

102



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-12-1020
Office of the Speaker
Judith T. Won Pat, Ed. D.

June 18, 2012

Date 6/19/12
Time 4:37 PM
Received by [Signature]

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. 387-31 (COR) "AN ACT TO AMEND SUBSECTIONS (a), (d) AND (e) OF §9301, AND §9303, ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW, TO INCLUDE A REVIEW BY THE DEPARTMENT OF ADMINISTRATION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS", which I signed into law on June 15, 2012 as **Public Law 31-220**.

Senseramente,

RAY TENORIO
I Maga'lahen Guåhan para pa'go
Acting Governor of Guam

2012 JUN 19 PM 5:03

Attachment: copy of Bill

1020

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

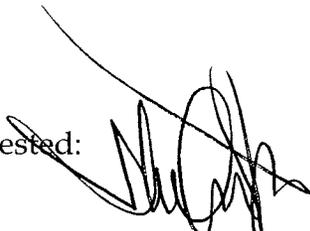
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that substitute Bill No. 387-31 (COR), "AN ACT TO AMEND SUBSECTIONS (a), (d) AND (e) OF §9301, AND §9303, ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW, TO INCLUDE A REVIEW BY THE DEPARTMENT OF ADMINISTRATION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS", was on the 4th day of June, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

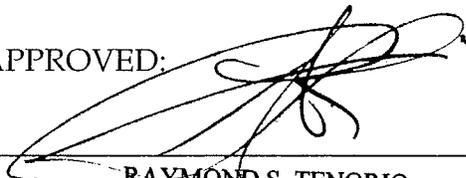
Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2012, at _____ o'clock _____.M.

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: _____

JUN 15 2012

Public Law No. 31-220

Assistant Staff Officer
Maga'lahi's Office



Castro, Jesse S.
6/5/12
6:35 pm

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

Bill No. 387-31 (COR)

As substituted by the Committee on Youth, Cultural Affairs,
Procurement, General Government Operations, and Public Broadcasting;
and further amended on the Floor.

Introduced by:

Aline A. Yamashita, Ph.D.

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

Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTIONS (a), (d) AND (e) OF §9301, AND §9303, ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW, TO INCLUDE A REVIEW BY THE DEPARTMENT OF ADMINISTRATION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Civil Service Commission has expressed concerns that there is a lack of

1 uniformity in the government of Guam personnel rules and regulations, and has
2 requested that this be a component of the review process for proposed personnel
3 rules and regulations. Therefore, it is the intent of *I Liheslatura* to amend the law
4 to have the Department of Administration review proposals in order to provide for
5 greater uniformity to the rule-making process throughout agencies and
6 departments.

7 **Section 2.** Subsections (a), (d) and (e) of § 9301, Article 3, Chapter 9 of
8 Title 5, Guam Code Annotated, are hereby *amended* to read:

9 “(a) Before any rule is adopted, amended, rescinded or repealed by
10 any agency it *shall* cause a notice to be published in a newspaper of general
11 circulation in Guam, *at least* ten (10) days prior to the date set for a hearing.
12 Said notice *shall* include a statement of the time and place of said hearing, a
13 reference to the subject matter of the proposed rule or rules, and refer to the
14 fact that a copy of said proposed rule or rules is on file at the office of said
15 agency, where it may be examined; provided, however, that no rule shall be
16 invalid because the reference to the subject matter thereof in said notice may
17 be inadequate or insufficient. *At least* five (5) copies of said proposed rule
18 or rules *shall* be on file at the office of said agency from the date of
19 publication of said notice continuously until the said hearing and any
20 interested person *shall* be given an adequate opportunity to examine a copy
21 of said proposed rule or rules. Copies of the proposed rule or rules will also
22 be made available on the website of said agency for public review.”

23 “(d) Any government of Guam department, agency, autonomous
24 agency, office or instrumentality promulgating rules or regulations under
25 Chapter 4 of Title 4, Guam Code Annotated, *shall* include, as part of the
26 promulgation of such rules or regulations, an economic impact statement.

1 This statement must be completed and made available to the public *prior* to
2 any required hearings on the proposed rules or regulations. Any proposed
3 personnel rules or regulations *shall* also be submitted to the Department of
4 Administration for review, to provide for greater uniformity to the rule-
5 making process throughout agencies and departments.

6 (e) No proposed rule or regulation shall be transmitted to *I*
7 *Liheslaturan Guåhan* for consideration without an economic impact
8 statement, and a review by the Department of Administration for personnel
9 rules and regulations, nor shall any proposed rule or regulation go into
10 effect without a completed economic impact statement and, in the case of
11 proposed personnel rules and regulations, a written statement of approval by
12 the Department of Administration.”

13 **Section 3.** § 9303, Article 3, Chapter 9 of Title 5, Guam Code Annotated
14 is hereby *amended* to read:

15 “§ 9303. **Adoption, Repeal, Recission, or Amendment of Rules**
16 **and Regulations: Circulation and Filing.**

17 It shall be the duty of every agency which may have been or hereafter
18 may be clothed with or given any power or authority to make, adopt,
19 promulgate or enforce rules to:

20 (a) Prepare the rules in a form approved by the Compiler of Laws
21 and the Attorney General or other legal counsel of the agency, and where
22 required by law, approved by the Governor, and which will conform to a
23 standard system or code of rules adopted by the Legislative Secretary for the
24 guidance of all agencies.

25 (b) File a printed and an identical electronic (word) version of the
26 original approval copy of the proposed rules and regulations and one (1)

1 duplicate, and one (1) printed and an identical electronic copy of the entire
2 record of any public hearings on the rules being filed with the Legislative
3 Secretary of the Guam Legislature. The Legislative Secretary shall maintain
4 a permanent register of all rules, which shall include a notation of the date
5 of filing thereon, and evidence of public hearing held by the agency. The
6 Legislative Secretary shall also cause said permanent register to be
7 published electronically on the Guam Legislature website and updated
8 monthly. Proposed Rules should be presented to the Legislature as an
9 Appendix to a draft bill, with a transmittal letter from the Governor or the
10 Director of the agency which asserts the Governor's approval where
11 required by law, and the Director's and Attorney General's approval as to
12 compliance with each of the requirements of this Chapter (evidence of said
13 approvals should in fact be contained as part of the agency record).

14 The subject line of the transmittal letter shall clearly include "**This is a**
15 **Transmittal to *I Liheslaturan Guåhan* of Proposed Rules and**
16 **Regulations pursuant to the Administrative Adjudication Law**". If the
17 proposed rules were not adopted by the agency or were not transmitted in
18 full compliance with this Chapter, the Legislature may return the rules by
19 oversight committee letter or legislative resolution to the agency for
20 correction and new submittal in conformance with this Chapter shall be
21 required.

22 (c) *No rule shall* be effective until after compliance with the
23 provisions of this Section and ninety (90) calendar days have elapsed from
24 the date of filing with the Legislative Secretary. The Guam Legislature may
25 approve, disapprove or amend any rule within ninety (90) calendar days
26 from the date of filing with the Legislative Secretary; except that any

1 pending rules shall be deemed disapproved upon adjournment *sine die* of
2 the Guam Legislature.”



February 9, 2012

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

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

RE: Committee Report on Bill No. 387-31 (COR) - As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Report on Bill No. 387-31 (COR) – Sponsored by A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.” -- referred to and Substituted by the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u> </u>	TO NOT PASS
<u>10</u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson

RECEIVED
FEB 21 10:59 AM



COMMITTEE REPORT

ON

Substitute Bill No. 387-31 (COR)

Substitute Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”



February 8, 2012

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. 387-31(COR) – As Substituted

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 387-31(COR)
- Substitute Bill No. 387-31(COR)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 387-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

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

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Substitute Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson				✓		
MUÑA BARNES, TINA ROSE Vice-Chairperson				✓		
WON PAT, JUDITH T. Speaker and Ex-Officio Member				✓		
ADA, THOMAS C. Member				✓		
GUTHERTZ, JUDITH P. Member				✓		
RESPICIO, RORY J. Member				<i>ru</i>		
RODRIGUEZ, DENNIS G. JR. Member				<i>6/4/8</i>		
ADA, V. ANTHONY Member				<i>2/9/12</i>		
DUENAS, CHRISTOPHER Member				<i>2/9/12</i>		
MABINI, SAM Member				✓		
YAMASHITA, ALINE Member		<i>2/9/12</i>				



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Tuesday, December 27th, 2011 at 9:00 a.m. and an additional hearing on January 5, 2012 at 9:00 A.M. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration was Substitute Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”

Substitute Bill 387-31 would make the Civil Service Commission the approving authority for rules and regulations for all government agencies. In the substitute version, the CSC was replaced by Department of Administration.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on December 28th, 2011 and January 3rd, 2012 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 Frank Blas Jr.
Senator Dennis Rodriguez Jr., Committee Member
Senator Judith T. Guthertz DPA, Committee Member
Senator Mana Silva Taijeron, Committee Member

The public hearing was called to order at 9:06 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION



Vice Speaker Benjamin J.F. Cruz called the public hearing to order at 9:06 a.m. and announced the morning's agenda and public hearing notices. Senator Alberto Lamorena, Executive Director of the Civil Service Commission was the only person that testified on the bill. Senator Lamorena read a prepared statement which has been appended to this report.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds that through public testimony, it was recommended that the reviewing agency should be the Department of Administration and not the Civil Service Commission. Therefore, as per input gathered through public testimony, the following revisions are contained in Amended Bill No. 387-31(COR).

1. The title is amended as follows:
“AN ACT TO ~~ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO~~ AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE ~~CIVIL SERVICE COMMISSION~~ DEPARTMENT OF ADMINISTRATION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.”

2. **Section 1. Findings and intent is amended, as follows:**

“I Liheslaturan Guahan finds that the Civil Service Commission has expressed concern that there is a lack of uniformity in government of Guam personnel rules and regulations and has requested ~~to be part of the~~ that this be a component of the review process for proposed personnel rules and regulations. Therefore, it is the intent of *I Liheslatura* to amend the law to ~~allow~~ have the ~~Civil Service Commission~~ Department of Administration to review proposals in order to provide for greater uniformity to the rule-making process throughout agencies and departments.”



3. **Section 2 is omitted.**

4. **Section 3 is amended, as follows:**

- Item (a), Page 5, Line 23: the phrase “if available” is omitted.
- Item (d), Page 6, Line 18: “Civil Service Commission” replaces “Department of Administration”
- Item (e), Page 6, Line 23: “Civil Service Commission” replaces “Department of Administration”
- Item (e), Page 6, Line 27 to Page 7, Line 1: “Civil Service Commission” replaces “Department of Administration”

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Bill No. 387-31 A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.” hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 387-31(COR) with a recommendation **TO REPORT OUT ONLY.**

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

2011 NOV 30
11:10:54

BILL NO. 387-31 (cor)

Introduced by:

Aline A. Yamashita, PhD 

AN ACT TO ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE CIVIL SERVICE COMMISSION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.

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

2 **Section 1. Findings and intent.** *I Liheslaturan Guahan* finds that
3 the Civil Service Commission has expressed concern that there is a lack of
4 uniformity in government of Guam personnel rules and regulations and has
5 requested to be part of the review process for proposed rules and regulations.
6 Therefore, it is the intent of *I Liheslatura* to amend the law to allow the
7 Civil Service Commission to review proposals in order to provide for greater
8 uniformity to the rule-making process throughout agencies and departments.

9 **Section 2. A new item (j) is hereby added to § 4403 of Chapter 4,**
10 **Article 4 of Title 4, Guam Code Annotated, to read:**

1 “§ 4403. Duties of the Commission.

2 The Commission has the following duties, powers and
3 responsibilities:

4 (a) It *shall* investigate conditions of government employment as it
5 deems necessary and report its findings and recommendations to *I*
6 *Maga 'lahi* (the Governor) and *I Liheslatura* (Legislature) annually,
7 and also post such reports on the Commission's website;

8 (b) It *shall* hear appeals from the adverse actions taken to suspend,
9 demote or dismiss an employee from the classified service *if* such
10 right of appeal to the Commission is established in the personnel rules
11 governing the employee; however, it may *not* hear any appeal of an
12 action taken to suspend, demote or dismiss an employee of the
13 government of Guam who has *not* been hired through the competitive
14 hiring procedures of the personnel rules of the government of Guam,
15 as such personnel rules required at the time of the hiring of the
16 employee, *nor* any unclassified employee;

17 (c) To hear appeals of furloughs, lay-offs, grievance complaints,
18 and Equal Employment Opportunity complaints of an employee from
19 the classified service *if* such right of appeal to the Commission is
20 established in the personnel rules governing the employee. The
21 Commission *shall* adopt rules and procedures for furlough appeals,
22 lay-off appeals, grievance complaint appeals, and Equal Employment
23 Opportunity complaint appeals;

24 (d) The Commission may investigate and set aside and declare null
25 and void any personnel action of an employee in the classified service
26 *if* the Commission finds after conducting the necessary investigation
27 that the personnel action was taken in violation of personnel laws or

1 rules; provided, however, that this Section shall *not* be deemed to
2 permit appeals by employees from adverse actions *not* covered in
3 Subsection (b) above. The agency head *shall* cooperate and assist with
4 the Commission's investigation. Prior to declaring any personnel
5 action null and void, the Commission *shall* provide written notice of
6 the alleged violation to the agency head. The agency head *shall*
7 respond within ten (10) calendar days after receipt of the notice to the
8 Commission's proposed action. All actions taken by the
9 Commission pursuant to this Section *shall* be taken within one
10 hundred eighty (180) calendar days after the personnel action or
11 complaint is filed with the Commission. The Civil Service
12 Commission *shall* submit a copy of its final decision to *I Liheslatura*
13 by the next working day. The Commission *shall* adopt rules and
14 regulations to effectuate this Section, including the requirement of a
15 written complaint to initiate any investigation. The Commission's
16 decision *shall* be final but subject to judicial review;

17 (e) It *shall* conduct reviews of notices of personnel actions of
18 employees from the classified service. All notices of personnel actions
19 regarding the classified service *shall* be filed with the Commission
20 within twenty (20) calendar days after their effective date. Failure to
21 submit the required notices of personnel actions within ten (10)
22 calendar days after written request by the Commission will
23 immediately result in a ten percent (10%) salary reduction of the
24 agency head and his deputy until compliance is made. The Civil
25 Service Commission *shall* submit a copy of its written request to the
26 agency head and his deputy for compliance with this Section to *I*
27 *Liheslatura* by the next working day;

1 (f) The jurisdiction of the Commission *shall* also apply to the
2 adverse action appeals of certified, technical, and professional
3 personnel of the Guam Power Authority and the Guam Waterworks
4 Authority; the jurisdiction of the Commission *shall* apply to all
5 classified personnel of the Guam Memorial Hospital Authority;

6 (g) The provisions of this Section shall *not* apply to the Judiciary of
7 Guam *or I Liheslaturan Guåhan* (the Guam Legislature) in
8 compliance with the doctrine of Separation of Powers, unless such
9 separate Branch opts to make them applicable by submitting to the
10 jurisdiction of the Commission; and all reference to classified
11 employees will be deemed to mean classified employees of the
12 Executive Branch, including agencies and authorities;

13 (h) The jurisdiction of the Commission shall *not* extend to
14 academic personnel of the Guam Community College and the
15 University of Guam, *except* upon mutual consent by the governing
16 board of the respective institution and the Commission; *nor* to any
17 position or person, appeal or proceeding of whatever kind or
18 description *if* the position is denominated “unclassified” in this Title,
19 *except* to the extent explicitly permitted in this Section; and

20 (i) The jurisdiction of the Commission *shall* extend to
21 investigating Public Employee Protection Act complaints
22 (a.k.a. “whistle-blower” complaints) pursuant to Title 4, GCA, § 4501
23 et seq.

24 (j) The Commission shall review proposed personnel rules and
25 regulations proffered by government of Guam agencies and
26 departments in the executive branch, including autonomous agencies,
27 before said proposed rules are provided to the Guam Legislature for

1 consideration pursuant to the Administrative Adjudication Law. The
2 purpose of the Commission review is to provide for greater uniformity
3 to the rule-making process throughout agencies and departments.

4 **Section 3. Items (a), (d) and (e) of § 9301 Article 3, Chapter 9 of**
5 **Title 5, Guam Code Annotated are hereby amended to read:**

6 “§ 9301. Adoption, Repeal, Recession or Amendment of Rules:
7 Procedure.

8 (a) Before any rule is adopted, amended, rescinded or repealed by
9 any agency it shall cause a notice to be published in a newspaper of
10 general circulation in the territory of Guam, at least ten (10) days prior
11 to the date set for a hearing, said notice shall include a statement of
12 the time and place of said hearing, a reference to the subject matter of
13 the proposed rule or rules and refer to the fact that a copy of said
14 proposed rule or rules is on file at the office of said agency where it
15 may be examined, provided, however, that no rule shall be invalid
16 because the reference to the subject matter thereof in said notice may
17 be inadequate or insufficient. At least five (5) copies of said proposed
18 rule or rules shall be on file at the office of said agency from the date
19 of publication of said notice continuously until the said hearing and
20 any interested person shall be given an adequate opportunity to
21 examine a copy of said proposed rule or rules. Copies of the proposed
22 rule or rules will also be made available on the website of said agency,
23 if available, for public review.

24 (b) On the date set for hearing any interested party in person or his
25 authorized representative or both shall be afforded an adequate
26 opportunity to participate in the formulation of the proposed rule or
27 rules through the presentation of facts or argument or the submission

1 of written data or views. All relevant matter presented shall be given
2 full consideration by the agency, and a change in the proposed rule or
3 rules because of facts, arguments, written data or views stated at the
4 hearing will not require the setting of a new hearing unless it is so
5 determined by said agency.

6 (c) Any agency may adopt procedures in addition to those required
7 by this law including the holding of conferences and inviting and
8 permitting the submission of suggestions, facts, arguments and views
9 of interested persons in advance of the drafting of the proposed rule or
10 rules.

11 (d) Any government of Guam department, agency, autonomous
12 agency, office or instrumentality promulgating rules or regulations
13 under the Administrative Adjudication Law, shall include, as part of
14 the promulgation of such rules or regulations, an economic impact
15 statement. This statement must be completed and made available to
16 the public prior to any required hearings on the proposed rules or
17 regulations. Any proposed personnel rules or regulations shall also be
18 submitted to the Civil Service Commission for review to provide for
19 greater uniformity to the rule-making process throughout agencies and
20 departments.

21 (e) No proposed rule or regulation shall be transmitted to *I*
22 *Lihsaturan Guåhan* for consideration without an economic impact
23 statement, and a review by the Civil Service Commission for
24 personnel rules and regulations, nor shall any proposed rule or
25 regulation go into effect without a completed economic impact
26 statement: and, in the cases of proposed personnel rules and
27 regulations, a written statement of approval by the Civil Service

1 Commission.

2 (f) The economic impact statement required by Subsections (d)
3 and (e) of this Section must directly address, at a minimum, the
4 following:

5 1. The purpose and the need for the rule or regulation; an
6 assessment of the risk and the cost of the imposed rule or
7 regulation. In addition, government agencies proposing a new
8 rule or regulation must include with the assessment, the
9 justification for the new rule or regulation.

10 2. The financial impact of the proposed rule or regulation upon
11 those persons or corporate entities directly affected by the
12 proposed rule or regulation, and upon the people and the
13 economy of Guam.

14 3. Any potential increase or decrease in the cost of living on
15 Guam, or any specific increase or decrease in the price or
16 availability of any good or service on Guam directly or
17 indirectly attributable to the proposed rule or regulation.

18 4. Any direct or indirect impact upon employment on Guam or
19 any increase or decrease in the availability of a particular job or
20 jobs, or jobs in general, attributable to the proposed rule or
21 regulation.

22 5. Any increase or decrease in the cost of doing business as an
23 enterprise or industry on Guam, or any increase or decrease in
24 doing business in general, which is attributable to the proposed
25 rule or regulation.

26 6. Any adverse or beneficial economic impact which is
27 attributable to the proposed rule or regulation.

1 (g) The provisions of this Section are also applicable to any
2 department, agency, autonomous agency, office or instrumentality of
3 the government of Guam, which is proposing to increase any fee for
4 service.

5 (h) An economic impact statement shall be produced by the
6 department, agency, autonomous agency, office or instrumentality of
7 the government of Guam which has proposed the rule, regulation or
8 increase of fees for services.

9 (i) Exemptions. Any proposed rule, change of rule, regulation or
10 request to impose or raise fees or rates shall be exempted from the
11 requirements of this Act if the annual economic impact to the general
12 public is Five Hundred Thousand Dollars (\$500,000.00) or less, as
13 determined by the department, agency, autonomous agency, office or
14 instrumentality proposing the rule, change of rule, regulation or
15 request to impose or raise fees.

16 (j) A rule, change of rule, regulation or request to impose or raise
17 fees adopted under the exemption granted in Subsection (i) of this
18 Section shall, one (1) year after adoption, have a preliminary cost
19 impact assessment performed by the Bureau of Budget and
20 Management Research. If the preliminary cost impact assessment
21 shows that the cost impact of the rule, change of rule, regulation, or
22 request to impose or raise fees exceeds Five Hundred Thousand
23 Dollars (\$500,000.00) annually, then an economic impact statement,
24 as required in Subsections (d), (e), (f), (g) and (h), shall be prepared
25 and transmitted to *I Liheslaturan Guåhan* within sixty (60) days after
26 the completion of the preliminary cost impact assessment.”

27 **Section 4. Items (b) of § 9303 Article 3, Chapter 9 of Title 5,**

1 **Guam Code Annotated is hereby amended to read:**

2 “§ 9303. Adoption, Repeal, Recission, or Amendment of Rules and
3 Regulations: Circulation and Filing.

4 It shall be the duty of every agency which may have been or hereafter
5 may be clothed with or given any power or authority to make, adopt,
6 promulgate or enforce rules to:

7 (a) Prepare the rules in a form approved by the Attorney General or
8 other legal counsel of the agency, and where required by law,
9 approved by the Governor, and which will conform to a standard
10 system or code of rules adopted by the Legislative Secretary for the
11 guidance of all agencies.

12 (b) File the original approval copy and one (1) duplicate and one
13 (1) copy of the entire record of any public hearings on the rules being
14 filed with the Legislative Secretary of the Guam Legislature. The
15 Legislative Secretary shall maintain a permanent register of all rules,
16 which shall include a notation of the date of filing thereon, and
17 evidence of public hearing held by the agency. The Legislative
18 Secretary shall also cause said permanent register to be published
19 electronically on the Guam Legislature website.

20 (c) No rule shall be effective until after compliance with the
21 provisions of this Section and ninety (90) calendar days have elapsed
22 from the date of filing with the Legislative Secretary. The Guam
23 Legislature may approve, disapprove or amend any rule within ninety
24 (90) calendar days from the date of filing with the Legislative
25 Secretary.”

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

BILL NO. 387-31 (COR)

***As Substituted by the Committee on
Youth, Cultural Affairs, General Governmental
Operations, Procurement, and Public Radio

Introduced by:

Aline A. Yamashita, PhD

AN ACT TO ~~ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED~~ RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE ~~CIVIL SERVICE COMMISSION~~ DEPARTMENT OF ADMINISTRATION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.

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

2 **Section 1. Findings and intent.** *I Liheslaturan Guahan* finds that
3 the Civil Service Commission has expressed concern that there is a lack of
4 uniformity in government of Guam personnel rules and regulations and has
5 requested ~~to be part of the~~ that this be a component of the review process
6 for proposed personnel rules and regulations. Therefore, it is the intent of
7 *I Liheslatura* to amend the law to ~~allow~~ have the ~~Civil Service Commission~~
8 Department of Administration ~~to~~ review proposals in order to provide for

1 greater uniformity to the rule-making process throughout agencies and
2 departments.

3 ~~Section 2. A new item (j) is hereby added to § 4403 of Chapter 4,~~
4 ~~Article 4 of Title 4, Guam Code Annotated, to read:~~

5 ~~——“§ 4403. Duties of the Commission.~~

6 ~~——The Commission has the following duties, powers and~~
7 ~~responsibilities:~~

8 (a) ~~It shall investigate conditions of government employment as it~~
9 ~~deems necessary and report its findings and recommendations to I~~
10 ~~Maga'lahi (the Governor) and I Liheslatura (Legislature) annually,~~
11 ~~and also post such reports on the Commission's website;~~

12 (b) ~~It shall hear appeals from the adverse actions taken to suspend,~~
13 ~~demote or dismiss an employee from the classified service if such~~
14 ~~right of appeal to the Commission is established in the personnel rules~~
15 ~~governing the employee; however, it may not hear any appeal of an~~
16 ~~action taken to suspend, demote or dismiss an employee of the~~
17 ~~government of Guam who has not been hired through the competitive~~
18 ~~hiring procedures of the personnel rules of the government of Guam,~~
19 ~~as such personnel rules required at the time of the hiring of the~~
20 ~~employee, nor any unclassified employee;~~

21 (c) ~~To hear appeals of furloughs, lay-offs, grievance complaints,~~
22 ~~and Equal Employment Opportunity complaints of an employee from~~
23 ~~the classified service if such right of appeal to the Commission is~~
24 ~~established in the personnel rules governing the employee. The~~
25 ~~Commission shall adopt rules and procedures for furlough appeals,~~
26 ~~lay-off appeals, grievance complaint appeals, and Equal Employment~~
27 ~~Opportunity complaint appeals;~~

1 ~~(d) — The Commission may investigate and set aside and declare null~~
2 ~~and void any personnel action of an employee in the classified service~~
3 ~~if the Commission finds after conducting the necessary investigation~~
4 ~~that the personnel action was taken in violation of personnel laws or~~
5 ~~rules; provided, however, that this Section shall *not* be deemed to~~
6 ~~permit appeals by employees from adverse actions *not* covered in~~
7 ~~Subsection (b) above. The agency head *shall* cooperate and assist with~~
8 ~~the Commission's investigation. Prior to declaring any personnel~~
9 ~~action null and void, the Commission *shall* provide written notice of~~
10 ~~the alleged violation to the agency head. The agency head *shall*~~
11 ~~respond within ten (10) calendar days after receipt of the notice to the~~
12 ~~Commission's proposed action. All actions taken by the~~
13 ~~Commission pursuant to this Section *shall* be taken within one~~
14 ~~hundred eighty (180) calendar days after the personnel action or~~
15 ~~complaint is filed with the Commission. The Civil Service~~
16 ~~Commission *shall* submit a copy of its final decision to *Liheslatura*~~
17 ~~by the next working day. The Commission *shall* adopt rules and~~
18 ~~regulations to effectuate this Section, including the requirement of a~~
19 ~~written complaint to initiate any investigation. The Commission's~~
20 ~~decision *shall* be final but subject to judicial review;~~

21 ~~(e) — It *shall* conduct reviews of notices of personnel actions of~~
22 ~~employees from the classified service. All notices of personnel actions~~
23 ~~regarding the classified service *shall* be filed with the Commission~~
24 ~~within twenty (20) calendar days after their effective date. Failure to~~
25 ~~submit the required notices of personnel actions within ten (10)~~
26 ~~calendar days after written request by the Commission will~~
27 ~~immediately result in a ten percent (10%) salary reduction of the~~

1 ~~agency head and his deputy until compliance is made. The Civil~~
2 ~~Service Commission shall submit a copy of its written request to the~~
3 ~~agency head and his deputy for compliance with this Section to I~~
4 ~~Liheslatura by the next working day;~~

5 (f) ~~—The jurisdiction of the Commission shall also apply to the~~
6 ~~adverse action appeals of certified, technical, and professional~~
7 ~~personnel of the Guam Power Authority and the Guam Waterworks~~
8 ~~Authority; the jurisdiction of the Commission shall apply to all~~
9 ~~classified personnel of the Guam Memorial Hospital Authority;~~

10 (g) ~~—The provisions of this Section shall not apply to the Judiciary of~~
11 ~~Guam or I Liheslaturan Guåhan (the Guam Legislature) in~~
12 ~~compliance with the doctrine of Separation of Powers, unless such~~
13 ~~separate Branch opts to make them applicable by submitting to the~~
14 ~~jurisdiction of the Commission; and all reference to classified~~
15 ~~employees will be deemed to mean classified employees of the~~
16 ~~Executive Branch, including agencies and authorities;~~

17 (h) ~~—The jurisdiction of the Commission shall not extend to~~
18 ~~academic personnel of the Guam Community College and the~~
19 ~~University of Guam, except upon mutual consent by the governing~~
20 ~~board of the respective institution and the Commission; nor to any~~
21 ~~position or person, appeal or proceeding of whatever kind or~~
22 ~~description if the position is denominated “unclassified” in this Title,~~
23 ~~except to the extent explicitly permitted in this Section; and~~

24 (i) ~~—The jurisdiction of the Commission shall extend to~~
25 ~~investigating Public Employee Protection Act complaints~~
26 ~~(a.k.a. “whistle-blower” complaints) pursuant to Title 4, GCA, § 4501~~
27 ~~et seq.~~

1 ~~(j) — The Commission shall review proposed personnel rules and~~
2 ~~regulations proffered by government of Guam agencies and~~
3 ~~departments in the executive branch, including autonomous agencies,~~
4 ~~before said proposed rules are provided to the Guam Legislature for~~
5 ~~consideration pursuant to the Administrative Adjudication Law. The~~
6 ~~purpose of the Commission review is to provide for greater uniformity~~
7 ~~to the rule making process throughout agencies and departments.~~

8 **Section 3. Items (a), (d) and (e) of § 9301 Article 3, Chapter 9 of**
9 **Title 5, Guam Code Annotated are hereby amended to read:**

10 “§ 9301. Adoption, Repeal, Recession or Amendment of Rules:
11 Procedure.

12 (a) Before any rule is adopted, amended, rescinded or repealed by
13 any agency it shall cause a notice to be published in a newspaper of
14 general circulation in the territory of Guam, at least ten (10) days prior
15 to the date set for a hearing, said notice shall include a statement of
16 the time and place of said hearing, a reference to the subject matter of
17 the proposed rule or rules and refer to the fact that a copy of said
18 proposed rule or rules is on file at the office of said agency where it
19 may be examined, provided, however, that no rule shall be invalid
20 because the reference to the subject matter thereof in said notice may
21 be inadequate or insufficient. At least five (5) copies of said proposed
22 rule or rules shall be on file at the office of said agency from the date
23 of publication of said notice continuously until the said hearing and
24 any interested person shall be given an adequate opportunity to
25 examine a copy of said proposed rule or rules. Copies of the proposed
26 rule or rules will also be made available on the website of said agency,
27 if available, for public review.

1 (b) On the date set for hearing any interested party in person or his
2 authorized representative or both shall be afforded an adequate
3 opportunity to participate in the formulation of the proposed rule or
4 rules through the presentation of facts or argument or the submission
5 of written data or views. All relevant matter presented shall be given
6 full consideration by the agency, and a change in the proposed rule or
7 rules because of facts, arguments, written data or views stated at the
8 hearing will not require the setting of a new hearing unless it is so
9 determined by said agency.

10 (c) Any agency may adopt procedures in addition to those required
11 by this law including the holding of conferences and inviting and
12 permitting the submission of suggestions, facts, arguments and views
13 of interested persons in advance of the drafting of the proposed rule or
14 rules.

15 (d) Any government of Guam department, agency, autonomous
16 agency, office or instrumentality promulgating rules or regulations
17 under the Administrative Adjudication Law, shall include, as part of
18 the promulgation of such rules or regulations, an economic impact
19 statement. This statement must be completed and made available to
20 the public prior to any required hearings on the proposed rules or
21 regulations. Any proposed personnel rules or regulations shall also be
22 submitted to the ~~Civil Service Commission~~ Department of
23 Administration for review to provide for greater uniformity to the
24 rule-making process throughout agencies and departments.

25 (e) No proposed rule or regulation shall be transmitted to *I*
26 *Liheslaturan Guåhan* for consideration without an economic impact
27 statement, and a review by the ~~Civil Service Commission~~ Department

1 of Administration for personnel rules and regulations, nor shall any
2 proposed rule or regulation go into effect without a completed
3 economic impact statement: and, in the cases of proposed personnel
4 rules and regulations, a written statement of approval by the Civil
5 Service Commission. Department of Administration.

6 (f) The economic impact statement required by Subsections (d)
7 and (e) of this Section must directly address, at a minimum, the
8 following:

9 1. The purpose and the need for the rule or regulation; an
10 assessment of the risk and the cost of the imposed rule or
11 regulation. In addition, government agencies proposing a new
12 rule or regulation must include with the assessment, the
13 justification for the new rule or regulation.

14 2. The financial impact of the proposed rule or regulation upon
15 those persons or corporate entities directly affected by the
16 proposed rule or regulation, and upon the people and the
17 economy of Guam.

18 3. Any potential increase or decrease in the cost of living on
19 Guam, or any specific increase or decrease in the price or
20 availability of any good or service on Guam directly or
21 indirectly attributable to the proposed rule or regulation.

22 4. Any direct or indirect impact upon employment on Guam or
23 any increase or decrease in the availability of a particular job or
24 jobs, or jobs in general, attributable to the proposed rule or
25 regulation.

26 5. Any increase or decrease in the cost of doing business as an
27 enterprise or industry on Guam, or any increase or decrease in

1 doing business in general, which is attributable to the proposed
2 rule or regulation.

3 6. Any adverse or beneficial economic impact which is
4 attributable to the proposed rule or regulation.

5 (g) The provisions of this Section are also applicable to any
6 department, agency, autonomous agency, office or instrumentality of
7 the government of Guam, which is proposing to increase any fee for
8 service.

9 (h) An economic impact statement shall be produced by the
10 department, agency, autonomous agency, office or instrumentality of
11 the government of Guam which has proposed the rule, regulation or
12 increase of fees for services.

13 (i) Exemptions. Any proposed rule, change of rule, regulation or
14 request to impose or raise fees or rates shall be exempted from the
15 requirements of this Act if the annual economic impact to the general
16 public is Five Hundred Thousand Dollars (\$500,000.00) or less, as
17 determined by the department, agency, autonomous agency, office or
18 instrumentality proposing the rule, change of rule, regulation or
19 request to impose or raise fees.

20 (j) A rule, change of rule, regulation or request to impose or raise
21 fees adopted under the exemption granted in Subsection (i) of this
22 Section shall, one (1) year after adoption, have a preliminary cost
23 impact assessment performed by the Bureau of Budget and
24 Management Research. If the preliminary cost impact assessment
25 shows that the cost impact of the rule, change of rule, regulation, or
26 request to impose or raise fees exceeds Five Hundred Thousand
27 Dollars (\$500,000.00) annually, then an economic impact statement,

1 (90) calendar days from the date of filing with the Legislative
2 Secretary.”

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



MINATRENTAI UNU NA LIHESLATURAN GUÅHAN
 The 31st Guam Legislature
 155 Hesler Place, Hagåtña, Guam 96910 • senator@senatorbjcruz.com
 Telephone: (671) 477-2520/1 • Facsimile: (671) 477-2522

December 27, 2011 – 2:00P.M.

Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D. - "An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations."

NAME	AGENCY	SIGNATURE	BEST CONTACT INFO
TONY L Amaron	CSC		647-1858



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

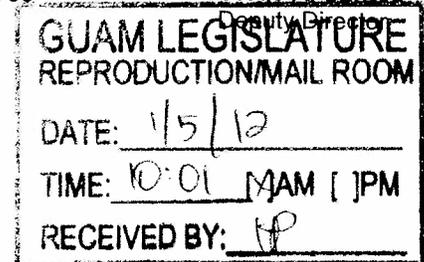
GOVERNMENT OF GUÅHAN
(GUBETNAMENTON GUÅHAN)

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)

DIRECTOR'S OFFICE
(Ufisinan Direktot)
Post Office Box 884 * Hagåtña, Guam 96932
TEL: (671) 475-1101/1250 * FAX: (671) 477-6788



Benita A. Manglona
Director
George A. Santos
Deputy Director



Vice Speaker Benjamin F. J. Cruz
I Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Place
Hagåtña, Guam 96910

RE: Bill 387-31 (COR)

Dear Vice Speaker Cruz:

Buenas yan Håfa Adai! Thank you for the opportunity to testify in favor of Bill 387-31(COR) with some amendments, entitled **“An Act to Add a New Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to Amend Items (A), (D) and (E) of Section 9301 and to Amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated Relative to the Administrative Adjudication Law to Include a Review by the Civil Service Commission for Proposed Personnel Rules and Regulations, and to Further Enhance Transparency by Requiring the Electronic Publishing of Proposed Rules and Regulations”.**

First, I would like to commend the Civil Service Commission for raising the issue of inconsistencies that exists between personnel rules and regulations within the Executive Branch of government. These inconsistencies have been a product of past legislation which has enabled autonomous departments and agencies, public corporations, and other entities under the Executive Branch to establish and implement rules and regulations specific to each entity.

The inconsistencies that exist between personnel rules and regulations within the Executive Branch are far reaching and create an environment that promotes distinct inequities within the same branch of government. There exist now entirely different rules and regulations which govern matters including grievances, adverse actions, recruitment, retention, promotion, compensation, incentive pay, evaluation of employee performance, and other personnel-related matters. I support the intent of the bill to promote consistency and uniformity between all personnel rules and regulations of the Executive Branch.

Although we recognize the inconsistencies between the personnel rules and regulations within the Executive Branch, we do so acknowledging the fact that within each autonomous agency or entity, there are critical operational needs and conditions that may require slight differences in specific rules and regulations. These differences may warrant some specific amendments and updates to particular rules and regulations within the different entities of the Executive Branch. It is evidently clear, however, that some core principles and practices should remain consistent with all departments, agencies, corporations, and other entities under the Executive Branch. I believe that this is the true intent of the bill and not to expand control over rules and regulations, but to provide a checks and balance to ensure consistency within all rules and regulations of the Executive Branch.

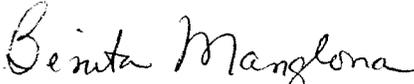
In light of the facts stated above, I would like to recommend the following amendments to Bill 387-31:

1. I recommend that **Section 2** of the bill be deleted in its entirety.
2. I also recommend that any language in **Section 3** that references the "*Civil Service Commission*" be replaced with "*the Director of Administration*". We make this recommendation as an avenue to reinforce existing statute which is not currently being complied with that grants this authority to the Director of Administration mandated in Title 4 GCA, Chapter 4 §4105 which states, "...*Rules concerning the Executive Branch shall take effect upon their approval by the Director of Administration, by Executive Order of I Maga'lahaen Guåhan and filing with the Legislative Secretary. Rules concerning the Judicial Council shall take effect upon adoption by the Judicial Council of Guam and filing with the Legislative Secretary.*" (Cited in part).

I make these recommendations recognizing and respecting the different mandates each autonomous department, agency, corporation, or entity has and the much needed services they provide to the people of Guam. I also make this recommendation in the spirit of cooperation and would like to work together with the Civil Service Commission and all human resources professionals within the Executive Branch to ensure consistency of personnel rules and regulations while considering and reinforcing the individual needs and concerns of all departments, agencies, corporations, and entities under the Executive Branch. I must stress, however, that without review and recommendations to promote uniformity of all personnel rules and regulations within the Executive Branch, we will continue to have government employees working for the same government, within the same branch, under distinctively different rules and regulations, which will have far-reaching effects.

Again, I would like to thank you for the opportunity to testify in favor of Bill 387-31 with recommended amendments. I would also like to thank the Civil Service Commission for bringing attention to concerns and issues which we share with them and that require the time and attention of the Legislature. I would finally like to thank you, Vice-Speaker Cruz, and the other members of the Committee on Procurement, Cultural Affairs, Public Broadcasting, Youth and General Government Operations for your time and attention.

Should you have any questions, please do not hesitate to contact me at 475-1250. Dângkolo na Agradesimiento!


BENITA A. MANGLONA

cc: Senator Aline A. Yamashita, PhD

Office of the Vice Speaker
Benjamin JF Cruz
Rcd. By  Date 1/6/12



COMMITTEE ON RULES

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LEGISLATIVE SECRETARY
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Senator
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Senator
vicente c. pangelinan

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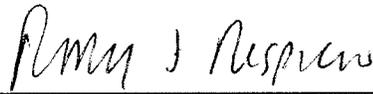
Senator
Christopher M. Duenas

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 387-31 (COR) – “AN ACT TO ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE CIVIL SERVICE COMMISSION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.”** – on December 1, 2011. COR hereby certifies that BBMR confirmed receipt of this request on December 1, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on December 21, 2011, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 387 to be included in the committee report on said bill, is hereby waived.**

Certified by:


Senator Rory J. Respicio

2-17-12
Date



COMMITTEE ON RULES

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Senator
Christopher M. Duenas

December 1, 2011

VIA FACSIMILE
(671) 472-2825

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

RE: Request for Fiscal Note -
Bill Nos. 385-31 (COR) through 387-31 (COR)

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 DEC -2 PM 9:41
EJPN

MESSAGE CONFIRMATION

DEC-01-2011 09:22 AM THU

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : DEC-01-2011 09:22AM THU
ELAPSED TIME : 00' 24"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

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Senator
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December 1, 2011

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Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 385-31 (COR) through 387-31 (COR)

Hafa Adia Mr. Rios:

Transmitted herewith is a listing of *I Minã'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

C. Clerk of the Legislature

Red'd by. Annalyn
date. 12/1/11
time. 11:45pm

Stamp: Status (Date) Issued? Filed? Cased? Returned? Mr. Law?

I Mina 'Trentai Unu Na Liheslauran Guåhan
Bill Log Sheet
 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)
386-31 (COR)	B. J.F. Cruz, F.F. Blas, Jr.	AN ACT TO ADD A NEW ITEM (F) TO APPENDIX A OF CHAPTER 67 OF TITLE 9 OF THE GUAM CODE ANNOTATED; AND TO REPEAL §67.801 OF ARTICLE 8 OF CHAPTER 67 OF TITLE 9 OF THE GUAM CODE ANNOTATED; RELATIVE TO DESIGNATING SALVIA DIVINORUM OR SALVINORUM A AND CERTAIN SYNTHETIC CANNABINOIDS AS SCHEDULE 1 CONTROLLED SUBSTANCES UNDER THE GUAM UNIFORM CONTROLLED SUBSTANCES ACT.	11/29/11 8:54 a.m.	12/1/20 11		Committee on Public Safety, Law Enforcement and Judiciary			
387-31 (COR)	Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE CIVIL SERVICE COMMISSION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.	11/30/2011 10:54:00 a.m.	12/1/2011		Committee on youth, cultural affairs, procurement, general government operations and public broadcasting.			



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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

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

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

December 1, 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. 386-31(COR) & 387-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 386-31 (COR) and 387-31 (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 Minu' Trenai Uru Na Livenessun Guahan
Bill Log Sheet

Bill Nos.	Sponsor	Title	Date Introduced	Date Referred	120 Day Deadline	Cmte Referred	Public Hearing Date	Date Committee Report Filed	Status
387-31 (COR)	Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE CIVIL SERVICE COMMISSION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.	11/30/2011 10:54:00 a.m.	12/1/2011		Committee on youth, cultural affairs, procurement, general government operations and public broadcasting.			



Chris Carillo <chris.carillo@senatorbjcruz.com>

First Notice of Public Hearing - 12.27.2011

3 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>

Sat, Dec 17, 2011 at 1:22 PM

To: speaker@judiwonpat.com, tom@senatorada.org, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, frank.blasjr@gmail.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, senbenp@guam.net, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, phnotice@guamlegislature.org, ABPalacios@gmail.com, joshua.tenorio@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, sarah.nededog@senatorbjcruz.com, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>

Cc: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, bmkelman@guampdn.com, dcristostomo@guampdn.com, rgibson@k57.com, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, janela@mvguam.com, hottips@kuam.com, news@spbguam.com, news@guampdn.com, news@k57.com, parroyo@k57.com, kevin@spbguam.com, clynt@spbguam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please see the attached notice with a revised agenda from the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting.

December 17, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: First Notice of Public Hearing December 27, 2011

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct an Public Hearing on Tuesday, December 27th, 2011, beginning at 9:00 A.M. in *I Liheslaturan's* Public Hearing Room with the following agenda:

9:00 A.M.

Bill No. 321-31 (COR) - V.A. Ada / A.A. Yamashita, Ph.D. / F.F. Blas, Jr. - "An act to add a new §43120 to Chapter 43 of 5GCA relative to prohibiting secret voting by government of Guam Boards and Commissions."

Bill No. 326-31 (COR) - M.S. Taijeron - "An act to add a new Section 10313 to Article 3, Chapter 10, Title 5 of the Guam Code Annotated relative to requiring all Government of Guam Departments and Agencies to accept applications, filings and forms for services via the internet."

Bill No. 338-31 (COR) - J.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. "

Bill No. 360-31 (COR) - M. Silva-Taijeron- "An act to amend § 5425, Part A, Article 9, Chapter 5, Title 5 of the Guam Code Annotated relative to a deadline for the issuance of decisions on protested solicitations and rewards, in accordance with Guam Procurement Law."

Bill No. 367-31 (LS) - D.G. Rodriguez, Jr. / T.C. Ada / V.A. Ada- "An act to designate Route 6 (Halsey Drive and Spruance Drive) as "Korean War Veterans Drive" by adding a new §849.6 to Chapter 8, Title 1, Guam Code Annotated, to pay special tribute to all veterans who served in the Korean War for the protection and freedom of liberty. "

Bill No. 374-31 (COR) - M. S. Taijeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- "An act to add a new § 77135 to Chapter 77, Title 10 of the Guam Code Annotated relative to the creation of the position of Department Psychologist at the Guam Police Department. "

2:00 P.M.

Bill No. 375-31 (COR) - M. S. Taijeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- "An act to add a new § 72109 to Chapter 72, Title 10 of the Guam Code Annotated relative to the Creation of the Position of Department Psychologist at the Guam Fire Department. "

Bill No. 376-31 (COR) - B.J.F. Cruz- "An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles."

Bill No. 380-31 (COR) - A.B. Palacios, Sr.- "An act relative to the release of working animals from government service, by adding a new §22705 to 5GCA. "

Bill No. 381-31 (COR) - D.G. Rodriguez, Jr.- "An act to promote vehicles purchased by the Government of Guam meet certain fuel efficient standards, by adding a new §5013 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated - *Guam Procurement Law*. "

Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- "An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations."

Bill No. 391-31 (COR) - B.J.F. Cruz- "An act to *add* a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to *amend* § 44107 of Title 22, Guam Code Annotated; and to *add* a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program."

Bill No. 395-31 (COR) - Sam Mabini, Ph.D. / B.J.F. Cruz- "An act to amend §4111, Title 4 Guam Code Annotated, Chapter 4, relative to lump sum payments for annual leave."

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.

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.



To: Chris Carillo <chris.carillo@senatorbjcruz.com>, Yong Pak <yong@guamlegislature.org>

hi. confirmed posted.

[Quoted text hidden]

Chris Carillo <chris.carillo@senatorbjcruz.com>

Mon, Dec 19, 2011 at 9:09 AM

To: Adam Bearce <adam@guamlegislature.org>

Thanks Adam...

Sent from my Windows Phone

From: Adam Bearce

Sent: Monday, December 19, 2011 8:53 AM

To: Chris Carillo; Yong Pak

Subject: Re: First Notice of Public Hearing - 12.27.2011

[Quoted text hidden]



December 17, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: First Notice of Public Hearing December 27, 2011

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct an Public Hearing on Tuesday, December 27th, 2011, beginning at 9:00 A.M. in *I Liheslaturan's* Public Hearing Room with the following agenda:

9:00 A.M.

- Bill No. 321-31 (COR) - V.A. Ada / A.A. Yamashita, Ph.D. / F.F. Blas, Jr.-"An act to add a new §43120 to Chapter 43 of 5GCA relative to prohibiting secret voting by government of Guam Boards and Commissions."
- Bill No. 326-31 (COR) - M.S. Tajjeron- "An act to add a new Section 10313 to Article 3, Chapter 10, Title 5 of the Guam Code Annotated relative to requiring all Government of Guam Departments and Agencies to accept applications, filings and forms for services via the internet."
- Bill No. 338-31 (COR) - J.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. "
- Bill No. 360-31 (COR) - M. Silva-Tajjeron- "An act to amend § 5425, Part A, Article 9, Chapter 5, Title 5 of the Guam Code Annotated relative to a deadline for the issuance of decisions on protested solicitations and rewards, in accordance with Guam Procurement Law. "
- Bill No. 367-31 (LS) - D.G. Rodriguez, Jr. / T.C. Ada / V.A. Ada- "An act to designate Route 6 (Halsey Drive and Spruance Drive) as "Korean War Veterans Drive" by adding a new §849.6 to Chapter 8, Title 1, Guam Code Annotated, to pay special tribute to all veterans who served in the Korean War for the protection and freedom of liberty. "
- Bill No. 374-31 (COR) - M. S. Tajjeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- "An act to add a new § 77135 to Chapter 77, Title 10 of the Guam Code Annotated relative to the creation of the position of Department Psychologist at the Guam Police Department. "

2:00 P.M.

- Bill No. 375-31 (COR) - M. S. Tajjeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.-"An act to add a new § 72109 to Chapter 72, Title 10 of the Guam Code Annotated relative to the Creation of the Position of Department Psychologist at the Guam Fire Department. "



- Bill No. 376-31 (COR) - B.J.F. Cruz-“An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.”
- Bill No. 380-31 (COR) - A.B. Palacios, Sr.- “An act relative to the release of working animals from government service, by adding a new §22705 to 5GCA. “
- Bill No. 381-31 (COR) - D.G. Rodriguez, Jr.- “An act to promote vehicles purchased by the Government of Guam meet certain fuel efficient standards, by adding a new §5013 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated - *Guam Procurement Law*. “
- Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”
- Bill No. 391-31 (COR) - B.J.F. Cruz- “An act to *add* a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to *amend* § 44107 of Title 22, Guam Code Annotated; and to *add* a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program.”
- Bill No. 395-31 (COR) - Sam Mabini, Ph.D. / B.J.F. Cruz-“An act to amend §4111, Title 4 Guam Code Annotated, Chapter 4, relative to lump sum payments for annual leave.”

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.

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.



Chris Carillo <chris.carillo@senatorbjcruz.com>

Second Notice of Public Hearing- December 27th 2011

5 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>

Mon, Dec 26, 2011 at 9:14 AM

To: speaker@judiwonpat.com, tom@senatorada.org, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, frank.blasjr@gmail.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, senbenp@guam.net, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, phnotice@guamlegislature.org, ABPalacios@gmail.com, senator@senatorbjcruz.com, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, mike.lidia@senatorbjcruz.com, sarah.nededog@senatorbjcruz.com, "Rory J. Respicio" <rolyforguam@gmail.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, carlo.branch@gmail.com, Chris Carillo <chris.carillo@senatorbjcruz.com>
Cc: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, bmkelman@guampdn.com, dcristostomo@guampdn.com, rgibson@k57.com, therese.hart.writer@gmail.com, thebigshow@k57.com, Travis Coffman <travis.coffman@gmail.com>, hottips@kuam.com, Pacific News Center <news@spbgum.com>, news@guampdn.com, news@k57.com, parroyo@k57.com, Kevin Kerrigan <kevin@spbgum.com>, clynt@spbgum.com, Krystal Paco <krystal@kuam.com>

Merry Christmas All,

Please see the attached 48 Hour Notice from Vice Speaker Cruz.

December 25, 2011

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*

*MEMORANDUM *

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*TO: *All Members/All Senators

*
*

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

*
*

*RE: *Second Notice of Public Hearing December 27, 2011

*
*

*Hafa Adai! *Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct an Public Hearing on Tuesday, December 27th, 2011, beginning at 9:00 A.M. in *I Liheslaturan's *Public Hearing Room with the following agenda:

9:00 A.M.

Bill No. 321-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B321-31%20%28COR%29.pdf>-

V.A. Ada / A.A. Yamashita, Ph.D. / F.F. Blas, Jr.-"An act to add a new §43120 to Chapter 43 of 5GCA relative to prohibiting secret voting by government of Guam Boards and Commissions."

Bill No. 326-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B326-31%20%28COR%29.pdf>-

M.S. Tajjeron- "An act to add a new Section 10313 to Article 3, Chapter 10, Title 5 of the Guam Code Annotated relative to requiring all Government of Guam Departments and Agencies to accept applications, filings and forms for services via the internet."

Bill No. 338-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B338-31%20%28COR%29.pdf>-

J.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. "

Bill No. 360-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B360-31%20%28COR%29.pdf>-

M. Silva-Tajjeron- "An act to amend § 5425, Part A, Article 9, Chapter 5, Title 5 of the Guam Code Annotated relative to a deadline for the issuance of decisions on protested solicitations and rewards, in accordance with Guam Procurement Law."

Bill No. 367-31

(LS)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B367-31%20%28LS%29.pdf>-

D.G. Rodriguez, Jr. / T.C. Ada / V.A. Ada- "An act to designate Route 6 (Halsey Drive and Spruance Drive) as "Korean War Veterans Drive" by adding a new §849.6 to Chapter 8, Title 1, Guam Code Annotated, to pay special tribute to all veterans who served in the Korean War for the protection and freedom of liberty. "

Bill No. 374-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B374-31%20%28COR%29.pdf>-

M. S. Tajjeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- "An act to add a new § 77135 to Chapter 77, Title 10 of the Guam Code Annotated relative to the creation of the position of Department Psychologist at the Guam Police Department. "

2:00 P.M.

Bill No. 375-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B375-31%20%28COR%29.pdf>-

~~M. S. Tajjeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.-"An act~~

to

add a new § 72109 to Chapter 72, Title 10 of the Guam Code Annotated relative to the Creation of the Position of Department Psychologist at the Guam Fire Department. ”

Bill No. 376-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B376-31%20%28COR%29.pdf>-

B.J.F. Cruz-“An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.”

Bill No. 380-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B380-31%20%28COR%29.pdf>-

A.B. Palacios, Sr.- “An act relative to the release of working animals from government service, by adding a new §22705 to 5GCA. ”

Bill No. 381-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B381-31%20%28COR%29.pdf>-

D.G. Rodriguez, Jr.- “An act to promote vehicles purchased by the Government of Guam meet certain fuel efficient standards, by adding a new §5013 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated - *Guam Procurement Law.* “

<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B387-31%20%28COR%29.pdf>

Bill No. 387-31

(COR)<http://www.guamlegislature.org/Bills_Introduced_31st/Bill%20No.%20B387-31%20%28COR%29.pdf>-

A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”

Bill No. 391-31

(COR)<http://www.guamlegislature.org/Referral_31st/Referral%20B391-31%20%28COR%29.pdf>-

B.J.F. Cruz- “An act to *add* a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to *amend* § 44107 of Title 22, Guam Code Annotated; and to *add* a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program.”

Bill No. 395-31

(COR)<http://www.guamlegislature.org/Referral_31st/Referral%20B395-31%20%28COR%29.pdf>-

Sam Mabini, Ph.D. / B.J.F. Cruz-“An act to amend §4111, Title 4 Guam Code Annotated, Chapter 4, relative to lump sum payments for annual leave.”

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.

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.

 **12.27 notice.pdf**
74K

Chris Carillo <chris.carillo@senatorbjcruz.com>

Mon, Dec 26, 2011 at 5:22 PM

To: Ray Gibson <rgibson@k57.com>

Bcc: Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, carlo.branch@gmail.com, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>

Hafa Adai Ray,

Due to a technical error o our part, the required notice for the public hearing tomorrow 12/27/2011 at 9 A.M. did not meet the was not sent in time. We will continue to have the hearing and accept written and oral testimony and leave the record open until after we can schedule a supplemental hearing and meet the notice requirements.

Please notify your listeners of our error, Carlo Branch would love to call in and explain the situation to your listeners in detail. Please let me know or let Carlo if its ok for him to call in and make apologies to all those interested in the hearing.

Merry Christmas,

Chris Carillo

A copy of the notice is attached....

[Quoted text hidden]

 **12.27 notice.pdf**
74K

Aline Yamashita <aline4families@gmail.com>

Tue, Dec 27, 2011 at 5:58 AM

To: Chris Carillo <chris.carillo@senatorbjcruz.com>

Chris,

This notice states there is a break - that the hearing will resume at 2. Has there been another change? I thought we would start and continue until finished. Please advise.

Thank you.

[Quoted text hidden]

--

Aline
Families First!

Chris Carillo <chris.carillo@senatorbjcruz.com>

Tue, Dec 27, 2011 at 8:02 AM

To: Aline Yamashita <aline4families@gmail.com>

Senator,

We will hear as many bills as possible in the morning. There will have to be a break because there are 13 bills. I look forward to seeing you at the hearing...

Chris

Sent from my Windows Phone

From: Aline Yamashita

Sent: Tuesday, December 27, 2011 5:58 AM

To: Chris Carillo

Subject: Re: Second Notice of Public Hearing- December 27th 2011

[Quoted text hidden]

Adam Bearce <adam@guamlegislature.org>

Tue, Dec 27, 2011 at 8:13 AM

To: Chris Carillo <chris.carillo@senatorbjcruz.com>, Yong Pak <yong@guamlegislature.org>

Hi. Confirmed Posted.

[Quoted text hidden]



December 25, 2011

MEMORANDUM

TO: All Members/All Senators
FROM: Vice Speaker Benjamin J.F. Cruz
RE: Second Notice of Public Hearing December 27, 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 Tuesday, December 27th, 2011, beginning at 9:00 A.M. in *I Liheslaturan's* Public Hearing Room with the following agenda:

9:00 A.M.

Bill No. 321-31 (COR) - V.A. Ada / A.A. Yamashita, Ph.D. / F.F. Blas, Jr.-"An act to add a new §43120 to Chapter 43 of 5GCA relative to prohibiting secret voting by government of Guam Boards and Commissions."

Bill No. 326-31 (COR) - M.S. Taijeron- "An act to add a new Section 10313 to Article 3, Chapter 10, Title 5 of the Guam Code Annotated relative to requiring all Government of Guam Departments and Agencies to accept applications, filings and forms for services via the internet."

Bill No. 338-31 (COR) - J.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. "

Bill No. 360-31 (COR) - M. Silva-Taijeron- "An act to amend § 5425, Part A, Article 9, Chapter 5, Title 5 of the Guam Code Annotated relative to a deadline for the issuance of decisions on protested solicitations and rewards, in accordance with Guam Procurement Law."

Bill No. 367-31 (LS) - D.G. Rodriguez, Jr. / T.C. Ada / V.A. Ada- "An act to designate Route 6 (Halsey Drive and Spruance Drive) as "Korean War Veterans Drive" by adding a new §849.6 to Chapter 8, Title 1, Guam Code Annotated, to pay special tribute to all veterans who served in the Korean War for the protection and freedom of liberty. "

Bill No. 374-31 (COR) - M. S. Taijeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- "An act to add a new § 77135 to Chapter 77, Title 10 of the Guam Code Annotated relative to the creation of the position of Department Psychologist at the Guam Police Department. "

2:00 P.M.

Bill No. 375-31 (COR) - M. S. Taijeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.-"An act to add a new § 72109 to Chapter 72, Title 10 of the Guam Code Annotated relative to the Creation of the Position of Department Psychologist at the Guam Fire Department. "

Bill No. 376-31 (COR) - B.J.F. Cruz-"An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles."



Bill No. 380-31 (COR) - A.B. Palacios, Sr.- "An act relative to the release of working animals from government service, by adding a new §22705 to 5GCA. "

Bill No. 381-31 (COR) - D.G. Rodriguez, Jr.- "An act to promote vehicles purchased by the Government of Guam meet certain fuel efficient standards, by adding a new §5013 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated - *Guam Procurement Law*. "

Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- "An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations."

Bill No. 391-31 (COR) - B.J.F. Cruz- "An act to *add* a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to *amend* § 44107 of Title 22, Guam Code Annotated; and to *add* a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program."

Bill No. 395-31 (COR) - Sam Mabini, Ph.D. / B.J.F. Cruz- "An act to amend §4111, Title 4 Guam Code Annotated, Chapter 4, relative to lump sum payments for annual leave."

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hester Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to 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.



Chris Carillo <chris.carillo@senatorbjcruz.com>

First Notice of Public Hearing January 5, 2012

4 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>

Wed, Dec 28, 2011 at 10:15 AM

To: speaker@judiwonpat.com, Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, judiguthertz@gmail.com, Sam Mabini <senatorsam@senatormabini.com>, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, phnotice@guamlegislature.org, Senator Adolpho Palacios <ABPalacios@gmail.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, Mike Lidia <mike.lidia@senatorbjcruz.com>, Sarah Thomas-Nededog <sarah.nededog@senatorbjcruz.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, carlo.branch@gmail.com, Chris Carillo <chris.carillo@senatorbjcruz.com>

Cc: mindy@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, dcrisostomo@guampdn.com, Ray Gibson <rgibson@k57.com>, therese.hart.writer@gmail.com, thebigshow@k57.com, Travis Coffman <travis.coffman@gmail.com>, hottips@kuam.com, Pacific News Center <news@spbg Guam.com>, news@guampdn.com, news@k57.com, parroyo@k57.com, Kevin Kerrigan <kevin@spbg Guam.com>, clynt@spbg Guam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please see the attached from Vice Speaker Cruz.
I initially placed the wrong date on the Subject Line of the Email.
The Additional Hearing will take place on January 5, 2012.
Thank you for your understanding.

December 28, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Chairman, Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting

RE: 5-day Notice of Public Hearing – January 5, 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct an additional Public Hearing on Thursday, January 5, 2012, beginning at 9:00 A.M. in I Liheslaturan's Public Hearing Room on the following items:

Bill No. 321-31 (COR) - V.A. Ada / A.A. Yamashita, Ph.D. / F.F. Blas, Jr. - "An act to add a new §43120 to Chapter 43 of 5GCA relative to prohibiting secret voting by government of Guam Boards and Commissions."

Bill No. 326-31 (COR) - M.S. Taijeron - "An act to add a new Section 10313 to Article 3, Chapter 10, Title 5 of the Guam Code Annotated relative to requiring all Government of Guam Departments and Agencies to accept applications, filings and forms for services via the internet."

Bill No. 338-31 (COR) - J.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.”

Bill No. 360-31 (COR) - M. Silva-Tajjeron- “An act to amend § 5425, Part A, Article 9, Chapter 5, Title 5 of the Guam Code Annotated relative to a deadline for the issuance of decisions on protested solicitations and rewards, in accordance with Guam Procurement Law.”

Bill No. 367-31 (LS) - D.G. Rodriguez, Jr. / T.C. Ada / V.A. Ada- “An act to designate Route 6 (Halsey Drive and Spruance Drive) as “Korean War Veterans Drive” by adding a new §849.6 to Chapter 8, Title 1, Guam Code Annotated, to pay special tribute to all veterans who served in the Korean War for the protection and freedom of liberty. ”

Bill No. 374-31 (COR) - M. S. Tajjeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- “An act to add a new § 77135 to Chapter 77, Title 10 of the Guam Code Annotated relative to the creation of the position of Department Psychologist at the Guam Police Department. ”

Bill No. 375-31 (COR) - M. S. Tajjeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.-“An act to add a new § 72109 to Chapter 72, Title 10 of the Guam Code Annotated relative to the Creation of the Position of Department Psychologist at the Guam Fire Department.”

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Bill No. 380-31 (COR) - A.B. Palacios, Sr.- “An act relative to the release of working animals from government service, by adding a new §22705 to 5GCA. ”

Bill No. 381-31 (COR) - D.G. Rodriguez, Jr.- “An act to promote vehicles purchased by the Government of Guam meet certain fuel efficient standards, by adding a new §5013 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated - Guam Procurement Law. ”

Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”

Bill No. 391-31 (COR) - B.J.F. Cruz- “An act to add a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to amend § 44107 of Title 22, Guam Code Annotated; and to add a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program.”

Bill No. 395-31 (COR) - Sam Mabini, Ph.D. / B.J.F. Cruz-“An act to amend §4111, Title 4 Guam Code Annotated, Chapter 4, relative to lump sum payments for annual leave.”

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.

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 **5 DAY NOTICE.pdf**
76K

Hey Chris,

Just want to double check — these bills have already had a hearing right? I didn't go yesterday but I thought some of these bills were on the agenda?

Am I just confused?

Erin

[Quoted text hidden]

[Quoted text hidden]

Chris Carillo <chris.carillo@senatorbjcruz.com>

Wed, Dec 28, 2011 at 11:49 AM

To: Erin Thompson <egthompson@guampdn.com>

There was an error in sending the 48hr notice so this is an additional hearing to meet the open government requirements. Testimony from yesterday and from the added hearing will be included in report..

Sent from my Windows Phone

From: Erin Thompson

Sent: Wednesday, December 28, 2011 11:43 AM

To: Chris Carillo

Subject: Re: First Notice of Public Hearing January 5, 2012

[Quoted text hidden]

Erin Thompson <egthompson@guampdn.com>

Wed, Dec 28, 2011 at 11:51 AM

To: Chris Carillo <chris.carillo@senatorbjcruz.com>

Great!

Thanks,

Erin

[Quoted text hidden]

[Quoted text hidden]



December 28, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Chairman, Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting

RE: **5-day Notice of Public Hearing – January 5, 2011**

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct an additional Public Hearing on Thursday, January 5, 2012, beginning at 9:00 A.M. in *I Liheslaturan's* Public Hearing Room on the following items:

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Chris Carillo <chris.carillo@senatorbjcruz.com>

Second Notice of Public Hearing- January 5, 2012

3 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>

Tue, Jan 3, 2012 at 7:16 AM

To: speaker@judiwonpat.com, Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, judiguthertz@gmail.com, Sam Mabini <senatorsam@senatormabini.com>, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, phnotice@guamlegislature.org, Senator Adolpho Palacios <ABPalacios@gmail.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, Mike Lidia <mike.lidia@senatorbjcruz.com>, Sarah Thomas-Nededog <sarah.nededog@senatorbjcruz.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Carlos Pangelinan <carlos.pangelinan@senatorbjcruz.com>, carlo.branch@gmail.com, Chris Carillo <chris.carillo@senatorbjcruz.com>

Cc: mindy@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, dcrisostomo@guampdn.com, Ray Gibson <rgibson@k57.com>, therese.hart.writer@gmail.com, thebigshow@k57.com, Travis Coffman <travis.coffman@gmail.com>, hottips@kuam.com, Pacific News Center <news@spbguam.com>, news@guampdn.com, news@k57.com, parroyo@k57.com, Kevin Kerrigan <kevin@spbguam.com>, clynt@spbguam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please see the attached notice from Vice Speaker Cruz.

January 3, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Chairman, Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting

RE: 48 Hour Notice of Public Hearing – January 5, 2012

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second notice of public hearing 1.5.2012.doccorrected.doc
164K

Adam Bearce <adam@guamlegislature.org>

Tue, Jan 3, 2012 at 8:08 AM

To: Chris Carillo <chris.carillo@senatorbjcruz.com>, Yong Pak <yong@guamlegislature.org>

Hi. confirmed posted.

[Quoted text hidden]

Chris Carillo <chris.carillo@senatorbjcruz.com>

Tue, Jan 3, 2012 at 8:10 AM

To: Adam Bearce <adam@guamlegislature.org>

Thanks Adam!!

[Quoted text hidden]



January 3, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Chairman, Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting

RE: 48 Hour Notice of Public Hearing – January 5, 2012

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Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.”

- Bill No. 380-31 (COR) - A.B. Palacios, Sr.- “An act relative to the release of working animals from government service, by adding a new §22705 to 5GCA. “ Bill No. 381-31 (COR) - D.G. Rodriguez, Jr.- “An act to promote vehicles purchased by the Government of Guam meet certain fuel efficient standards, by adding a new §5013 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated - Guam Procurement Law. “
- Bill No. 387-31 (COR) - A.A. Yamashita, Ph.D.- “An act to add a new Item (J) to Section 4403 of Article 4, Chapter 4 of Title 4, Guam Code Annotated; and to amend Items (A), (D) and (E) of Section 9301 and to amend Item (B) of Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”
- Bill No. 391-31 (COR) - B.J.F. Cruz- “An act to add a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to amend § 44107 of Title 22, Guam Code Annotated; and to add a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program.”
- Bill No. 395-31 (COR) - Sam Mabini, Ph.D. / B.J.F. Cruz-“An act to amend §4111, Title 4 Guam Code Annotated, Chapter 4, relative to lump sum payments for annual leave.”

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.

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PUBLIC HEARING AGENDA

NOTICES WERE DISSEMINATED VIA EMAIL ON

12/19/2011 AND 12/25/2011

9:00 A.M.

Bill No. 321-31 (COR) - V.A. Ada / A.A. Yamashita, Ph.D. / F.F. Blas, Jr.-“An act to add a new §43120 to Chapter 43 of 5GCA relative to prohibiting secret voting by government of Guam Boards and Commissions.”

Bill No. 326-31 (COR) - M.S. Taijeron- “An act to add a new Section 10313 to Article 3, Chapter 10, Title 5 of the Guam Code Annotated relative to requiring all Government of Guam Departments and Agencies to accept applications, filings and forms for services via the internet.”

Bill No. 338-31 (COR) - J.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.”

Bill No. 360-31 (COR) - M. Silva-Taijeron- “An act to amend § 5425, Part A, Article 9, Chapter 5, Title 5 of the Guam Code Annotated relative to a deadline for the issuance of decisions on protested solicitations and rewards, in accordance with Guam Procurement Law.”

Bill No. 367-31 (LS) - D.G. Rodriguez, Jr. / T.C. Ada / V.A. Ada- “An act to designate Route 6 (Halsey Drive and Spruance Drive) as "Korean War Veterans Drive" by adding a new §849.6 to Chapter 8, Title 1, Guam Code Annotated, to pay special tribute to all veterans who served in the Korean War for the protection and freedom of liberty.”

Bill No. 374-31 (COR) - M. S. Taijeron / A. B. Palacios, Sr. / A. A. Yamashita, Ph. D.- “An act to add a new § 77135 to Chapter 77, Title 10 of the Guam Code Annotated relative to the creation of the position of Department Psychologist at the Guam Police Department.”
2:00 P.M.

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SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting.
Web Address: www.senatorbjcruz.com



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

Section 9303 all of Article 3, Chapter 9 of Title 5, Guam Code Annotated relative to the Administrative Adjudication Law to include a review by the Civil Service Commission for proposed personnel rules and regulations, and to further enhance transparency by requiring the electronic publishing of proposed rules and regulations.”

Bill No. 391-31 (COR) - B.J.F. Cruz- “An act to *add* a new § 5011 to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated; to *amend* § 44107 of Title 22, Guam Code Annotated; and to *add* a new § 44115 to Title 22, Guam Code Annotated; relative to establishing a procurement policy in favor of businesses participating in the Guam Registered Apprenticeship Program or currently employing persons who completed that program.”

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Public Hearing Agenda
January 5, 2012
Public Hearing Notices were sent on
December 28th 2011 and January 3, 2012

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

2011 JUN 30
11:10:54

BILL NO. 387-31 (cor)

Introduced by:

Aline A. Yamashita, PhD



AN ACT TO ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE CIVIL SERVICE COMMISSION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS.

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

2 **Section 1. Findings and intent.** *I Liheslaturan Guahan* finds that
3 the Civil Service Commission has expressed concern that there is a lack of
4 uniformity in government of Guam personnel rules and regulations and has
5 requested to be part of the review process for proposed rules and regulations.
6 Therefore, it is the intent of *I Liheslatura* to amend the law to allow the
7 Civil Service Commission to review proposals in order to provide for greater
8 uniformity to the rule-making process throughout agencies and departments.

9 **Section 2. A new item (j) is hereby added to § 4403 of Chapter 4,**
10 **Article 4 of Title 4, Guam Code Annotated, to read:**

1 “§ 4403. Duties of the Commission.

2 The Commission has the following duties, powers and
3 responsibilities:

4 (a) It *shall* investigate conditions of government employment as it
5 deems necessary and report its findings and recommendations to *I*
6 *Maga’lahi* (the Governor) and *I Liheslatura* (Legislature) annually,
7 and also post such reports on the Commission's website;

8 (b) It *shall* hear appeals from the adverse actions taken to suspend,
9 demote or dismiss an employee from the classified service *if* such
10 right of appeal to the Commission is established in the personnel rules
11 governing the employee; however, it may *not* hear any appeal of an
12 action taken to suspend, demote or dismiss an employee of the
13 government of Guam who has *not* been hired through the competitive
14 hiring procedures of the personnel rules of the government of Guam,
15 as such personnel rules required at the time of the hiring of the
16 employee, *nor* any unclassified employee;

17 (c) To hear appeals of furloughs, lay-offs, grievance complaints,
18 and Equal Employment Opportunity complaints of an employee from
19 the classified service *if* such right of appeal to the Commission is
20 established in the personnel rules governing the employee. The
21 Commission *shall* adopt rules and procedures for furlough appeals,
22 lay-off appeals, grievance complaint appeals, and Equal Employment
23 Opportunity complaint appeals;

24 (d) The Commission may investigate and set aside and declare null
25 and void any personnel action of an employee in the classified service
26 *if* the Commission finds after conducting the necessary investigation
27 that the personnel action was taken in violation of personnel laws or

1 rules; provided, however, that this Section shall *not* be deemed to
2 permit appeals by employees from adverse actions *not* covered in
3 Subsection (b) above. The agency head *shall* cooperate and assist with
4 the Commission's investigation. Prior to declaring any personnel
5 action null and void, the Commission *shall* provide written notice of
6 the alleged violation to the agency head. The agency head *shall*
7 respond within ten (10) calendar days after receipt of the notice to the
8 Commission's proposed action. All actions taken by the
9 Commission pursuant to this Section *shall* be taken within one
10 hundred eighty (180) calendar days after the personnel action or
11 complaint is filed with the Commission. The Civil Service
12 Commission *shall* submit a copy of its final decision to *I Liheslatura*
13 by the next working day. The Commission *shall* adopt rules and
14 regulations to effectuate this Section, including the requirement of a
15 written complaint to initiate any investigation. The Commission's
16 decision *shall* be final but subject to judicial review;

17 (e) It *shall* conduct reviews of notices of personnel actions of
18 employees from the classified service. All notices of personnel actions
19 regarding the classified service *shall* be filed with the Commission
20 within twenty (20) calendar days after their effective date. Failure to
21 submit the required notices of personnel actions within ten (10)
22 calendar days after written request by the Commission will
23 immediately result in a ten percent (10%) salary reduction of the
24 agency head and his deputy until compliance is made. The Civil
25 Service Commission *shall* submit a copy of its written request to the
26 agency head and his deputy for compliance with this Section to *I*
27 *Liheslatura* by the next working day;

1 (f) The jurisdiction of the Commission *shall* also apply to the
2 adverse action appeals of certified, technical, and professional
3 personnel of the Guam Power Authority and the Guam Waterworks
4 Authority; the jurisdiction of the Commission *shall* apply to all
5 classified personnel of the Guam Memorial Hospital Authority;

6 (g) The provisions of this Section shall *not* apply to the Judiciary of
7 Guam *or I Liheslaturan Guåhan* (the Guam Legislature) in
8 compliance with the doctrine of Separation of Powers, unless such
9 separate Branch opts to make them applicable by submitting to the
10 jurisdiction of the Commission; and all reference to classified
11 employees will be deemed to mean classified employees of the
12 Executive Branch, including agencies and authorities;

13 (h) The jurisdiction of the Commission shall *not* extend to
14 academic personnel of the Guam Community College and the
15 University of Guam, *except* upon mutual consent by the governing
16 board of the respective institution and the Commission; *nor* to any
17 position or person, appeal or proceeding of whatever kind or
18 description *if* the position is denominated “unclassified” in this Title,
19 *except* to the extent explicitly permitted in this Section; and

20 (i) The jurisdiction of the Commission *shall* extend to
21 investigating Public Employee Protection Act complaints
22 (a.k.a. “whistle-blower” complaints) pursuant to Title 4, GCA, § 4501
23 et seq.

24 (j) The Commission shall review proposed personnel rules and
25 regulations proffered by government of Guam agencies and
26 departments in the executive branch, including autonomous agencies,
27 before said proposed rules are provided to the Guam Legislature for

1 consideration pursuant to the Administrative Adjudication Law. The
2 purpose of the Commission review is to provide for greater uniformity
3 to the rule-making process throughout agencies and departments.

4 **Section 3. Items (a), (d) and (e) of § 9301 Article 3, Chapter 9 of**
5 **Title 5, Guam Code Annotated are hereby amended to read:**

6 “§ 9301. Adoption, Repeal, Recession or Amendment of Rules:
7 Procedure.

8 (a) Before any rule is adopted, amended, rescinded or repealed by
9 any agency it shall cause a notice to be published in a newspaper of
10 general circulation in the territory of Guam, at least ten (10) days prior
11 to the date set for a hearing, said notice shall include a statement of
12 the time and place of said hearing, a reference to the subject matter of
13 the proposed rule or rules and refer to the fact that a copy of said
14 proposed rule or rules is on file at the office of said agency where it
15 may be examined, provided, however, that no rule shall be invalid
16 because the reference to the subject matter thereof in said notice may
17 be inadequate or insufficient. At least five (5) copies of said proposed
18 rule or rules shall be on file at the office of said agency from the date
19 of publication of said notice continuously until the said hearing and
20 any interested person shall be given an adequate opportunity to
21 examine a copy of said proposed rule or rules. Copies of the proposed
22 rule or rules will also be made available on the website of said agency,
23 if available, for public review.

24 (b) On the date set for hearing any interested party in person or his
25 authorized representative or both shall be afforded an adequate
26 opportunity to participate in the formulation of the proposed rule or
27 rules through the presentation of facts or argument or the submission

1 of written data or views. All relevant matter presented shall be given
2 full consideration by the agency, and a change in the proposed rule or
3 rules because of facts, arguments, written data or views stated at the
4 hearing will not require the setting of a new hearing unless it is so
5 determined by said agency.

6 (c) Any agency may adopt procedures in addition to those required
7 by this law including the holding of conferences and inviting and
8 permitting the submission of suggestions, facts, arguments and views
9 of interested persons in advance of the drafting of the proposed rule or
10 rules.

11 (d) Any government of Guam department, agency, autonomous
12 agency, office or instrumentality promulgating rules or regulations
13 under the Administrative Adjudication Law, shall include, as part of
14 the promulgation of such rules or regulations, an economic impact
15 statement. This statement must be completed and made available to
16 the public prior to any required hearings on the proposed rules or
17 regulations. Any proposed personnel rules or regulations shall also be
18 submitted to the Civil Service Commission for review to provide for
19 greater uniformity to the rule-making process throughout agencies and
20 departments.

21 (e) No proposed rule or regulation shall be transmitted to *I*
22 *Liheslaturan Guåhan* for consideration without an economic impact
23 statement, and a review by the Civil Service Commission for
24 personnel rules and regulations, nor shall any proposed rule or
25 regulation go into effect without a completed economic impact
26 statement: and, in the cases of proposed personnel rules and
27 regulations, a written statement of approval by the Civil Service

1 Commission.

2 (f) The economic impact statement required by Subsections (d)
3 and (e) of this Section must directly address, at a minimum, the
4 following:

- 5 1. The purpose and the need for the rule or regulation; an
6 assessment of the risk and the cost of the imposed rule or
7 regulation. In addition, government agencies proposing a new
8 rule or regulation must include with the assessment, the
9 justification for the new rule or regulation.
- 10 2. The financial impact of the proposed rule or regulation upon
11 those persons or corporate entities directly affected by the
12 proposed rule or regulation, and upon the people and the
13 economy of Guam.
- 14 3. Any potential increase or decrease in the cost of living on
15 Guam, or any specific increase or decrease in the price or
16 availability of any good or service on Guam directly or
17 indirectly attributable to the proposed rule or regulation.
- 18 4. Any direct or indirect impact upon employment on Guam or
19 any increase or decrease in the availability of a particular job or
20 jobs, or jobs in general, attributable to the proposed rule or
21 regulation.
- 22 5. Any increase or decrease in the cost of doing business as an
23 enterprise or industry on Guam, or any increase or decrease in
24 doing business in general, which is attributable to the proposed
25 rule or regulation.
- 26 6. Any adverse or beneficial economic impact which is
27 attributable to the proposed rule or regulation.

1 (g) The provisions of this Section are also applicable to any
2 department, agency, autonomous agency, office or instrumentality of
3 the government of Guam, which is proposing to increase any fee for
4 service.

5 (h) An economic impact statement shall be produced by the
6 department, agency, autonomous agency, office or instrumentality of
7 the government of Guam which has proposed the rule, regulation or
8 increase of fees for services.

9 (i) Exemptions. Any proposed rule, change of rule, regulation or
10 request to impose or raise fees or rates shall be exempted from the
11 requirements of this Act if the annual economic impact to the general
12 public is Five Hundred Thousand Dollars (\$500,000.00) or less, as
13 determined by the department, agency, autonomous agency, office or
14 instrumentality proposing the rule, change of rule, regulation or
15 request to impose or raise fees.

16 (j) A rule, change of rule, regulation or request to impose or raise
17 fees adopted under the exemption granted in Subsection (i) of this
18 Section shall, one (1) year after adoption, have a preliminary cost
19 impact assessment performed by the Bureau of Budget and
20 Management Research. If the preliminary cost impact assessment
21 shows that the cost impact of the rule, change of rule, regulation, or
22 request to impose or raise fees exceeds Five Hundred Thousand
23 Dollars (\$500,000.00) annually, then an economic impact statement,
24 as required in Subsections (d), (e), (f), (g) and (h), shall be prepared
25 and transmitted to *I Liheslaturan Guåhan* within sixty (60) days after
26 the completion of the preliminary cost impact assessment.”

27 **Section 4. Items (b) of § 9303 Article 3, Chapter 9 of Title 5,**

1 **Guam Code Annotated is hereby amended to read:**

2 “§ 9303. Adoption, Repeal, Recission, or Amendment of Rules and
3 Regulations: Circulation and Filing.

4 It shall be the duty of every agency which may have been or hereafter
5 may be clothed with or given any power or authority to make, adopt,
6 promulgate or enforce rules to:

7 (a) Prepare the rules in a form approved by the Attorney General or
8 other legal counsel of the agency, and where required by law,
9 approved by the Governor, and which will conform to a standard
10 system or code of rules adopted by the Legislative Secretary for the
11 guidance of all agencies.

12 (b) File the original approval copy and one (1) duplicate and one
13 (1) copy of the entire record of any public hearings on the rules being
14 filed with the Legislative Secretary of the Guam Legislature. The
15 Legislative Secretary shall maintain a permanent register of all rules,
16 which shall include a notation of the date of filing thereon, and
17 evidence of public hearing held by the agency. The Legislative
18 Secretary shall also cause said permanent register to be published
19 electronically on the Guam Legislature website.

20 (c) No rule shall be effective until after compliance with the
21 provisions of this Section and ninety (90) calendar days have elapsed
22 from the date of filing with the Legislative Secretary. The Guam
23 Legislature may approve, disapprove or amend any rule within ninety
24 (90) calendar days from the date of filing with the Legislative
25 Secretary.”