

EDDIE BAZA CALVO
Governor



2011 APR 20
RAY TENORIO
Lieutenant Governor
AM 8:18
MMA

Office of the Governor of Guam

31-11-440

April 19, 2011

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

4/19/11
5:00pm
revised

Dear Madame Speaker:

Transmitted herewith is Bill No. 63-31 (COR) "AN ACT TO ADD A NEW §75107 TO CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXCLUDING LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM; AND TO AMEND §75100(A) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION", which I signed into law on April 18, 2011 as **Public Law 31-28**.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

440

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

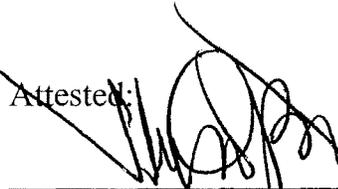
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 63-31 (COR)**, "AN ACT TO *ADD A NEW §75107 TO CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXCLUDING LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM; AND TO AMEND §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION*", was on the 4th day of April, 2011, duly and regularly passed.

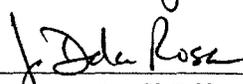


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 7th day of April, 2011, at
09:50 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: APR 18 2011

Public Law No. 31-28

I MINA'TRENTAI UNU NA LIHESLATURÁN GUÁHAN
2011 (FIRST) Regular Session

Bill No. 63-31 (COR)

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

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Sam Mabini, Ph.D.
Judith P. Guthertz, DPA
T. R. Muña Barnes
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 §75107 TO CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXCLUDING LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR” UNDER THE GOVERNMENT OF GUAM’S DRUG-FREE WORKPLACE PROGRAM; AND TO *AMEND* §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Department of Administration Drug-Free Workplace Program
4 (DOA/DFWP) was adopted through Executive Order 95-29 on December 6, 1995.
5 The Drug-Free Workplace Program provides guidelines for the implementation,
6 enforcement and administration of the Program.

7 The Drug-Free Workplace Program provides for drug testing of government
8 of Guam employees and prospective employees to ensure compliance with the
9 program. The DOA/DFWP also provides for counseling and rehabilitation for
10 employees who voluntarily admit to illegal drug use without the threat of
11 discipline. This provision is known as “Safe Harbor”. “Safe Harbor” is defined in
12 the DOA/DFWP as “A provision of the DFWP which gives an employee a one-
13 time opportunity to voluntarily identify himself/herself as a user of illegal drugs
14 willing to undertake counseling and, as necessary, rehabilitation. “Safe Harbor”
15 insulates the employee from discipline for these admitted, but otherwise unknown,
16 past acts of illegal drug use. It does not protect the employee from discipline for
17 admitting to drug trafficking or other drug-related offenses.”

18 Over the years most all government agencies, including autonomous
19 agencies, have adopted the DOA/DFWP as part of their policy, via a memorandum
20 of understanding.

21 Although “Safe Harbor” has its benefit in helping employees, *I Liheslaturan*
22 *Guåhan* believes that it should *not* be applicable to law enforcement personnel,
23 employees or positions as the term is defined in §75100(a), Chapter 75, Title 10,
24 Guam Code Annotated. Employment in these positions demands that a high
25 ethical and professional code of conduct be adhered to in order to maintain the
26 reputation and credibility crucial for the performance required by the position. The
27 credibility and reputation of the employee in these positions would be severely

1 damaged when one is known to have used illegal drugs. It is essential that “Zero-
2 Tolerance” be the policy for the positions defined in §75100(a), Chapter 75, Title
3 10, Guam Code Annotated.

4 It is, therefore, the intent of *I Liheslaturan Guåhan* to exclude law
5 enforcement personnel, employees and positions as the term is defined in
6 §75100(a) from the application of the provision of “Safe Harbor” under the
7 Department of Administration Drug-Free Workplace Program by adding a new
8 §75107, and to include other law enforcement personnel under the “definition” by
9 amending §75100(a), all of Chapter 75, Title 10, Guam Code Annotated.

10 **Section 2.** A new §75107 is hereby *added* to Chapter 75, Title 10, Guam
11 Code Annotated, to read as follows:

12 **“§75107. “Safe Harbor” Exemption.** Notwithstanding any other
13 law, rule, executive order, regulation or policy, the provision of “Safe
14 Harbor,” as the term is described in the Department of Administration Drug-
15 Free Workplace Program as promulgated by Executive Order 95-29, *shall*
16 *not* be applicable to law enforcement personnel, employees and positions, as
17 the term is defined in §75100(a), Chapter 75, Title 10, Guam Code
18 Annotated, and *shall not* be applicable to all Test Designated Positions
19 (TDP) of the government of Guam.”

20 **Section 3.** §75100(a) of Chapter 75, Title 10, Guam Code Annotated, is
21 hereby *amended* to read as follows:

22 **“§75100. Definition.**

23 As used in this Chapter:

24 (a) *Law enforcement personnel, employee or position* means
25 the following:

26 (1) All sworn members of the Guam Police
27 Department, including the Chief of Police;

1 (2) All sworn members of the Guam Fire Department,
2 including the Fire Chief;

3 (3) All officers of the Department of Corrections
4 including the Director;

5 (4) All Customs Officers of the Customs and
6 Quarantine Agency, including the Director;

7 (5) Employees of the Department of Youth Affairs
8 who are engaged in juvenile detention and rehabilitation, and
9 work rehabilitation work as designated by the Director of the
10 Department of Youth Affairs, including the Director;

11 (6) All Tax Agents Enforcement Officers of the
12 Department of Revenue and Taxation, the Attorney General,
13 Deputy and Assistant Attorney Generals, and Attorney General
14 Investigators;

15 (7) All security officers employed by the government
16 of Guam, or performing security work for the government of
17 Guam pursuant to their employer's contract, including, but *not*
18 limited to, lock-up guards, security for the A. B. Won Pat
19 International Airport Authority, and security for the J.D. Leon
20 Guerrero Commercial Port Authority of Guam.

21 (8) All Deputy Marshals of the Unified Guam
22 Judiciary, including the Chief;

23 (9) All Probation Officers and Alternative Sentencing
24 Officers of the Unified Guam Judiciary, including the Chief
25 Probation Officer;

1 (10) All Territorial Park Patrol Officers of the
2 Department of Parks and Recreation, including the
3 Superintendent;

4 (11) All Conservation Officers of the Department of
5 Agriculture, including the Chief;

6 (12) All J.D. Leon Guerrero Commercial Port Authority
7 Police Officers, including the Chief;

8 (13) All A.B. Won Pat International Airport Authority
9 Police Officers, including the Chief; and

10 (14) All Firefighters of the A.B. Won Pat International
11 Airport Authority, including the Chief.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/4/11

VOTING SHEET

Bill No. 63-31(COR)

Resolution No. _____

Question: _____

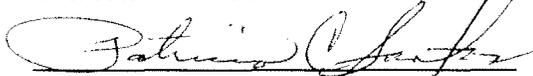
NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony		✓			
BLAS, Frank F., Jr.		✓			
CRUZ, Benjamin J. F.					EA
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam		✓			
MUNA-BARNES, Tina Rose III		#✓			
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

8
6

1

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Thirty-First
Guam Legislature

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 14, 2011

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

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

RE : Committee Report – Bill No. 63-31 (COR) as Amended.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **BILL NO. 63-31 (COR) – "AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107, TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED,"** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u>7</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

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. Gurbertz, 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-Tajerón
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

2011 MAR 17 AM 11:08
 [Handwritten initials/signature]



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT
ON
BILL NO. 63-31 (COR)
As Amended by the Committee on Public Safety,
Law Enforcement, and Judiciary

AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107, TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED.



Thirty-First
Guam Legislature

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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 11, 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. 63-31 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 63-31 (COR) as Amended – An act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under the government of Guam's drug-free workplace program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated. – sponsored by Senator Adolpho B. Palacios, Sr.**

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 63-31 (COR) as Amended
- Copy of Bill No. 63-31 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 63-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

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. 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-Tajjeron
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

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



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. 63-31 (COR) as Amended – An act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under the government of Guam's drug-free workplace program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		3/14/11 ✓				
Thomas C. Ada Vice Chairman		3/14/11 ✓				
Tina R. Muña-Barnes Member		3/14/11 ✓				
Judith P. Guthertz, DPA Member		3/14/11 ✓				
Rory J. Respicio Member		3/14/11 ✓				
Dennis G. Rodriguez, Jr. Member						
Judith T. Won Pat, Ed.D. Member		3/14/11 ✓				
V. Anthony Ada Member				3/14/11 ✓		
Christopher M. Duenas Member						
Mana Silva Taijeron Member		3/14/11 ✓				
Aline A. Yamashita, Ph.D. Member				3/14/11 ✓		



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 63-31 (COR) – “An act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under the government of Guam's drug-free workplace program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.” – sponsored Senator Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on March 10, 2010 at 9:05 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill 63-31 (COR) - “An act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under the government of Guam's drug-free workplace program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated,” sponsored by Senator Adolpho B. Palacios, Sr.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on March 1, 2011 (5-day Notice) and on March 7, 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 V. Anthony “Tony” Ada, Member
Senator Mana Silva Taijeron, Member
Senator Christopher M. Duenas, Member

Individual(s) Registered for oral or written testimony:

Mariquita F. Taitague, Director, Department of Agriculture, provided oral and written testimony in support of the Bill.

Fred E. Bordallo, Chief, Guam Police Department, provided oral and written testimony in support of the Bill.

Pete Santos, Director, Department of Parks and Recreation, provided oral testimony in support of the Bill.

Pedro Leon Guerrero, Jr., provided oral and written testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary at 9:05 a.m., read the title of the bill and summarized its contents. He stated that the Safe Harbor provisions should not apply to law enforcement positions. He said that it undermines the credibility of law enforcement officers. He opined that there is no cure for the damage that it does for an officer's credibility in enforcing the law. The Chairman summarized the contents of the bill, and he called the panel of Director of Agriculture Mariquita Taitague, Chief of Police Fred Bordallo, Director of Parks and Recreation Pete Salas, and General Manager of the Commercial Port Pedro Leon Guerrero, to testify.

Mariquita Taitague read her prepared written testimony. She supports Bill 63. She believes that such law enforcement personnel should be held to a higher standard and suggested that the Agriculture Commodity Inspectors and the Entomologist also be included. (*See attached written testimony.*)

Fred Bordallo read his prepared written testimony. He supports Bill 63. He requested that all Testing Designated Positions (TDPs) should be included. He suggested that changes be made to Bill 75. He stated that not all firefighter personnel are law enforcement personnel, including Emergency Medical Technicians (EMTs). Following his written testimony, he made additional comments. He stated that much of the police force are in the National Guard and that the National Guard covers all employees under a Safe Harbor designation. He stated that Safe Harbor requires that treatment be sought and that they end their drug use. (*See attached written testimony.*)

Pete Salas stated that the Department of Parks and Recreation fully supports Bill 63. He agreed with Chief Bordallo that the exclusion of Safe Harbor should be reviewed government-wide. He said that the Park Patrol Officers have received training as peace officers and that their inclusion in the Bill is appreciated.

General Manager Pedro Leon Guerrero, Jr., read his prepared written testimony. He stated that they support the intent of the legislations but have concerns about its

impacts on the revision and implementation of the Port Drug Free Workplace Program.
(See attached written testimony.)

Chairman Palacios stated that if applicants at any time between the submission of an application and when they would be hired by the Guam Police Department, if found to have used illegal drugs, shall be barred from being hired. He said that it is fine for all positions except law enforcement because it irreparably damages the credibility of the officer to enforce the law. He said that the language "member" is a designation of sworn or uniform personnel. He stated that the Drug-Free program was implemented in 1995 by Executive Order. Safe Harbor is provided by that executive order and it covers almost all positions in the government of Guam. He stated that Test Designated Positions (TDPs) are those positions whose operations have implications for public safety, including some workers at the Guam Waterworks Authority. If those were to be included in Safe Harbor, it would narrow the application of Safe Harbor. He reiterated that for a law enforcement officer to admit to violating the law by using drugs, it undermines their credibility beyond repair.

Senator V.A. "Tony" Ada asked whether there should be an exemption for those who have become addicted to a prescription medication, and Chief Bordallo stated that there is the possibility that a person could be prescribed medication, potentially out of the territory, which is legal and face adverse action if they test positive for that drug in Guam if they occupy a TDP. Senator Ada asked the panel whether there is a serious problem with an abuse of Safe Harbor. The Directors said no, but Chief Bordallo stated that there have been several cases where it has been utilized. Senator Ada asked whether there should be a zero-tolerance policy for drug use and Chief Bordallo stated that if it were to be considered, there should be comprehensive study on the issue.

Chairman Palacios stated that service in the National Guard is protection of the nation, not law enforcement, by and large. The Chairman stated that Safe Harbor protects from adverse effects of the use of illegal drugs, not legal prescription medications. Chairman Palacios read the standards for a person to serve as a police officer.

Senator Mana Silva Taijeron asked whether there is a policy about the use of drugs which may cause impairment. Chief Bordallo stated that they have such a policy on the use of firearms with regard to drugs, including medications. Senator Taijeron stated that she believes law enforcement should be held to a higher standard.

Senator Chris Duenas asked how often they conduct drug testing. Chief Bordallo stated that there have not been for over six (6) years, but when new applicants are subject to

drug testing. Mr. Leon Guerrero stated that it occurs every three (3) months. Both Director Taitague and Director Santos stated that besides drug testing when employees are hired, there is no random drug testing.

Chairman Palacios cited the case of when Customs and Quarantine Agency where random drug testing about eight (8) months ago caught officers who had used drugs. He stated that he supports the elimination of Safe Harbor, altogether.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 63-31(COR) is duly heard. The Chairman concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 10:05 a.m.

III. WRITTEN TESTIMONIES

Mariquita Taitague, Director, Department of Agriculture (*Summarized in Section II*)

Fred Bordallo, Chief, Guam Police Department (*Summarized in Section II*)

Pedro Leon Guerrero, Jr., General Manager, Port Authority of Guam (*Summarized in Section II*)

Ross White, resident of Dededo, testimony received March 11, 2011 via email. Mr. White expressed his support on Bill 63. He stated that law enforcement personnel take an oath to uphold the laws before they pin on a badge, and that the public expects them to be held to the highest standards to hold them in confidence and trust. This bill is a positive step to enhance the image of Guam's law enforcement personnel, and to help build public confidence and respect in them. (*See attached written testimony.*)

No additional written testimony was received following the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 63-31 (COR), as Amended**, with the recommendation **TO PASS**.

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

Bill No. 63-31 (COR)

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

Introduced by:

Adolpho B. Palacios, Sr.

**AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL,
EMPLOYEES AND POSITIONS FROM THE APPLICATION
OF THE PROVISION OF “SAFE HARBOR” UNDER THE
GOVERNMENT OF GUAM’S DRUG-FREE WORKPLACE
PROGRAM BY ADDING A NEW §75107, TO CHAPTER 75,
TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE
OTHER LAW ENFORCEMENT PERSONNEL UNDER THE
TERM “DEFINITION” AS USED IN THIS CHAPTER BY
AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Department of Administration Drug-Free Workplace Program (DOA/DFWP) was adopted through Executive Order 95-29 on December 6, 1995. The Drug-Free Workplace Program provides guidelines for the implementation, enforcement and administration of the program.

The Drug-Free Workplace Program provides for drug testing of government of Guam employees and prospective employees to ensure compliance with the program. The DOA/DFWP also provides for counseling and rehabilitation for employees who voluntarily admit to illegal drug use without the threat of discipline. This provision is

1 known as “Safe Harbor”. “Safe Harbor” is defined in the DOA/DFWP as “A
2 provision of the DFWP which gives an employee a one-time opportunity to
3 voluntarily identify himself/herself as a user of illegal drugs willing to undertake
4 counseling and, as necessary, rehabilitation. “Safe Harbor” insulates the employee
5 from discipline for these admitted, but otherwise unknown, past acts of illegal drug
6 use. It does not protect the employee from discipline for admitting to drug trafficking
7 or other drug-related offenses.”

8 Over the years most all government agencies, including autonomous agencies,
9 have adopted the DOA/DFWP as part of their policy, via a memorandum of
10 understanding.

11 Although “Safe Harbor” has its benefit in helping employees, *I Liheslaturan*
12 *Guåhan* believes that it should not be applicable to law enforcement personnel,
13 employees or positions as the term is defined in §75100(a), Chapter 75, Title 10 Guam
14 Code Annotated. Employment in these positions demands that a high ethical and
15 professional code of conduct be adhered to in order to maintain the reputation and
16 credibility crucial for the performance required by the position. The credibility and
17 reputation of the employee in these positions would be severely damaged when one is
18 known to have used illegal drugs. It is essential that “Zero-Tolerance” be the policy
19 for the positions defined in §75100(a), Chapter 75, Title 10 Guam Code Annotated.

20 It is therefore, the intent of *I Liheslaturan Guåhan* to exclude law enforcement
21 personnel, employees and positions as the term is defined in §75100(a) from the
22 application of the provision of “Safe Harbor” under the Department of Administration
23 Drug-Free Workplace Program by adding a new §75107; and to include other law
24 enforcement personnel under the “definition” by amending §75100(a), Chapter 75,
25 Title 10 Guam Code Annotated.

26 **Section 2.** A new §75107 is hereby added to Chapter 75, Title 10 Guam Code
27 Annotated, to read as follows:

1 **“§75107. “Safe Harbor” Exemption.** Notwithstanding any other
2 law, rule, executive order, regulation or policy, the provision of “Safe
3 Harbor” as the term is described in the Department of Administration
4 Drug-Free Workplace Program as promulgated by Executive Order 95-29
5 shall not be applicable to law enforcement personnel, employees and
6 positions, as the term is defined in §75100(a), Chapter 75, Title 10 Guam
7 Code Annotated and shall not be applicable to all Test Designated
8 Positions (TDP) of the government of Guam.”

9 **Section 3.** §75100(a) of Chapter 75, Title 10 Guam Code Annotated, is hereby
10 amended to read as follows:

11 **“§75100. Definition.**

12 As used in this Chapter:

13 (a) *Law enforcement personnel, employee or position* means the
14 following:

15 (1) All sworn members of the Guam Police Department
16 including the Chief of Police;

17 (2) All sworn members of the Guam Fire Department
18 including the Fire Chief;

19 (3) All officers of the Department of Corrections including
20 the director;

21 (4) All Customs Officers of the ~~Department of Commerce~~
22 Customs and Quarantine Agency, including the Director;

23 (5) Employees of the Department of Youth Affairs who are
24 engaged in juvenile detention and rehabilitation and work
25 rehabilitation work as designated by the Director of the
26 Department of Youth Affairs including the Director of Youth
27 Affairs;

1 (6) All Tax Agents Enforcement Officers from the
2 Department of Revenue and Taxation, Attorney General, Deputy
3 and Assistant Attorney Generals, and Attorney General
4 Investigators;

5 (7) All security officers employed by the Government of
6 Guam or performing security work for the Government of Guam
7 pursuant to their employer's contract, including but not limited to
8 lock-up guards, security for the A. B. Won Pat Guam International
9 Airport Air Port Authority and security for the Port Authority of
10 Guam Guam Commercial Port.

11 (8) All Deputy Marshals of the Unified Guam Judiciary,
12 including the Chief;

13 (9) All Probation Officers and Alternative Sentencing
14 Officers of the Unified Guam Judiciary, including the Chief
15 Probation Officer;

16 (10) All Territorial Park Patrol Officers of the Department of
17 Parks and Recreation, including the Superintendent;

18 (11) All Conservation Officers of the Department of
19 Agriculture, including the Chief;

20 (12) All Port Authority Police Officers, including the Chief;

21 (13) All Guam International Airport Authority Police
22 Officers, including the Chief;

23 (14) All Firefighters of the Guam International Airport
24 Authority, including the Chief.”

I MINA'TRENTAI UNO NA LIHESLATURÁN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 63-31(COP)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107, TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED.

2011 FEB - 1 AM 10:38



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Department of Administration Drug-Free Workplace Program (DOA/DFWP) was adopted through Executive Order 95-29 on December 6, 1995. The Drug-Free Workplace Program provides guidelines for the implementation, enforcement and administration of the program.

The Drug-Free Workplace Program provides for drug testing of government of Guam employees and prospective employees to ensure compliance with the program. The DOA/DFWP also provides for counseling and rehabilitation for employees who voluntarily admit to illegal drug use without the threat of discipline. This provision is known as "Safe Harbor". "Safe Harbor" is defined in the DOA/DFWP as "A

1 provision of the DFWP which gives an employee a one-time opportunity to
2 voluntarily identify himself/herself as a user of illegal drugs willing to undertake
3 counseling and, as necessary, rehabilitation. “Safe Harbor” insulates the employee
4 from discipline for these admitted, but otherwise unknown, past acts of illegal drug
5 use. It does not protect the employee from discipline for admitting to drug trafficking
6 or other drug-related offenses.”

7 Over the years most all government agencies, including autonomous agencies,
8 have adopted the DOA/DFWP as part of their policy, via a memorandum of
9 understanding.

10 Although “Safe Harbor” has its benefit in helping employees, *I Liheslaturan*
11 *Guåhan* believes that it should not be applicable to law enforcement personnel,
12 employees or positions as the term is defined in §75100(a), Chapter 75, Title 10 Guam
13 Code Annotated. Employment in these positions demands that a high ethical and
14 professional code of conduct be adhered to in order to maintain the reputation and
15 credibility crucial for the performance required by the position. The credibility and
16 reputation of the employee in these positions would be severely damaged when one is
17 known to have used illegal drugs. It is essential that “Zero-Tolerance” be the policy
18 for the positions defined in §75100(a), Chapter 75, Title 10 Guam Code Annotated.

19 It is therefore, the intent of *I Liheslaturan Guåhan* to exclude law enforcement
20 personnel, employees and positions as the term is defined in §75100(a) from the
21 application of the provision of “Safe Harbor” under the Department of Administration
22 Drug-Free Workplace Program by adding a new §75107; and to include other law
23 enforcement personnel under the “definition” by amending §75100(a), Chapter 75,
24 Title 10 Guam Code Annotated.

25 **Section 2.** A new §75107 is hereby added to Chapter 75, Title 10 Guam Code
26 Annotated, to read as follows:

1 **“§75107. “Safe Harbor” Exemption.** Notwithstanding any other
2 law, rule, executive order, regulation or policy, the provision of “Safe
3 Harbor” as the term is described in the Department of Administration
4 Drug-Free Workplace Program as promulgated by Executive Order 95-29
5 shall not be applicable to law enforcement personnel, employees and
6 positions, as the term is defined in §75100(a), Chapter 75, Title 10 Guam
7 Code Annotated.”

8 **Section 3.** §75100(a) of Chapter 75, Title 10 Guam Code Annotated, is hereby
9 amended to read as follows:

10 **“§75100. Definition.**

11 As used in this Chapter:

12 (a) *Law enforcement personnel, employee or position* means the
13 following:

14 (1) All members of the Guam Police Department including
15 the Chief of Police;

16 (2) All members of the Guam Fire Department including
17 the Fire Chief;

18 (3) All officers of the Department of Corrections including
19 the director;

20 (4) All Customs Officers of the Department of Commerce
21 including the Director;

22 (5) Employees of the Department of Youth Affairs who are
23 engaged in juvenile detention and rehabilitation and work
24 rehabilitation work as designated by the Director of the
25 Department of Youth Affairs including the Director of Youth
26 Affairs;

1 (6) All Tax Agents Enforcement Officers from the
2 Department of Revenue and Taxation, Attorney General, Deputy
3 and Assistant Attorney Generals, and Attorney General
4 Investigators;

5 (7) All security officers employed by the Government of
6 Guam or performing security work for the Government of Guam
7 pursuant to their employer's contract, including but not limited to
8 lock-up guards, security for the A. B. Won Pat Guam International
9 Airport Air Port Authority and security for the Port Authority of
10 Guam ~~Guam Commercial Port~~.

11 (8) All Deputy Marshals of the Unified Guam Judiciary,
12 including the Chief;

13 (9) All Probation Officers and Alternative Sentencing
14 Officers of the Unified Guam Judiciary, including the Chief
15 Probation Officer;

16 (10) All Territorial Park Patrol Officers of the Department of
17 Parks and Recreation, including the Superintendent;

18 (11) All Conservation Officers of the Department of
19 Agriculture, including the Chief;

20 (12) All Port Authority Police Officers, including the Chief;

21 (13) All Guam International Airport Authority Police
22 Officers, including the Chief;

23 (14) All Firefighters of the Guam International Airport
24 Authority, including the Chief."



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Thursday, March 10, 2011

Bill No. 63-31 (COR) – AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107 TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED. – by **Senator Adolpho B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Mariquita F. Taitague	Dept. of Agriculture	735-3960 3962	✓	✓	✓	
Fred E. Bondalis	Guam Police	475-8508	✓	✓		✓
PETERS CACAO	DPR	475-6282	✓		✓	
Pedro A. Leon Guellalosa	PAG	898-9933	✓	✓		



Edward J.B. Calvo
Governor

Raymond S. Tenorio
Lt. Governor

Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Director's Office	734-3942/43; Fax 734-6569
Agricultural Dev. Services	734-3946/47; Fax 734-8096
Animal Health	734-3940
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/50; Fax 734-0111
Plant Nursery	734-3949
Plant Protection & Quarantine	472-1651; 475-1426 Fax 477-9487



Mariquita F. Taitague
Director

March 09, 2011

The Honorable Adolpho B. Palacios, Sr.
Chairman
Committee on Public Safety, Law Enforcement and Senior Citizens
31st Guam Legislature
Government of Guam
155 Hessler Place
Hagatna, Guam 96910

Subject: Bill 63-31: An Act to exclude the Law Enforcement personnel and other positions from the provisions of "Safe Harbor". Department of Agriculture's Testimony

Committee Chairman Senator Palacios:

Buenas yan Hafa Adai, I would like to submit oral and written testimony in support of Bill 63-31 an act to exclude law enforcement personnel, and positions from the application of the provision of "safe harbor", as the defined in Section 75100(a) under the Department of Administration Drug Free Workplace Program by adding a new Section 75107 and to include other law enforcement personnel under the "Definition" by amending Section 75100(a), Chapter 75, Title 10 Guam Code Annotated (GCA). The bill proposes to hold law enforcement personnel and those positions that are included in the definition to a higher standard.

The Department of Agriculture recommends that Section 75100 (a) (11), which currently includes all Conservation Officers and the Chief, be amended to include all Conservation Officers, the Director of the Department of Agriculture (who is the *ex-officio* Chief Conservation Officer under Title 5 GCA, Section 63103), the Department of Agriculture Commodity Inspectors, and the Department of Agriculture Entomologist. As these additional positions fall under the "Public Safety and Law Enforcement Compensation Review" (Title 10 GCA Section 55102 (g)(7-8)), it would be appropriate to include these positions into Bill 63-31.

Thank you very much for your consideration of this amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "M. F. Taitague". The signature is written in a cursive style with a large initial "M".

MARIQUITA F. TAITAGUE

Attachment(s):



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam



FRED E. BORDALLO, JR.
Chief of Police

RICARDO M. LEON GUERRERO
Acting Police Commander

Bldg. 233 Central Avenue, Tiyan, Guam 96913

P.O. Box 23909 Barrigada, Guam 96921

Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512

Fax: (671) 472-4036

March 9, 2011

The Honorable Senator Adolpho B. Palacios, Sr.
Chairman, Committee on Public Safety, Law Enforcement
and Judiciary
31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

Subject: **Written Testimony**
Re: **Bill 63-31**

Buenas Yan Hafa Adai, Senadot.

I am submitting this written testimony relative to Bill 63-31, an act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under the government of Guam's drug-free workplace program by adding a new §75107 to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.

My command staff and I have reviewed and discussed the contents of the bill and are in support of the Bill in general. We, however, are requesting that with respect to the aforementioned bill that would exclude Law Enforcement (LE) from Safe Harbor, that the bill be made applicable to all TDP's (Testing Designated Position) government wide. To arbitrarily single out LE would be discriminatory and not hold the other TDP's to the same standard.

The Honorable Senator Adolpho B. Palacios, Sr.
31st Guam Legislature
Subject: Written Testimony Re: Bill 63-31
March 9, 2011
Page 2 of 2

Another clarification that we would like to be made is §75100(a) definitions, which indicates law enforcement personnel, employees or position. §75100(a) 1. means: all members of the Guam Police Department including the Chief of Police. Would this include our department civilian staff employees? If so, we respectfully request that they be excluded.

In conclusion, we respectfully request for the recommendation mentioned herein to be considered and included in Bill 75-31.

Sincerely,



FRED E. BORDALLO, JR.
Chief of Police



Eddie Baza Calvo
Governor of Guam

PORT AUTHORITY OF GUAM

ATURIDAT I PUETTON GUAHAN

Jose D. Leon Guerrero Commercial Port

1026 Cabras Highway, Suite 201, Piti, Guam 96925

Telephone: (671) 477-5931/35 * Facsimile: (671) 477-2689/4445

Website: www.portguam.com



Ray Tenorio
Lieutenant Governor

March 10, 2011

The Honorable Adolpho B. Palacios
Chairman, Committee on Public Safety,
Law Enforcement & Judiciary
I Mina Trentai Uno Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

RE: Testimony on Bill No. 63-31 (COR) An Act to exclude law enforcement personnel, employees, and positions from the application of the provision of "Safe Harbor" under the government of Guam's Drug-Free Workplace Program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.

Hafa Adai! Mr. Chairman and Members of the Committee,

I want to thank you for this opportunity to provide testimony on behalf of the Jose D. Leon Guerrero Commercial Port regarding Bill No. 63-31 (COR) – An Act to exclude law enforcement personnel, employees, and positions from the application of the provision of "Safe Harbor" under the government of Guam's Drug-Free Workplace Program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "Definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated. For the record my name is Pedro A. Leon Guerrero, Jr. and I am the General Manager of the Jose D. Leon Guerrero Commercial Port.

While we do support the intent of this legislation we have some concerns as it impacts our efforts already underway to revise and implement our Port Drug Free Work Place Policy. As it currently stands, we utilize the Government of Guam Department of Administration's Drug Free Workplace Program. However, our staff has been working for quite some time on a comprehensive plan to adopt that will be embedded into our Port Personnel Rules and Regulations.

Our Board of Directors recently approved the proposed Drug Free Workplace Program and now our staff members are working with our consultant to prepare the implementation plan for the program. Once finalized, our Port Drug Free Workplace Program will ensure the safety and well-being of all of our employees and will entail a fair program that does not single out any one class of employees for stricter or more lenient response. At the Port, we are working hard to ensure that we have a strict program in place that protects the interests of the Port, the people of Guam and the employees themselves.

We sincerely hope to be able to move forward with the outstanding efforts underway already at the Port and we look forward to working with you on this legislation.

Sincerely,

PEDRO A. LEON GUERRERO, JR.

General Manager



Adolpho Palacios <senabpalacios@gmail.com>

support for Bill 63

1 message

Ross and Rose White <whitekiddyland@yahoo.com>

Fri, Mar 11, 2011 at 1:07 PM

To: SenABPalacios@gmail.com

Senator Palacios;

I just wanted to express my support for Bill 63 which you just introduced. Law enforcement personnel take an oath to uphold the laws before they even pin on a badge. The public expects them to be held to the highest standards, in order that we may hold them in confidence and trust. This bill is a positive step in enhancing the image of Guam Law enforcement personnel, and will help build public confidence and respect in them. Thank you for introducing this bill.

Sincerely,

Ross white
Dededo

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 63-31 (COR)**

AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107 TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED

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:	8,781,513
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	8,781,513

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

1. Does the bill contain "revenue generating" provisions? // Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /x/ N/A
3. 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
4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
5. 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: Benita Mangiona Date: 2/22/11
Benita A. Mangiona, Acting Director

Footnotes:
The Bill has a potential for additional costs to the Government of Guam. There may be potential litigations filed due to the appearance of employee discrimination. However, in its present form, that impact cannot be determined at this time.

Handwritten note: 2/22/11



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

February 8, 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: Revised Referral of Bill No. 63-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my revised referral of Bill No. 63-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, 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!

(1) Attachments

2011 FEB -8 AM 10:37

I Mina'trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Re- Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden ? Public Law?
B63-31 (COR)	A. B. Palacios, Sr.	An act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under the government of Guam's Drug-Free Workplace Program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "definition" as used in this chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.	2/1/11 10:38 a.m.	2/8/11		Committee on Public Safety, Law Enforcement and Judiciary			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PRESS RELEASE

For Immediate Release

March 1, 2011

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Thursday, March 10, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 63-31 (COR)** – AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107 TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED. – by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 76-31 (COR)** – AN ACT TO AMEND §33111 TO CHAPTER 33 OF 7GCA RELATIVE TO MECHANICS' LIENS. – by **Senator V. Anthony Ada**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

FIRST NOTICE OF PUBLIC HEARING

1 message

Adolpho Palacios <senabpalacios@gmail.com>**Tue, Mar 1, 2011 at 12:05 PM**

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>

Cc: clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, rtaitague@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, sgtarms@guamlegislature.org, yong@guamlegislature.org, mark@judiwonpat.com, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, chelsea@tinamunabarnes.com, Stephanie Mendiola <sem@guamlegislature.org>, cyrus@senatorada.org, louise_atalig@yahoo.com, Mary Fejeran <maryfejeran@gmail.com>, leslie.g@senatormabini.com, cipo@guamlegislature.org, alerta.jermaine@gmail.com, evelyn4families@gmail.com

March 1, 2011

Please see attached First Notice of Public Hearing scheduled for Thursday, March 10, 2011 starting at 9:00 am from the Committee on Public Safety, Law Enforcement and Judiciary. Thank you for your kind attention.

 **03102011PH1st.pdf**
393K



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PRESS RELEASE

For Immediate Release

March 1, 2011

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Thursday, March 10, 2011**, at *1 Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 63-31 (COR)** – AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR” UNDER THE GOVERNMENT OF GUAM’S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107 TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM “DEFINITION” AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED. – by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 76-31 (COR)** – AN ACT TO AMEND §33111 TO CHAPTER 33 OF 7GCA RELATIVE TO MECHANICS’ LIENS. – by **Senator V. Anthony Ada**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *1 Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Hester Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Destination	Start Time	Time	Prints	Result	Note
PDN	03-01 11:14	00:00:33	001/001	OK	
PNC	03-01 11:16	00:00:19	001/001	OK	
K57	03-01 11:17	00:00:17	001/001	OK	
HIT RADIO 100	03-01 11:17	00:00:18	001/001	OK	
KSTO	03-01 11:18	00:00:36	001/001	OK	
GLIMPSES	03-01 11:19	00:00:18	001/001	OK	
MARIANAS VARIETY	03-01 11:19	00:00:23	001/001	OK	
KSTEREO/KISH	03-01 11:20	00:00:36	001/001	OK	
JOY 92 FM	03-01 11:21	00:00:17	001/001	OK	
KPRG	03-01 11:21	00:00:18	001/001	OK	
KUAM	03-01 11:25	00:00:22	001/001	OK	

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,
 SMD: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RIX: 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 I Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PRESS RELEASE

*For Immediate Release
 March 1, 2011*

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:00 am, Thursday, March 10, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 63-31 (COR) – AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107 TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**
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Adolpho Palacios <senabpalacios@gmail.com>

FIRST NOTICE OF PUBLIC HEARING

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Mar 1, 2011 at 12:19 PM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@spbguam.com, news@guampdn.com, parroyo@spbguam.com, rgibson@k57.com, Catriona Melyan <cmelyan@guampdn.com>, dmgeorge@guampdn.com, mpieper@guampdn.com, amier@mvguam.com, marvic@mvguam.com, advertise@mvguam.com, zytaitano@gmail.com, jtyquiengco@spbguam.com, clynt@spbguam.com, kstone@ite.net, jontalk@k57.com

March 1, 2011

Please see attached Press Release from Senator Adolpho B. Palacios, Sr. regarding a public hearing scheduled for Thursday, March 10, 2011. Thank you for your kind attention.

 **03102011PH1st.pdf**
393K



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

March 7, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

SECOND NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Thursday, March 10, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Mar 7, 2011 at 10:13 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, senator@tinamunabarnes.com, "Majority Leader Rory J. Respicio" <rorryforguam@gmail.com>, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>
 Cc: "Atty. Therese Terlaje" <tterlaje@guam.net>, clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, sgtarms@guamlegislature.org, yong@guamlegislature.org, mark@judiwonpat.com, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, chelsea@tinamunabarnes.com, Stephanie Mendiola <sem@guamlegislature.org>, cyrus@senatorada.org, louise_atalig@yahoo.com, Mary Fejeran <maryfejeran@gmail.com>, leslie.g@senatormabini.com, cipo@guamlegislature.org, alerta.jermaine@gmail.com, evelyn4families@gmail.com

March 7, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

SECOND NOTICE OF PUBLIC HEARING

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for March 10, 2011

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Mar 7, 2011 at 10:10 AM

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, news@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, dmgeorge@guampdn.com, dmgeorge@guam.gannett.com, mpieper@guampdn.com, amier@mvguam.com, advertise@mvguam.com, zytaitano@gmail.com, news@spbgum.com, clynt@spbgum.com, jtyquiengco@spbgum.com, jontalk@k57.com, breakfastshowk57@gmail.com, rgibson@k57.com, kstone@ite.net

March 7, 2011

(§8107 Title 5 GCA – 48-hour notice prior to hearing)

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special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Mon, Mar 7, 2011 at 10:10 AM

To: senabpalacios@gmail.com

Delivery to the following recipient failed permanently:

news@kuam.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 <http://mail.google.com/support/bin/answer.py?answer=6596> s3si1915347faw.146 (state 17).

----- Original message -----

MIME-Version: 1.0

Received: by 10.223.151.8 with SMTP id a8mr4028057faw.69.1299456625794; Sun, 06 Mar 2011 16:10:25 -0800 (PST)

Received: by 10.223.164.11 with HTTP; Sun, 6 Mar 2011 16:10:25 -0800 (PST)

Date: Mon, 7 Mar 2011 10:10:25 +1000

Message-ID: <AANLkTik3oY0CaUPS-Fph=TR6W40dpowo4mipz6U21B7c@mail.gmail.com>

Subject: Second Notice of Public Hearing scheduled for March 10, 2011

From: Adolpho Palacios <senabpalacios@gmail.com>

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, news@kuam.com, news@quampdn.com, Catriona Melyan <cmelyan@quampdn.com>, dmgeorge@quampdn.com, dmgeorge@quam.gannett.com, mpieper@quampdn.com, amier@mvquam.com, advertise@mvquam.com, zytaitano@gmail.com, news@spbquam.com, clynt@spbquam.com, jtyquiengco@spbquam.com, iontalk@k57.com, breakfastshowk57@gmail.com, rgibson@k57.com, kstonews@ite.net

Content-Type: multipart/alternative; boundary=00235429bda494e243049dd9529a

March 7, 2011

[Quoted text hidden]



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: March 7, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)
Marianas Variety 648-2007 (Attention: Community Page)
KUAM/Isla 630 637-9865/9870
Pacific News Center 477-0793
Marianas Media 477-2240
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for March 10, 2011*

PAGES: 1 (including this sheet)

March 7, 2011

(§8107 Title 5 GCA - 48-hour notice prior to hearing)

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Destination	Start Time	Time	Prints	Result	Note
PDN	03-07 10:14	00:00:35	001/001	OK	
KJAM	03-07 10:15	00:00:23	001/001	OK	
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Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
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 SNO: 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

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

SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: March 7, 2011

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 Marianas Variety 648-2007 (Attention: Community Page)
 KUAM/Isla 630 637-9865/9870
 Pacific News Center 477-0793
 Marianas Media 477-2240
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 Hit Radio 100 472-7663
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FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: **SECOND** Notice of Public Hearing scheduled for March 10, 2011

PAGES: 1 (including this sheet)

March 7, 2011
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GOVERNMENT MEETINGS

March 8

Civil Service Commission: Board meeting 5:45 p.m., seventh-floor conference room, ITC Building. Tamuning. Motion hearings: Sharon L. Castro vs. Department of Education, Teresita S. Rivera vs. Guam Memorial Hospital; signing, judgments of dismissal: Antonia Taitano vs. DOE, Dorina Mendiola vs. DOE, Jeanette M. Burch vs. Guam Public School System, Lester J.D. Aguon vs. Guam Waterworks Authority, Magie Cepeda vs. DOE, Marianito C. Bautista Jr. vs. Department of Administration, Rudy P. Tarusan vs. DOE, Steven E. Taylor vs. DOE, Sylvia O. Taylor vs. DOE, Sylvia O. Taylor vs. GPSS, Vicente (Ben) Quidachay vs. DOE, Andrew Indalecio vs. DOE, Anne K. Sengebali vs. GPSS; bills and laws relating to CSC. For special accommodations, call Tillie at 647-1855/7 or TDD 647-1872.

Consolidated Commission on Utilities: Regular meeting on Guam Power Authority matters 5:30 P.M., GPA board conference room, Harmon. Agenda copies available. For special accommodations, call Lou Sablan, 648-3002.

Guam Housing Corp.: Board of directors' regular meeting 3 p.m., fifth-floor, GEDA conference room. General GHC matters and pending matters to be discussed in executive session (closed to public). For special accommodations, call 647-4143, ext. 140.

Legislative public hearing: 9 a.m., Legislature's public hearing room, Hagåtña. Resolution 24-31 (cor) relative to ensuring that health, safety and quality of life of Guam's community is preserved by requesting Joint Region Marianas to implement noise mitigation measures to reduce

impact of military aircraft activities. E-mail written testimony: aline4families@teleguam.net. For special accommodations, call 648-3474.

March 9

Alcoholic Beverage Control Board: Meeting 5 p.m., Department of Rev & Tax director's conference room, old PriceSmart building, Route 16, Barrigada. Call 635-1802/5.

Guahan Ancestral Lands Commission: Regular meeting 4 p.m., GALC office, Suite 103, Anigua commercial building. For special accommodations, call 473-5263.

Guam Development Disabilities Council: Bimonthly meeting 11 a.m. to 2 p.m., Hilton Guam Resort & Spa's Micronesian room. All council members are encouraged to attend. The public is invited. For special accommodations, call 735-9127.

March 10

Committee on Public Safety, Law Enforcement and Judiciary: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 63-31 (cor), excluding law enforcement personnel, employees and positions from application of provision of Safe Harbor under GovGuam's drug-free workplace program; Bill 76-31 (cor), relative to mechanics' liens. For special accommodations, call 472-5047/5048.

Guam Board of Nurse Examiners: Regular meeting 4 p.m., Health Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao. For special accommodations, call 735-7407 or TDD 649-1801.

Guam Economic Development Authority: Board of directors' regular meeting 1:30 p.m., Suite 511, ITC building, Tamuning. For special accommodations, call 648-3474.

FIND MORE ONLINE

▲ To view a complete list for government meetings and other events, view our online daily calendar at: <http://search.guampdn.com/localevents>

647-4332, ext. 104.

Guam Education Board: Special meeting 6 p.m., George Washington High School cafeteria. Department of Education fiscal 2012 budget request; board officers: election of chairperson, vice chairperson. For special accommodations, call Joyce Kaneshiro, 300-1627.

Guam Visitors Bureau: Board of directors' regular meeting 4 p.m., GVB main conference room, Tumon. For special accommodations, call 646-5278.

March 11

Committee on Education and Public Libraries: Public hearing 5 p.m., Legislature's public hearing room, Hagåtña. Bill 87-31, requiring sufficient classrooms for Chamorro language and culture courses in each public school; Bill 95-31, expanding Chamorro language and culture curriculum in public schools; Bill 98-31, awarding Dr. Antonio C. Yamashita Teacher Corps Scholarship to Chamorro language and culture studies at UOG. Submit testimony via e-mail: fbtorres@judiwonpat.com. For special accommodations, call Ed Pocaigue, 472-3586/7/8.

Committee on Municipal Affairs, Tourism, Housing and Recreation: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Executive appointments of: Eduardo A. Calvo, Nathan

to serve as members of Guam Visitors Bureau board of directors; Romeo A. Angel to serve as member of Guam Housing Corp. board of directors; Bill 57-31, relative to delegating all Liberation festivities to the Mayors Council of Guam, and ensuring fiscal accountability for all funds earned during Liberation Day festivities. E-mail written testimony to the office of Sen. Tina Rose Muna Barnes: tinamunabarnes@gmail.com. For special accommodations, call 472-3455/6.

Guam Community College Board of Trustees: Monthly meeting 6 p.m., president's conference room, building 2000, Mangilao. For special accommodations, call 735-5597.

Guam Mental Health Planning Council: Meeting 10 to 11:30 a.m., Department of Mental Health and Substance Abuse, Tamuning. For special accommodations, call Reina Sanchez, 647-5303.

March 14

Committee on Public Safety, Law Enforcement and Judiciary: Second round-table meeting with Guam Fire Department on compensation of firefighters assigned to the agency's administrative offices, 6:30 p.m., Legislature's public hearing room, Hagåtña. Other policy matters with GFD chief nominee John Salas toward finalizing his confirmation process. For special accommodations, call Julian Janssen or Priscilla Cruz, 472-5047/8.

March 16

Contractors License Board: Regular meeting 5:30 p.m., board conference room, 542 N. Marine Corps Drive, upper Tumon. For special accommodations, call 649-2211/9676.

meeting 10 a.m., J&G Commercial Center, Suite 111F, Hagåtña. Call Jo Ann Aguero, 472-6940 or 477-8461.

March 18

Department of Public Health and Social Services: Annual public hearing on current fee schedules for application of license or renewal of license of child day care facilities on Guam 9 to 11 a.m., Bureau of Social Services Administration conference room, third floor, Tertaje building, Suite 309, Hernan Cortez Ave., Hagåtña. Copies of license fees may be picked up at the BOSSA office. Call Elizabeth Ignacio or Lerma Duarosan, 475-2653/2672.

March 25

Government of Guam Retirement Fund: Board of trustees' regular meeting noon, Retirement Fund conference room, Route 8, Maite. For special accommodations, call 475-8900/1.

March 31

Guam Parole Board: Regular hearing 8:30 a.m., Parole Services Division, Suite 505, DNA building, Hagåtña. For special accommodations, call 473-7001.

April 6

Mayors Council of Guam: Regular meeting 10 a.m., J&G Commercial Center, Suite 111F, Hagåtña. Call Jo Ann Aguero, 472-6940 or 477-8461.

April 20

Mayors Council of Guam: Special meeting 10 a.m., J&G Commercial Center, Suite 111F, Hagåtña. Call Jo Ann Aguero, 472-6940 or 477-8461.

May 4

Mayors Council of Guam: Regular meeting 10 a.m., J&G Commercial Center, Suite 111F, Hagåtña. Call Jo Ann Aguero, 472-6940 or 477-8461.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PUBLIC HEARING

9:00 am, Thursday, March 10, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagatña

AGENDA

- **Bill No. 63-31 (COR)** – AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR” UNDER THE GOVERNMENT OF GUAM’S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107 TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM “DEFINITION” AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED. – by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 76-31 (COR)** – AN ACT TO AMEND §33111 TO CHAPTER 33 OF 7GCA RELATIVE TO MECHANICS’ LIENS. – by **Senator V. Anthony Ada**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Hester Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Bill would bar law enforcement from program

Pacific Daily News

AT A GLANCE

A one-time opportunity to get counseling and rehabilitation for the use of illegal drugs shouldn't be open to Guam law enforcement personnel, according to proposed legislation that was discussed during a legislative hearing yesterday.

Bill 63, introduced by Sen. Adolpho Palacios, would take away police and other law enforcement personnel's right to take advantage of a "Safe Harbor" provision.

Under current Guam law, Gov-Guam employees who voluntarily admit to illegal drug use have a one-time opportunity to identify themselves and undergo counsel-

The Safe Harbor program gives a government of Guam employee a one-time opportunity to voluntarily identify him or herself as a user of illegal drugs and to undertake counseling or rehabilitation. Bill 63, if passed into law, would prohibit the following GovGuam employees from the program:

- ▲ Members of GPD, including the chief of police;
- ▲ Members of the Guam Fire De-

- partment, including the fire chief;
- ▲ Officers at the Department of Corrections, including the director;
- ▲ Customs and quarantine officers, including the director;
- ▲ Employees of the Department of Youth Affairs who engage in juvenile detention and rehabilitation work, including the director;
- ▲ Tax enforcement officers from the Department of Revenue and Taxation, attorney general, deputy and assistant attorneys general, and attorney general investigators;

- security officers employed by Gov-Guam, or performing work for the Government of Guam, including but not limited to lock-up guards, and those performing security at the airport and port;
- ▲ Deputy marshals of the Unified Guam Judiciary, including the chief;
- ▲ Probation officers and alternative sentencing officers of the Unified Guam Judiciary, including the chief probation officer;
- ▲ Territorial park patrol officers of the Department of Parks and

- Recreation, including the Superintendent;
- ▲ Conservation officers of the Department of Agriculture, including the chief;
- ▲ Port Authority police officers, including the chief;
- ▲ Guam International Airport Authority Police officers, including the chief; and
- ▲ Firefighters of the Guam International Airport Authority, including the chief.

Source: Bill 63

ing or rehabilitation. But employment in law enforcement "demands a high ethical and professional code of conduct to be adhered to in order to maintain the reputation and

credibility crucial for the performance required by the position," according to Bill 63.

The committee on public safety, law enforcement and judiciary

heard testimony on the bill yesterday. In written testimony, Police Chief Fred Bordallo expressed support for the bill, but requested that the bill be amended to exclude civil-

ian employees of the police department.

Yesterday, GPD spokesman Officer A.J. Balajadia confirmed that a police officer has been removed from patrol duties, and has sought Safe Harbor. Balajadia said the officer is required to undergo treatment and that the department is going to monitor the process.

He added that Bordallo has "zero-tolerance to the use and selling of illegal drugs."

In January, police confirmed that an officer was under investigation for possible substance abuse. That officer was placed on 20 days administrative leave, Balajadia has said.

The police department will be implementing department-wide drug testing, according to Balajadia.

Immigration



I MINA'TRENTAI UNO NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

Bill No. 63-31 (copy)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO EXCLUDE LAW ENFORCEMENT PERSONNEL, EMPLOYEES AND POSITIONS FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR" UNDER THE GOVERNMENT OF GUAM'S DRUG-FREE WORKPLACE PROGRAM BY ADDING A NEW §75107, TO CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED; AND TO INCLUDE OTHER LAW ENFORCEMENT PERSONNEL UNDER THE TERM "DEFINITION" AS USED IN THIS CHAPTER BY AMENDING §75100(a), CHAPTER 75, TITLE 10 GUAM CODE ANNOTATED.

2011 FEB - 1 AM 10: 38



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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
3 the Department of Administration Drug-Free Workplace Program (DOA/DFWP) was
4 adopted through Executive Order 95-29 on December 6, 1995. The Drug-Free
5 Workplace Program provides guidelines for the implementation, enforcement and
6 administration of the program.

7 The Drug-Free Workplace Program provides for drug testing of government of
8 Guam employees and prospective employees to ensure compliance with the program.
9 The DOA/DFWP also provides for counseling and rehabilitation for employees who
10 voluntarily admit to illegal drug use without the threat of discipline. This provision is
11 known as "Safe Harbor". "Safe Harbor" is defined in the DOA/DFWP as "A

1 provision of the DFWP which gives an employee a one-time opportunity to
2 voluntarily identify himself/herself as a user of illegal drugs willing to undertake
3 counseling and, as necessary, rehabilitation. “Safe Harbor” insulates the employee
4 from discipline for these admitted, but otherwise unknown, past acts of illegal drug
5 use. It does not protect the employee from discipline for admitting to drug trafficking
6 or other drug-related offenses.”

7 Over the years most all government agencies, including autonomous agencies,
8 have adopted the DOA/DFWP as part of their policy, via a memorandum of
9 understanding.

10 Although “Safe Harbor” has its benefit in helping employees, *I Liheslaturan*
11 *Guåhan* believes that it should not be applicable to law enforcement personnel,
12 employees or positions as the term is defined in §75100(a), Chapter 75, Title 10 Guam
13 Code Annotated. Employment in these positions demands that a high ethical and
14 professional code of conduct be adhered to in order to maintain the reputation and
15 credibility crucial for the performance required by the position. The credibility and
16 reputation of the employee in these positions would be severely damaged when one is
17 known to have used illegal drugs. It is essential that “Zero-Tolerance” be the policy
18 for the positions defined in §75100(a), Chapter 75, Title 10 Guam Code Annotated.

19 It is therefore, the intent of *I Liheslaturan Guåhan* to exclude law enforcement
20 personnel, employees and positions as the term is defined in §75100(a) from the
21 application of the provision of “Safe Harbor” under the Department of Administration
22 Drug-Free Workplace Program by adding a new §75107; and to include other law
23 enforcement personnel under the “definition” by amending §75100(a), Chapter 75,
24 Title 10 Guam Code Annotated.

25 **Section 2.** A new §75107 is hereby added to Chapter 75, Title 10 Guam Code
26 Annotated, to read as follows:

1 **“§75107. “Safe Harbor” Exemption.** Notwithstanding any other
2 law, rule, executive order, regulation or policy, the provision of “Safe
3 Harbor” as the term is described in the Department of Administration
4 Drug-Free Workplace Program as promulgated by Executive Order 95-29
5 shall not be applicable to law enforcement personnel, employees and
6 positions, as the term is defined in §75100(a), Chapter 75, Title 10 Guam
7 Code Annotated.”

8 **Section 3.** §75100(a) of Chapter 75, Title 10 Guam Code Annotated, is hereby
9 amended to read as follows:

10 **“§75100. Definition.**

11 As used in this Chapter:

12 (a) *Law enforcement personnel, employee or position* means the
13 following:

14 (1) All members of the Guam Police Department including
15 the Chief of Police;

16 (2) All members of the Guam Fire Department including
17 the Fire Chief;

18 (3) All officers of the Department of Corrections including
19 the director;

20 (4) All Customs Officers of the Department of Commerce
21 including the Director;

22 (5) Employees of the Department of Youth Affairs who are
23 engaged in juvenile detention and rehabilitation and work
24 rehabilitation work as designated by the Director of the
25 Department of Youth Affairs including the Director of Youth
26 Affairs;

1 (6) All Tax Agents Enforcement Officers from the
2 Department of Revenue and Taxation, Attorney General, Deputy
3 and Assistant Attorney Generals, and Attorney General
4 Investigators;

5 (7) All security officers employed by the Government of
6 Guam or performing security work for the Government of Guam
7 pursuant to their employer's contract, including but not limited to
8 lock-up guards, security for the A. B. Won Pat Guam International
9 Airport Air Port Authority and security for the Port Authority of
10 Guam Guam Commercial Port.

11 (8) All Deputy Marshals of the Unified Guam Judiciary,
12 including the Chief;

13 (9) All Probation Officers and Alternative Sentencing
14 Officers of the Unified Guam Judiciary, including the Chief
15 Probation Officer;

16 (10) All Territorial Park Patrol Officers of the Department of
17 Parks and Recreation, including the Superintendent;

18 (11) All Conservation Officers of the Department of
19 Agriculture, including the Chief;

20 (12) All Port Authority Police Officers, including the Chief;

21 (13) All Guam International Airport Authority Police
22 Officers, including the Chief;

23 (14) All Firefighters of the Guam International Airport
24 Authority, including the Chief."