



2012 DEC 31 AM 11: 21

De

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

December 27, 2012

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

31-12-2012
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/28/12
Time 5:04 PM
Received by LCU

Dear Madame Speaker:

Transmitted herewith is Bill No. 237-31 (COR) "AN ACT TO ADD A NEW §70.44.3 TO ARTICLE 1 OF CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO BLACKLISTING", which I signed into law on December 26, 2012 as Public Law 31-257.

Senseramente,

EDDIE BAZA CALVO

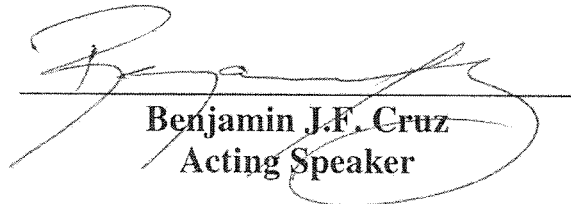
Attachment: copy of Bill

20287 *De*

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

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


This is to certify that Bill No. 237-31 (COR), "AN ACT TO ADD A NEW §70.44.3 TO ARTICLE 1 OF CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO BLACKLISTING", was on the 14th day of December, 2012, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

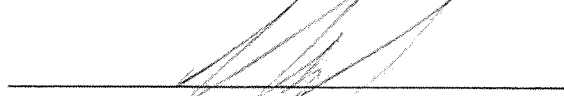
Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 17 day of Nov,
2012, at 11:40 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: DEC 26 2012

Public Law No. 31-257

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

Bill No. 237-31 (COR)

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

Introduced by:

V. Anthony Ada
T. C. Ada
F. F. Blas, Jr.

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

**AN ACT TO ADD A NEW §70.44.3 TO ARTICLE 1 OF
CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO BLACKLISTING.**

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

2 **Section 1.** A new §70.44.3 is *added* to Article 1 of Chapter 70 of Title 9
3 Guam Code Annotated, to read:

4 “§ 70.44.3. **Blacklisting Employees.** (a) If any person, agent, company,
5 corporation, public official, or governmental agency, after having discharged any
6 employee from his or its service, shall prevent or attempt to prevent by word or
7 writing of any kind of untrue statement, or, in any manner, conspires or contrives,

1 by correspondence or otherwise by means of an untrue statement, to prevent, such
2 discharged employee from obtaining employment with any other person, company,
3 corporation or governmental agency, such person, agent, corporation or public
4 official is guilty of a petty misdemeanor and *shall* be punished by a fine *not*
5 *exceeding* Five Hundred Dollars (\$500.00) for each violation; and such person,
6 agent, company, corporation, elected or appointed public official, or governmental
7 agency *shall* be liable in civil/penal damages to such discharged person, to be
8 recovered by civil action. This Section *shall not* be construed as prohibiting any
9 person or agent of any company or corporation from furnishing in writing, upon
10 request, to any other person, company or corporation to whom such discharged
11 person or employee has applied for employment, a *truthful statement* of the reason
12 for such discharge.

13 (b) An employer, employee or other person, by threats of injury,
14 intimidation or force, alone or in combination with others, *may not* prevent a
15 person from entering into, continuing in or leaving the employment of any person,
16 firm, governmental office/agency or corporation. Any person who violates this
17 paragraph is guilty of a misdemeanor and *shall* be punished by a fine *not exceeding*
18 One Thousand Dollars (\$1,000.00) for each violation; and such person, agent,
19 company, corporation, elected or appointed public official, governmental agency
20 *shall* be liable in civil/penal damages to such discharged person, to be recovered by
21 civil action.

22 (c) An employer who in good faith provides information requested by a
23 prospective employer about the reason for termination of a former employee or
24 about the job performance, professional conduct or evaluation of a current or
25 former employee is immune from civil liability for the disclosure or the
26 consequences of providing the information. There is a presumption of good faith if
27 either:

1 (1) The employer employs *less than* one hundred (100) employees and
2 provides *only* the information authorized by this Subsection.

3 (2) The employer employs *at least* one hundred (100) employees and
4 has a regular practice in Guam of providing information requested by a
5 prospective employer about the reason for termination of a former employee
6 or about the job performance, professional conduct or evaluation of a current
7 or former employee.

8 (d) The presumption of good faith under Subsection (c) of this Section is
9 rebuttable by showing that the employer disclosed the information with
10 actual malice or with intent to mislead. This Subsection and Subsection (c)
11 of this Section *do not* alter any privileges that exist under common law. For
12 the purposes of this Subsection, "actual malice" means knowledge that the
13 information was false or was provided with reckless disregard of its truth or
14 falsity.

15 (e) Communications concerning employees or prospective employees that
16 are made by an employer or prospective employer, or by a labor
17 organization, to a government body or agency and that are required by law
18 or that are furnished pursuant to written rules or policies of the government
19 body or agency are privileged.

20 (f) An employer, including the government of Guam and its agencies, a
21 labor organization or an individual is *not* civilly liable for privileged
22 communications made pursuant to Subsection (e) of this Section.

23 (g) In response to a request by another bank, savings and loan association,
24 credit union, escrow agent, commercial mortgage banker, mortgage banker
25 or mortgage broker it is *not* unlawful for a bank, a savings and loan
26 association, a credit union, an escrow agent, a commercial mortgage banker,
27 a mortgage banker or a mortgage broker to provide a written employment

1 reference that advises of the applicant's involvement in any theft,
2 embezzlement, misappropriation or other defalcation that has been reported
3 to federal authorities pursuant to federal banking guidelines or reported to
4 the department of financial institutions. In order for the immunity provided
5 in Subsection (h) of this Section to apply, a copy of the written employment
6 reference must be sent by the institution providing the reference to the last
7 known address of the applicant in question.

8 (h) No bank, savings and loan association, credit union, escrow agent,
9 commercial mortgage banker, mortgage banker or mortgage broker shall be
10 civilly liable for providing an employment reference *unless* the information
11 provided is false and the bank, savings and loan association, credit union,
12 escrow agent, commercial mortgage banker, mortgage banker or mortgage
13 broker providing the false information does so with knowledge and malice.

14 (i) A court *shall* award court costs, attorney fees and other related expenses
15 to any party that prevails in any civil proceeding in which a violation of this
16 Section is alleged.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (SECOND) Regular Session

Date: 12/14/12

VOTING SHEET

ABill No. 237-31(COR)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam					EA
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Patricia C. Sanjar

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Thirty-First
Guam Legislature

Committee Members:

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

*Other Committee
Membership:*

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

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 25, 2011

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

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

Rory J. Respicio

2011 OCT 27 PM 4:56
WW

RE : Committee Report – Bill No. 237-31 (COR) as Amended.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 237-31 (COR) - "AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING,"** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

<u>9</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

Adolpho B. Palacios
ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

**COMMITTEE REPORT ON
BILL NO. 237-31 (COR)
As Amended by the
Committee on Public Safety, Law Enforcement & Judiciary**

**AN ACT TO ADD A NEW §70.45 TO
CHAPTER 70 OF 9GCA, RELATIVE TO
BLACKLISTING.**



Thirty-First
Guam Legislature


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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 14, 2011

MEMORANDUM

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

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

SUBJECT: Committee Report on Bill No. 237-31 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 237-31 (COR) as Amended- "AN ACT TO ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA₂ RELATIVE TO BLACKLISTING,"** – sponsored by **Senator W. Anthony Ada.**

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 237-31 (COR) as Amended
- Copy of Bill No. 237-31 (COR) as Introduced
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note of Bill No. 237-31 (COR)
- Copy of COR Referral of Bill No. 237-31 (COR)
- Notices of Public Hearing
- Copy of the 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 contact this office.

Si Yu'os ma'åse!

Committee Members:

Senator Thomas C. Ada
Vice Chairman

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

Senator Tina R. Muna-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

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

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

Member, Committee on
Education and Public Libraries

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

Member, Committee on Guam
Military Buildup and Homeland
Security

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



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 237-31 (COR) as Amended – AN ACT TO ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA, RELATIVE TO BLACKLISTING. – sponsored by Senator V. Anthony Ada.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		10/17/11 ✓				
Thomas C. Ada Vice Chairman		10/24/11 ✓				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member		10/17/11 ✓				
Rory J. Respicio Member		10/19/11 ✓				
Dennis G. Rodriguez, Jr. Member		10/20/11 ✓				
Judith T. Won Pat, Ed.D. Member		10/20/11 ✓				
V. Anthony Ada Member						
Christopher M. Duenas Member		10/24/11 ✓				
Mana Silva Taijeron Member						
Aline A. Yamashita, Ph.D. Member		10/24/11 ✓				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT DIGEST

Bill No. 237-31 (COR) – “An act to add a new §70.45 to Chapter 70 of 9GCA relative to blacklisting.” – sponsored by Senator V. Anthony Ada

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on September 27, 2011 at 8:42 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 237-31 (COR) - “An act to add a new §70.45 to Chapter 70 of 9GCA relative to blacklisting” sponsored by Senator V. Anthony Ada.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on September 20, 2011 (5-day Notice) and on September 23, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman
Senator Aline A. Yamashita, Ph.D., Member
Senator V. Anthony Ada, Member

Individual(s) Registered for oral or written testimony:

Phillip Tydingco, Chief Deputy Attorney General, Administration Division, Office of the Attorney General, provided oral testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing of the Committee on Public Safety, Law Enforcement and Judiciary on Bill No. 237-31 (COR) at 8:42 a.m., read the agenda for the public hearing and called Chief Deputy Attorney General Phil Tydingco to the panel to testify.

Senator V. Anthony Ada stated that the Bill would make blacklisting a crime. He stated that the unemployment rate on Guam is higher than in the United States mainland.

Senator Ada said that the law would prohibit various forms of blacklisting which do not constitute truthful statements about a former employee's job performance.

Chief Deputy Attorney General Phil Tydingco stated that the Office of the Attorney General supports the intent of the Bill. He said that blacklisting does occur and a number of states have adopted such restrictions. Mr. Tydingco suggested models which create adequate safeguards against abuse. He suggested that the crime be made a petty misdemeanor.

Chairman Palacios stated that there may be a need to create a protection to previous employers in providing truthful information to a prospective employer. He suggested the need for a mark-up on the Bill.

Mr. Tydingco said that when he was an attorney in private practice, he would advise companies which were clients to avoid saying negative things about former employees to a prospective employer.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 237-31 (COR) has been duly heard. The hearing was adjourned at 3:05 p.m.

III. WRITTEN TESTIMONIES

Leah Beth O. Naholowaa, Director, Department of Labor. *(Summary follows.)*

Leah Beth O. Naholowaa, Director, Department of Labor. Director Leah Beth O. Naholowaa supports Bill 237-31 (COR). She made recommendations for amendments, including adding the word "factual" after the word "and" in Section (a) and allow the removal of an employee by lawful force or other legal means to prevent workplace violence, including assault. *(See attached written testimony.)*

No further written testimony was received within the ten-day period following the public hearing of Bill 237-31 (COR).

IV. FINDINGS AND RECOMMENDATION

Mark-up Meeting on Bill 237-31 (COR) on October 14, 2011 at 9:00 a.m.:

Participants:

Senator Adolpho B. Palacios, Sr., Chairman

Senator V. Anthony Ada, Member

Peter Leon Guerrero, Policy Advisor, Office of Senator V. Anthony Ada

Edward Lee, Staff Assistant, Office of Senator V. Anthony Ada

Phillip Tydingco, Chief Deputy Attorney General, Office of the Attorney General

Proceedings:

Chairman Adolpho B. Palacios convened the mark-up meeting at 9:00 a.m. in his office.

Edward Lee started the discussion, stating that Guam is the only U.S. jurisdiction without a blacklisting law. Chairman Palacios expressed the seriousness of the issue for people who are searching for a job.

Chief Deputy Attorney General Phillip Tydingco stated that the offense in subsection (a) should be a petty misdemeanor and that the offense in subsection (b) should be a misdemeanor.

Edward Lee said that section (a) is based upon a law in North Carolina, while subsection (b) is based upon Maine's blacklisting law and explained the criminal degrees in the two (2) states.

Phil Tydingco said that subsection (a) is basically where an employer or former employer tries to discourage a prospective employer from hiring an employee by writing or saying something untrue about the applicant, but that in subsection (b) the employer is threatening or intimidating an employee.

Edward Lee said that there was nothing in North Carolina's law that addressed cases where there are threats or intimidation of an employee, so that is why section (b) was based upon Maine's statute.

Mr. Tydingco suggested that (b) should be a higher degree violation and that the charge should stay the same as written, but that the fine should increase from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) to follow the standard fine for a misdemeanor.

Chairman Adolpho B. Palacios, Sr., concluded the meeting.

Recommendations

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 237-31 (COR), as amended by the Committee, with the recommendation TO PASS.**

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

2011 JUN 14 AM 9:49
MCM

Bill No. 237-31 (cor)

Introduced by:

V. Anthony Ada

**AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA
RELATIVE TO BLACKLISTING.**

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

2 **Section 1.** A new Section 70.45 is *added* to Chapter 70 of 9GCA to read:

3

4 **“§70.45. Blacklisting Employees.** (a) If any person, agent, company, corporation,
5 public official, governmental agency, after having discharged any employee from
6 his or its service, shall prevent or attempt to prevent, by word or writing of any
7 kind, or, in any manner, conspires or contrives, by correspondence or otherwise, to
8 prevent, such discharged employee from obtaining employment with any other
9 person, company corporation or governmental agency, such person, agent,
10 corporation or public official is guilty of a misdemeanor and shall be punished by a
11 fine not exceeding Five Hundred Dollars (\$500.00) for each violation; and such
12 person, agent, company, corporation, elected or appointed public official,
13 governmental agency shall be liable in civil/penal damages to such discharged
14 person, to be recovered by civil action. This section shall not be construed as
15 prohibiting any person or agent of any company or corporation from furnishing in
16 writing, upon request, to any other person, company or corporation to whom such
17 discharged person or employee has applied for employment, a *truthful statement* of
18 the reason for such discharge.

19 (b) An employer, employee or other person, by threats of injury,
20 intimidation or force, alone or in combination with others, may not prevent a

1 (b) An employer, employee or other person, by threats of injury,
2 intimidation or force, alone or in combination with others, may not prevent a
3 person from entering into, continuing in or leaving the employment of any person,
4 firm, governmental office/agency or corporation. Any person who violates this
5 paragraph is guilty of a misdemeanor and shall be punished by a fine not exceeding
6 Five Hundred Dollars (\$500.00) for each violation; and such person, agent,
7 company, corporation, elected or appointed public official, governmental agency
8 shall be liable in civil/penal damages to such discharged person, to be recovered by
9 civil action.

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

Bill No. 237-31 (COR)

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

Introduced by:

V. Anthony Ada

**AN ACT TO ADD A NEW §70.45 TO CHAPTER 70 OF
9GCA, RELATIVE TO BLACKLISTING.**

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

2 **Section 1.** A new Section 70.45 is *added* to Chapter 70 of 9GCA to read:

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4 **“§70.45. Blacklisting Employees.** (a) If any person, agent, company, corporation,
5 public official, governmental agency, after having discharged any employee from
6 his or its service, shall prevent or attempt to prevent, by word or writing of any
7 kind of untrue statement, or, in any manner, conspires or contrives, by
8 correspondence or otherwise by means of an untrue statement, to prevent, such
9 discharged employee from obtaining employment with any other person, company
10 corporation or governmental agency, such person, agent, corporation or public
11 official is guilty of a petty misdemeanor and shall be punished by a fine not
12 exceeding Five Hundred Dollars (\$500.00) for each violation; and such person,
13 agent, company, corporation, elected or appointed public official, governmental
14 agency shall be liable in civil/penal damages to such discharged person, to be
15 recovered by civil action. This section shall not be construed as prohibiting any
16 person or agent of any company or corporation from furnishing in writing, upon
17 request, to any other person, company or corporation to whom such discharged
18 person or employee has applied for employment, a *truthful statement* of the reason
19 for such discharge.

1 (b) An employer, employee or other person, by threats of injury,
2 intimidation or force, alone or in combination with others, may not prevent a
3 person from entering into, continuing in or leaving the employment of any person,
4 firm, governmental office/agency or corporation. Any person who violates this
5 paragraph is guilty of a misdemeanor and shall be punished by a fine not exceeding
6 One Thousand Five Hundred Dollars (\$1,000.00) for each violation; and such
7 person, agent, company, corporation, elected or appointed public official,
8 governmental agency shall be liable in civil/penal damages to such discharged
9 person, to be recovered by civil action.

10 (c) An employer who in good faith provides information requested by a
11 prospective employer about the reason for termination of a former employee or
12 about the job performance, professional conduct or evaluation of a current or
13 former employee is immune from civil liability for the disclosure or the
14 consequences of providing the information. There is a presumption of good faith if
15 either:

16 (1) The employer employs less than one hundred (100) employees and
17 provides only the information authorized by this subsection.

18 (2) The employer employs at least one hundred (100) employees and has a
19 regular practice in Guam of providing information requested by a
20 prospective employer about the reason for termination of a former employee
21 or about the job performance, professional conduct or evaluation of a current
22 or former employee.

23 (d) The presumption of good faith under subsection (c) of this section is
24 rebuttable by showing that the employer disclosed the information with actual
25 malice or with intent to mislead. This subsection and subsection (c) of this section
26 do not alter any privileges that exist under common law. For the purposes of this

1 subsection, "actual malice" means knowledge that the information was false or was
2 provided with reckless disregard of its truth or falsity.

3 (e) Communications concerning employees or prospective employees that
4 are made by an employer or prospective employer, or by a labor organization, to a
5 government body or agency and that are required by law or that are furnished
6 pursuant to written rules or policies of the government body or agency are
7 privileged.

8 (f) An employer, including the Government of Guam and its agencies, a
9 labor organization or an individual is not civilly liable for privileged
10 communications made pursuant to subsection (e) of this section.

11 (g) In response to a request by another bank, savings and loan association,
12 credit union, escrow agent, commercial mortgage banker, mortgage banker or
13 mortgage broker it is not unlawful for a bank, a savings and loan association, a
14 credit union, an escrow agent, a commercial mortgage banker, a mortgage banker
15 or a mortgage broker to provide a written employment reference that advises of the
16 applicant's involvement in any theft, embezzlement, misappropriation or other
17 defalcation that has been reported to federal authorities pursuant to federal banking
18 guidelines or reported to the department of financial institutions. In order for the
19 immunity provided in subsection (h) of this section to apply, a copy of the written
20 employment reference must be sent by the institution providing the reference to the
21 last known address of the applicant in question.

22 (h) No bank, savings and loan association, credit union, escrow agent,
23 commercial mortgage banker, mortgage banker or mortgage broker shall be civilly
24 liable for providing an employment reference unless the information provided is
25 false and the bank, savings and loan association, credit union, escrow agent,
26 commercial mortgage banker, mortgage banker or mortgage broker providing the
27 false information does so with knowledge and malice.

1 (i) A court shall award court costs, attorney fees and other related expenses
2 to any party that prevails in any civil proceeding in which a violation of this
3 section is alleged.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Tuesday, September 27, 2011

**Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. –
by Senator V. Anthony Ada**

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
<i>Adolpho B. Palacios Sr.</i>	<i>AGO</i>		<i>/</i>			



DEPARTMENT OF
LABOR

DIPATTMENTON HUMOTNÁT • LEAH BETH O. NAHOLOWAA, Director

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

September 13, 2011

Office of Senator Palacios
RECEIVED
9/14/2011
2:47 p.m. JJ

Senator Adolpho B. Palacios, Sr.

Chairman

Committee on Public Safety, Law Enforcement and Judiciary

31st Guam Legislature

155 Hesler Place

Hagatna, Guam 96910

RE: Public Hearing
Tuesday, September 27, 2011

Dear Senator Palacios,

I would like to express my support for the intent of the bill with regard to blacklisting employees and I would like to recommend the following:

1. Section (a) to add the word "factual" after the word "and". The facts will back up and solidify any statement made.

2. Section (b), if an employee is hostile or violent that the employee may be removed by lawful force or other legal means in order to prevent workplace violence including assault.

Please feel free to call me at 475-7043 if you have any questions.

Sincerely,

LEAH BETH O. NAHOLOWAA
Director



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan 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

SEP 13 11 00 AM '11
EAM

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 19, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY
MEMBERS:

From: Senator Rory J. Respicio

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below.
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

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

Bill Nos.:			
77-31 (COR)	237-31 (COR)	246-31 (COR)	
172-31 (COR)	239-31 (COR)	249-31 (COR)	
209-31 (COR)	240-31 (COR)	251-31 (COR)	
212-31 (COR)	242-31 (COR)	252-31 (COR)	
226-31 (LS)	243-31 (COR)	253-31 (COR)	
228-31 (COR)	244-31 (COR)	254-31 (COR)	
233-31 (COR)	245-31 (COR)	256-31 (COR)	

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR**RAY TENORIO**
LIEUTENANT GOVERNOR**BENITA A. MANGLONA**
DIRECTOR**STEPHEN J. GUERRERO**
DEPUTY DIRECTOR

JUL 18 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 77-31(COR), 172-31(COR), 209-31(COR), 212-31(COR), 226-31(LS), 228-31(COR), 233-31(COR), 237-31(COR), 239-31(COR), 240-31(COR), 243-31(COR), 244-31(COR), 245-31(COR), 246-31(COR), 249-31(COR), 251-31(COR), 252-31(COR), 254-31(COR), 256-31(COR) and Fiscal Note Waivers on Bill Nos.: 242-31(COR), 253-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Acting Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget and Management Research
Fiscal Note of Bill No. 237-31 (COR)**

AN ACT TO ADD A NEW §40.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	10,793,965
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$10,793,965

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

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

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

Analyst: M Quinata Date: _____ Director: John A. Rios, Acting BBMR Director Date: 7/18/11

Footnotes:
There is potential of collection of fines up to \$500 with each violation. However, in the bill's present form, the impact cannot be determine at this time.



COMMITTEE ON RULES

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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. Ducas

June 14, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 233-31 (COR) to 238-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 233-31(COR) to 238-31 (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 Senators 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!

(3) Attachments

2011 JUN 15 AM 11:33

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

June 14, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
237-31 (COR)	V. Anthony Ada	AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING.	6/14/11 9:49 a.m.	6/14/11		Committee on Public Safety, Law Enforcement & Judiciary			
238-31 (COR)	V. Anthony Ada, B. J.F. Cruz	AN ACT TO AMEND §4502(d) AND TO ADD A NEW §4504.1 AND 4508 TO CHAPTER 4 OF 4GCA RELATIVE TO EXPANDING WHISTLE-BLOWER PROTECTION TO ALL EMPLOYEES OF THE GOVERNMENT OF GUAM.	6/14/11 9:49 a.m.	6/14/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.			

Subject: First Notice of Public Hearing scheduled for Sept. 27th
From: Priscilla Cruz (pris@senatorpalacios.com)
To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; hottips@kuam.com; mvariety@pticom.com;
zytaitano@mvguam.com; news@guampdn.com; dmgeorge@guampdn.com; dcrisost@guampdn.com;
Cc: mpieper@guampdn.com; news@spbg Guam.com; clynt@spbg Guam.com; jtyquiengco@spbg Guam.com;
jontalk@k57.com; rgibson@k57.com; kstone@ite.net;
Date: Monday, September 19, 2011 10:26 AM

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – September 19, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 8:30 a.m., Tuesday, September 27, 2011 at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**
- **Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio**
- **Bill No. 266-31 (COR) – AN ACT TO ADD A NEW SUBSECTION § 34132.3 TO § 34132 OF TITLE 5 GUAM CODE ANNOTATED, CHAPTER 34, RELATIVE TO ESTABLISHING THAT NO STATUTE OF LIMITATIONS SHALL EXIST ON THE COLLECTION OF PAST DUE CHILD SUPPORT OBLIGATIONS. – by Senator R. J. Respicio**
- **Bill No. 269-31 (COR) – AN ACT TO REPEAL AND REENACT § 85.20 OF TITLE 8 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PRELIMINARY EXAMINATION OF JURORS. – by Vice Speaker Benjamin J. F. Cruz**

1:30 p.m.:

- **Bill No. 270-31 (COR) – AN ACT TO ADD A NEW §77114(f) TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE SUBJECT OF PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS. – by Senator Adolpho B. Palacios, Sr.**

- **Bill No. 271-31 (COR)** – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO **REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS.** – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 284-31 (COR)** – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE **DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”.** – by Senator Chris Duenas
- **Bill No. 286-31 (COR)** – AN ACT RELATIVE TO **GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED.** – by Senator Adolpho B. Palacios, Sr.

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

###

Priscilla T. Cruz

Administrative Officer

Office of Senator A. B. Palacios, Sr.

155 Hesler Pl.

Hagatna, Guam 96910

472-5047/5048

Listserv: phnotice@guamlegislature.org

As of Oct. 17, 2011

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagatna, Guam – September 19, 2011)

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8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

1:30 p.m. (cont'd):

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Destination	Start Time	Time	Prints	Result	Note
PDN	09-19 10:27	00:01:11	002/002	OK	
KUAM	09-19 10:29	00:00:56	002/002	OK	
PNC	09-19 10:30	00:00:38	002/002	OK	
K57	09-19 10:31	00:00:32	002/002	OK	
HIT RADIO 100	09-19 10:32	00:00:33	002/002	OK	
KSTO	09-19 10:33	00:01:18	002/002	OK	
GLIMPSES	09-19 10:34	00:00:33	002/002	OK	
MARIANAS VARIETY	09-19 10:35	00:00:33	002/002	OK	
KSTEREO/KISH	09-19 10:37	00:01:18	002/002	OK	
JOY 92 FM	09-19 10:38	00:00:32	002/002	OK	
KPRG	09-19 10:43	00:00:56	000/002	No Ans	

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

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



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

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 (Hagåtña, Guam – September 19, 2011)

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Subject: First Notice of Public Hearing scheduled for Sept. 27th.

From: Priscilla Cruz (pris@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; hottips@kuam.com; news@guampdn.com;
mpieper@guampdn.com; dmgeorge@guampdn.com; egthompson@guampdn.com;

Cc: mvariety@pticom.com; therese@mvguam.com; zita@mvguam.com; news@spbguam.com;
clynt@spbguam.com; jtyquiengco@spbguam.com; news@k57.com; jontalk@k57.com;
rgibson@k57.com; kstone@ite.net;

Date: Tuesday, September 20, 2011 2:45 PM

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE

(Hagatna, Guam – September 20, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **8:30 a.m., Tuesday, September 27, 2011** at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**
- **Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio**
- **Bill No. 266-31 (COR) – AN ACT TO ADD A NEW SUBSECTION § 34132.3 TO § 34132 OF TITLE 5 GUAM CODE ANNOTATED, CHAPTER 34, RELATIVE TO ESTABLISHING THAT NO STATUTE OF LIMITATIONS SHALL EXIST ON THE COLLECTION OF PAST DUE CHILD SUPPORT OBLIGATIONS. – by Senator R. J. Respicio**
- **Bill No. 269-31 (COR) – AN ACT TO REPEAL AND REENACT § 85.20 OF TITLE 8 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PRELIMINARY EXAMINATION OF JURORS. – by Vice Speaker Benjamin J. F. Cruz**

1:30 p.m.:

- **Bill No. 270-31 (COR) – AN ACT TO ADD A NEW §77114(f) TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE SUBJECT OF PERSONS WITH**

DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS. – by Senator Adolpho B. Palacios, Sr.

- **Bill No. 271-31 (COR) – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS. – by Senator Adolpho B. Palacios, Sr.**

- **Bill No. 284-31 (COR) – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas**

- **Bill No. 286-31 (COR) – AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**

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

###

Priscilla T. Cruz

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



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagatna, Guam – September 23, 2011)

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

1:30 p.m. (cont'd):

- **Bill No. 271-31 (COR)** – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO **REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS.** – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 284-31 (COR)** – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE **DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”.** – by Senator Chris Duenas
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###

Subject: Second Notice of Public Hearing scheduled for Sept. 27th.

From: Priscilla Cruz (pris@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov; troy.torres@guam.gov; communication@guam.gov;

sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; nick@kuam.com; nick.delgado@kuam.com; clynt@spbgum.com; jtyquiengco@spbgum.com; kevin@spbgum.com; news@guampdn.com; rlimtiaco@guampdn.com; slimtiaco@guampdn.com; egthompson@guampdn.com;

Cc: dcrisost@guampdn.com; dmgeorge@guampdn.com; mpieper@guampdn.com; life@guampdn.com; amier@mvguam.com; zytaitano@mvguam.com; therese.hart.writer@gmail.com; editor@mvguam.com; mabuhaynews@yahoo.com; publisher@glimpsesofofguam.com; managingeditor@glimpsesofofguam.com; kstone@ite.net; ksto@ite.net; kstokish@gmail.com; rgibson@k57.com; parroyo@k57.com; tcoffman@k57.com; thebigshow@k57.com; news@k57.com; ricknauta@hitradio100.com;

Date: Friday, September 23, 2011 10:32 AM

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE

(Hagåtña, Guam – September 23, 2011)

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###

Priscilla T. Cruz

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

Destination	Start Time	Time	Prints	Result	Note
PDN	09-23 11:10	00:01:16	002/002	OK	
KUAM	09-23 11:11	00:00:41	002/002	OK	
PNC	09-23 11:12	00:00:36	002/002	OK	
K57	09-23 11:13	00:00:31	002/002	OK	
HIT RADIO 100	09-23 11:15	00:00:33	002/002	OK	
KSTO	09-23 11:16	00:01:16	002/002	OK	
GLIMPSES	09-23 11:18	00:00:33	002/002	OK	
MARIANAS VARIETY	09-23 11:20	00:00:32	002/002	OK	
KSTEREO/KISH	09-23 11:21	00:01:35	002/002	OK	
JOY 92 FM	09-23 11:23	00:00:40	002/002	OK	
KPRG	09-23 11:27	00:00:56	000/002	No Ans	

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

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



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

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(Hagåtña, Guam – September 23, 2011)

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

Tuesday, September 27, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

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

8:30 a.m.:

- **Bill No. 237-31 (COR)** – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada
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1:30 p.m. (cont'd):

Office/Mailing Address: 155 Hesler Place, Hagåtña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

- **Bill No. 284-31 (COR) – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas**
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IV. Closing Remarks

V. Adjournment

2011 JUN 14 AM 9:49

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

Bill No. 237-31 (cor)

Introduced by:

V. Anthony Ada

**AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA
RELATIVE TO BLACKLISTING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Section 70.45 is *added* to Chapter 70 of 9GCA to read:

“§70.45. Blacklisting Employees. (a) If any person, agent, company, corporation, public official, governmental agency, after having discharged any employee from his or its service, shall prevent or attempt to prevent, by word or writing of any kind, or, in any manner, conspires or contrives, by correspondence or otherwise, to prevent, such discharged employee from obtaining employment with any other person, company corporation or governmental agency, such person, agent, corporation or public official is guilty of a misdemeanor and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) for each violation; and such person, agent, company, corporation, elected or appointed public official, governmental agency shall be liable in civil/penal damages to such discharged person, to be recovered by civil action. This section shall not be construed as prohibiting any person or agent of any company or corporation from furnishing in writing, upon request, to any other person, company or corporation to whom such discharged person or employee has applied for employment, a *truthful statement* of the reason for such discharge.

(b) An employer, employee or other person, by threats of injury, intimidation or force, alone or in combination with others, may not prevent a

1 (b) An employer, employee or other person, by threats of injury,
2 intimidation or force, alone or in combination with others, may not prevent a
3 person from entering into, continuing in or leaving the employment of any person,
4 firm, governmental office/agency or corporation. Any person who violates this
5 paragraph is guilty of a misdemeanor and shall be punished by a fine not exceeding
6 Five Hundred Dollars (\$500.00) for each violation; and such person, agent,
7 company, corporation, elected or appointed public official, governmental agency
8 shall be liable in civil/penal damages to such discharged person, to be recovered by
9 civil action.