Private Sector Employees.

1           **§ 16101. Legislative Intent.** *I Liheslaturan Guåhan* [The Guam Legislature] finds and  
2 recognizes that the American Red Cross and other non-governmental organizations (NGOs) as well  
3 as faith-based member organizations [has] have a long tradition of humanitarian service. Guam has  
4 been assisted by the American Red Cross during times of disasters in addition to humanitarian  
5 assistance involving finding or locating relatives along with blood drives. Our island has also been  
6 the recipient of assistance provided by various NGOs and faith-based member organizations,  
7 whether during a declared disaster or in response to a humanitarian need. In response to an  
8 increasing number of disasters in recent years, and in response to their rising costs, several states  
9 have enacted legislation authorizing paid leave for government employees who volunteer for  
10 American Red Cross disaster operations. Often, government employees possess skills that can be  
11 transferred to disaster operations, including shelter management, mass feeding, damage assessment  
12 and family services. The Act allows government employees a maximum of fifteen (15) days paid  
13 leave during a twelve (12)-month period, without loss of seniority, vacation time, sick leave, or  
14 earned overtime accumulation. *I Liheslaturan Guåhan* [The Legislature] further finds that it is  
15 essential that the government of Guam allows for its employees to request for disaster leave during  
16 periods of disasters and humanitarian need assisting the American Red Cross, other NGOs and faith-  
17 based member organizations.

18           **§ 16102. Nomenclature of Act.** This Chapter may be cited as the *Disaster Service Volunteer*  
19 *Leave Act.*

20           **§ 16103. Definitions.** As used in this Chapter, unless the context indicates a different intent:

21           (1) ‘*Department*’ or ‘*agency*’ means any office, officer, official, department, board,  
22 commission, institution, bureau, agency, division or unit of the government of Guam, including  
23 those within the legislative and judicial branches of the government of Guam.

24           (2) ‘*Disaster*’ means a local disaster designated at level I or higher in the American National  
25 Red Cross Regulations and procedures or a national disaster at level III or higher in the American  
26 National Red Cross Regulations.

27           (3) ‘*Certified disaster service volunteer*’ or ‘*volunteer*’ means any person who has completed  
28 the necessary training for and has been certified as a disaster service specialist by the American Red  
29 Cross.

1           (4) 'Guam Volunteers Organizations Active in Disasters (Guam VOAD)' means the  
2 recognized government of Guam entity to coordinate disaster relief in conjunction with the Guam  
3 Homeland Security and Office of Civil Defense.

4           (5) 'Registered Organization' means a non-governmental organization, or a faith-based  
5 organization, that has been recognized by the Guam VOAD as possessing the abilities to provide  
6 certain forms of assistance following a declared disaster, or in response to an immediate  
7 humanitarian need.

8           **§ 16104. Disaster Service Volunteer Leave.** (a) An employee of an agency who is a  
9 certified disaster service volunteer may be granted leave from work with pay, in accordance with  
10 Subsection (b) infra, for up to an aggregate of fifteen (15) days, consecutively or non-consecutively,  
11 in any twelve (12)-month period to participate in specialized disaster relief services for the American  
12 Red Cross, or an NGO or faith-based member organization registered with the Guam Volunteer  
13 Organizations Active in Disasters (VOAD) in connection with any disaster, upon the request of the  
14 American Red Cross or any registered organization for such employee's services and upon the  
15 approval of such employee's employing agency.

16           (b) An employee of an agency granted leave pursuant to Subsection (a) of this Section shall  
17 be compensated by the employee's employing agency at the employee's regular rate of pay for those  
18 regular work hours during which the employee is absent from work, but shall not receive overtime  
19 pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition  
20 to the employee's regular pay. An employee of an agency who is granted leave pursuant to  
21 Subsection (a) of this Section shall not lose any seniority or any already accumulated vacation  
22 time, sick time or earned overtime due to such leave.

23           (c) The government of Guam shall not be liable for workers compensation claims arising  
24 from accident or injury while an employee is on assignment as a certified disaster service volunteer  
25 for the American Red Cross or a registered organization. Duties performed while on disaster leave  
26 shall not be considered to be a work assignment by any department or agency. In determining  
27 whether to grant leave to an employee, the employee's employing agency may consider the needs of  
28 the American Red Cross or the requesting registered organization for expertise in a particular  
29 certified area. The employee's activities and job functions while on leave, however, shall not be

1 directed by the government of Guam but shall be determined and controlled solely by the American  
2 Red Cross or the registered organization.

3 (d) An employee who is on leave pursuant to this Section shall not be deemed to be an  
4 employee of the government of Guam for purposes of the Government Claims Act of Chapter 6, of  
5 Title 5 of the Guam Code Annotated.

6 **§ 16105. Certification as a Certified Disaster Service Volunteer.** No employee shall be  
7 paid during regular work hours in the completion of any training towards a certification as a disaster  
8 service volunteer unless such employee uses personal or annual leave.

9 **§ 16106. Private Sector Employees.** (a) An employee of any private sector business who is  
10 a certified disaster service volunteer may be granted leave from work with pay, in accordance with  
11 Subsection (b) infra, for up to an aggregate of fifteen (15) days, consecutively or non-consecutively,  
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13 Red Cross, or an NGO or faith-based member organization registered with the Guam Volunteer  
14 Organizations Active in Disasters (VOAD) in connection with any disaster, upon the request of the  
15 American Red Cross or the registered organization for such employee's services and upon the  
16 approval of such employee's employing company.

17 (b) An employee of any private sector business granted leave pursuant to Subsection (a) of  
18 this Section shall be compensated by the employee's employing company at the employee's regular  
19 rate of pay for those regular work hours during which the employee is absent from work, but shall  
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26 American Red Cross or a registered organization. Duties performed while on disaster leave shall not  
27 be considered to be a work assignment by its employing company. In determining whether to grant  
28 leave to an employee, the employee's employing company may consider the needs of the American  
29 Red Cross or the requesting registered organization for expertise in a particular certified area. The  
30 employee's activities and job functions while on leave, however, shall not be directed by its

- 1 employing company but shall be determined and controlled solely by the American Red Cross or the
- 2 registered organization.”



**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 289-31 (COR)**

AN ACT TO ADD AMEND CHAPTER 16 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE "DISASTER SERVICE VOLUNTEER LEAVE ACT".

**Department/Agency Appropriation Information**

Dept./Agency Affected: Government Wide	Dept./Agency Head: Governor of Guam
Department's General Fund (GF) appropriation(s) to date:	Government Wide
Department's Other Fund (Specify) appropriation(s) to date:	Government Wide
Total Department/Agency Appropriation(s) to date:	Government Wide

**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
Total:	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$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? / / Yes      /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes      /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A      / / Yes      / / No  
Is there a federal mandate to establish the program/agency? / / Yes      /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes      /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes      /X/ No\*  
/ / Requested agency comments not received by due date      / / Other: \_\_\_\_\_

\*Due to other Budgetary priorities and deadline of review of fiscal note, insufficient time to coordinate with the affected dept/agency.

Analyst: Dina P. Rivera Date: 12/6/11 Director: John A. Rios, Acting Director Date: 10/10/11

**Footnotes:**

The Bill proposes to authorize paid leave for up to 15 days in any 12 month period for any government employee(s) who is a certified disaster service volunteer to participate in disaster relief services for the American Red Cross, or Non-governmental organizations as well as faith-based member organizations. As such, the Bill has a potential fiscal 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

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

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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

September 2, 2011

VIA FACSIMILE  
(671) 472-2825

John A. Rios  
Acting Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note -  
Bill Nos. 294-31 (LS) through 302-31 (LS)

*Hafa Adai* Mr. Rios:

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

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

Very Truly Yours,

  
Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

2011 SEP -2 PM 2:12 / 

MESSAGE CONFIRMATION

SEP-02-2011 11:48 AM FRI

FAX NUMBER : 4772240  
NAME : GNF

NAME/NUMBER : 4722825  
PAGE : 7  
START TIME : SEP-02-2011 11:47AM FRI  
ELAPSED TIME : 01'24"  
MODE : STD ECM  
RESULTS : [ O.K ]



COMMITTEE ON RULES

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E-mail: [roryjorguana@gmail.com](mailto:roryjorguana@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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LEGISLATIVE SECRETARY  
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Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASSY. MINORITY LEADER

Senator  
Christopher M. Ducnas

September 2, 2011

VIA FACSIMILE  
(671) 472-2825

John A. Rios  
Acting Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note -  
Bill Nos. 294-31 (LS) through 302-31 (LS)

*Hafa Adai* Mr. Rios:

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

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

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

Recd by. Analyn  
date: 9-2-11  
time: 2:00pm

*I Mina' Trentai Unu Na Liheslaturan Guahan*  
**Bill Log Sheet**  
**August 31, 2011**  
 Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
298-31 (LS)	A.A. Yamashita, Ph.D.	AN ACT TO AMEND SECTION 8121(A), CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE LIST OF POSITIONS THAT ARE EXEMPT FROM SUSPENSION OF ANNUITY PAYMENT.	08/31/11 2:38 p.m.	9/1/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



# COMMITTEE ON RULES

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

2011 AUG 15 PM 4:27

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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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

August 15, 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. 288-31 (COR) and 289-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 288-31 (COR) and 289-31 (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!*

(2) Attachment

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**August 8, 2011**

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
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".	08/12/11 4:12 p.m.	8/15/11		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'; 'senatorrodriguez@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 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*"
- 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**  
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**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**

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vkomiyama.senatordrodriguez@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 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).

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**olivia**

---

**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@spbgum.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

*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 Talofof 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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- 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).

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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**  
**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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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

*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).



## 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*"

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*".

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) REGULAR SESSION

2011 AUG 12 PM 4:12 - De

Bill No. 289-31 *cor*

Introduced by:

Chris 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”.**

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

**Section 1. Legislative Intent.** *I Liheslaturan Guåhan* gratefully acknowledges the assistance provided by the American Red Cross on Guam during good times and bad times. *I Liheslatura* also states its continued support for the policy to allow government of Guam and private sector employees an opportunity to use their skills as disaster service volunteers. The amendments to this Chapter seek to provide additional opportunities for disaster volunteer service by expanding the list of organizations employees may volunteer at by including non-governmental and faith-based organizations along with the American Red Cross. It is also the intent of *I Liheslaturan Guåhan* to recognize the Guam Volunteers Organizations Active in Disasters (VOAD) as the official government entity responsible for the coordination of relief efforts in conjunction with the Guam Homeland Security and the Office of Civil Defense.

**Section 2. Chapter 16 of Title 4, Guam Code Annotated, is amended to read:**

**“CHAPTER 16**

**DISASTER SERVICE VOLUNTEER LEAVE ACT**

§ 16101. Legislative Intent.

§ 16102. Nomenclature of Act.

§ 16103. Definitions.

§ 16104. Disaster Service Volunteer Leave.

§ 16105. Certification as a Certified Disaster Service Volunteer.

§ 16106. Private Sector Employees.

1           **§ 16101. Legislative Intent.** *I Liheslaturan Guåhan* [The Guam Legislature] finds and  
2 recognizes that the American Red Cross and other non-governmental organizations (NGOs) as well  
3 as faith-based member organizations [has] have a long tradition of humanitarian service. Guam has  
4 been assisted by the American Red Cross during times of disasters in addition to humanitarian  
5 assistance involving finding or locating relatives along with blood drives. Our island has also been  
6 the recipient of assistance provided by various NGOs and faith-based member organizations,  
7 whether during a declared disaster or in response to a humanitarian need. In response to an  
8 increasing number of disasters in recent years, and in response to their rising costs, several states  
9 have enacted legislation authorizing paid leave for government employees who volunteer for  
10 American Red Cross disaster operations. Often, government employees possess skills that can be  
11 transferred to disaster operations, including shelter management, mass feeding, damage assessment  
12 and family services. The Act allows government employees a maximum of fifteen (15) days paid  
13 leave during a twelve (12)-month period, without loss of seniority, vacation time, sick leave, or  
14 earned overtime accumulation. *I Liheslaturan Guåhan* [The Legislature] further finds that it is  
15 essential that the government of Guam allows for its employees to request for disaster leave during  
16 periods of disasters and humanitarian need assisting the American Red Cross, other NGOs and faith-  
17 based member organizations.

18           **§ 16102. Nomenclature of Act.** This Chapter may be cited as the *Disaster Service Volunteer*  
19 *Leave Act.*

20           **§ 16103. Definitions.** As used in this Chapter, unless the context indicates a different intent:

21           (1) ‘*Department*’ or ‘*agency*’ means any office, officer, official, department, board,  
22 commission, institution, bureau, agency, division or unit of the government of Guam, including  
23 those within the legislative and judicial branches of the government of Guam.

24           (2) ‘*Disaster*’ means a local disaster designated at level I or higher in the American National  
25 Red Cross Regulations and procedures or a national disaster at level III or higher in the American  
26 National Red Cross Regulations.

27           (3) ‘*Certified disaster service volunteer*’ or ‘*volunteer*’ means any person who has completed  
28 the necessary training for and has been certified as a disaster service specialist by the American Red  
29 Cross.

1           (4) ‘Guam Volunteers Organizations Active in Disasters (Guam VOAD)’ means the  
2 recognized government of Guam entity to coordinate disaster relief in conjunction with the Guam  
3 Homeland Security and Office of Civil Defense.

4           (5) ‘Registered Organization’ means a non-governmental organization, or a faith-based  
5 organization, that has been recognized by the Guam VOAD as possessing the abilities to provide  
6 certain forms of assistance following a declared disaster, or in response to an immediate  
7 humanitarian need.

8           **§ 16104. Disaster Service Volunteer Leave.** (a) An employee of an agency who is a  
9 certified disaster service volunteer may be granted leave from work with pay, in accordance with  
10 Subsection (b) infra, for up to an aggregate of fifteen (15) days, consecutively or non-consecutively,  
11 in any twelve (12)-month period to participate in specialized disaster relief services for the American  
12 Red Cross, or an NGO or faith-based member organization registered with the Guam Volunteer  
13 Organizations Active in Disasters (VOAD) in connection with any disaster, upon the request of the  
14 American Red Cross or any registered organization for such employee's services and upon the  
15 approval of such employee's employing agency.

16           (b) An employee of an agency granted leave pursuant to Subsection (a) of this Section shall  
17 be compensated by the employee's employing agency at the employee's regular rate of pay for those  
18 regular work hours during which the employee is absent from work, but shall not receive overtime  
19 pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition  
20 to the employee's regular pay. An employee of an agency who is granted leave pursuant to  
21 Subsection (a) of this Section shall not lose any seniority or any already accumulated vacation  
22 time, sick time or earned overtime due to such leave.

23           (c) The government of Guam shall not be liable for workers compensation claims arising  
24 from accident or injury while an employee is on assignment as a certified disaster service volunteer  
25 for the American Red Cross or a registered organization. Duties performed while on disaster leave  
26 shall not be considered to be a work assignment by any department or agency. In determining  
27 whether to grant leave to an employee, the employee's employing agency may consider the needs of  
28 the American Red Cross or the requesting registered organization for expertise in a particular  
29 certified area. The employee's activities and job functions while on leave, however, shall not be

1 directed by the government of Guam but shall be determined and controlled solely by the American  
2 Red Cross or the registered organization.

3 (d) An employee who is on leave pursuant to this Section shall not be deemed to be an  
4 employee of the government of Guam for purposes of the Government Claims Act of Chapter 6, of  
5 Title 5 of the Guam Code Annotated.

6 **§ 16105. Certification as a Certified Disaster Service Volunteer.** No employee shall be  
7 paid during regular work hours in the completion of any training towards a certification as a disaster  
8 service volunteer unless such employee uses personal or annual leave.

9 **§ 16106. Private Sector Employees.** (a) An employee of any private sector business who is  
10 a certified disaster service volunteer may be granted leave from work with pay, in accordance with  
11 Subsection (b) infra, for up to an aggregate of fifteen (15) days, consecutively or non-consecutively,  
12 in any twelve (12)-month period to participate in specialized disaster relief services for the American  
13 Red Cross, or an NGO or faith-based member organization registered with the Guam Volunteer  
14 Organizations Active in Disasters (VOAD) in connection with any disaster, upon the request of the  
15 American Red Cross or the registered organization for such employee's services and upon the  
16 approval of such employee's employing company.

17 (b) An employee of any private sector business granted leave pursuant to Subsection (a) of  
18 this Section shall be compensated by the employee's employing company at the employee's regular  
19 rate of pay for those regular work hours during which the employee is absent from work, but shall  
20 not receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or  
21 compensation in addition to the employee's regular pay. An employee of any private sector business  
22 who is granted leave pursuant to Subsection (a) of this Section shall not lose any seniority or any  
23 already accumulated vacation time, sick time or earned overtime due to such leave.

24 (c) The employing company shall not be liable for workers compensation claims arising from  
25 accident or injury while an employee is on assignment as a certified disaster service volunteer for the  
26 American Red Cross or a registered organization. Duties performed while on disaster leave shall not  
27 be considered to be a work assignment by its employing company. In determining whether to grant  
28 leave to an employee, the employee's employing company may consider the needs of the American  
29 Red Cross or the requesting registered organization for expertise in a particular certified area. The  
30 employee's activities and job functions while on leave, however, shall not be directed by its

- 1 employing company but shall be determined and controlled solely by the American Red Cross or the
- 2 registered organization.”