



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

May 24, 2011

31-11-554

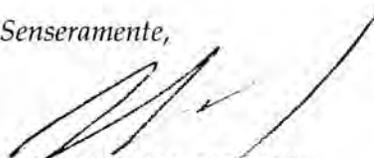
Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

5-25-11
4pm
S. DIENKING

Dear Madame Speaker:

Transmitted herewith is Bill No. 105-31 (COR) "AN ACT TO AMEND §§32302 AND 32303(b) OF ARTICLE 3, CHAPTER 32 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES", which I signed into law on May 23, 2011 as Public Law 31-49.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2011 MAY 26 AM 8:04
J

554

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. 105-31 (COR)**, "AN ACT TO *AMEND* §§32302 AND 32303(b) OF ARTICLE 3, CHAPTER 32 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES", was on the 10th day of May, 2011, duly and regularly passed.



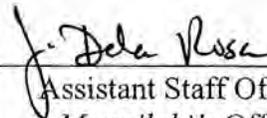
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahren Guåhan* this 12th day of May, 2011, at 10:30 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahren Guåhan

MAY 23 2011

Date: _____

Public Law No. 31-49

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

Bill No. 105-31 (COR)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

Judith T. Won Pat, Ed.D.

T. C. Ada

V. Anthony Ada

F. F. Blas, Jr.

B. J.F. Cruz

Chris M. Dueñas

Judith P. Guthertz, DPA

Sam Mabini, Ph.D.

T. R. Muña Barnes

v. c. pangelinan

Dennis G. Rodriguez, Jr.

R. J. Respicio

M. Silva Taijeron

Aline A. Yamashita, Ph.D.

AN ACT TO *AMEND* §§32302 AND 32303(b) OF ARTICLE 3, CHAPTER 32 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Peace Officer Standards and Training (POST) Commission, as a fully
4 established organization, and contrary to the requirements of law, has *not* convened

1 for a meeting in at least a year. The absence of regularly held meetings impedes
2 the ability of the Commission to fulfill its intended role and undermines its
3 integrity.

4 *I Liheslaturan Guåhan* further finds that currently there is *no* provision for
5 administrative support of the POST Commission in meeting its mandates. Its
6 regulatory responsibilities build upon the professionalism, competency and
7 effectiveness of public safety personnel.

8 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend existing
9 statutes in order to provide administrative and professional support, and necessary
10 organizational changes, critical to sustaining an active and credible POST
11 Commission.

12 **Section 2.** §32302 of Chapter 32 of Title 17 GCA is hereby *amended*.

13 **“§32302. Created; Membership; Compensation; Meetings;**
14 **Publications of Procedures; Standards for Certified Training; Powers**
15 **and Duties.**

16 (a) There is hereby created a Peace Officer Standards and Training
17 Commission (POST). The Guam Community College (GCC) *shall* be
18 designated as the State Agency for POST, and *shall* provide the
19 administrative and professional services to the Commission. If necessary,
20 GCC *shall* provide a budget request, annually, to the Speaker of *I*
21 *Liheslaturan Guåhan* for consideration. The Commission *shall* be
22 composed of twelve (12) members as follows:

23 (1) the Chief of the Guam Police Department, *or* his
24 designated representative;

25 (2) the Chief of the Guam Airport Police, *or* his designated
26 representative;

1 (3) the Chief of the Guam Port Police, *or* his designated
2 representative;

3 (4) the Attorney General, *or* his designated representative;

4 (5) the Director of Customs and Quarantine Agency, *or* his
5 designated representative;

6 (6) the Director of the Department of Corrections, *or* his
7 designated representative;

8 (7) the Chief of the Division of Aquatic and Wildlife
9 Resources of the Department of Agriculture, *or* his designated
10 representative;

11 (8) one (1) non-voting representative from the University of
12 Guam (UOG), appointed by the President;

13 (9) one (1) non-voting representative from the Guam
14 Community College (GCC), appointed by the President;

15 (10) the Chief Marshal of the Unified Guam Judiciary, *or* his
16 designated representative;

17 (11) the Chief of the Guam Fire Department, *or* his designated
18 representative; and

19 (12) one (1) voting representative from the Department of
20 Administration, the Personnel Service Division Administrator,
21 appointed by the Director of Administration.

22 (b) Members of the Commission *shall* receive no compensation,
23 but *shall* be reimbursed under §§23103 and 23104 of Title 5 of the Guam
24 Code Annotated for travel and per diem expenses incurred in the
25 performance of their duties. For purposes of compensation, attendance at
26 meetings of the Commission *shall* be deemed performance by a member of
27 the duties of his local governmental employment.

1 (c) The Commission *shall* hold at least four (4) meetings per year.

2 (d) The Commission *shall* establish and publish its procedures.

3 (e) The Commission *shall* establish standards for certification of
4 peace officer training.

5 (f) The Commission *shall* establish reasonable fees for the
6 application and processing for the certification of peace officers.

7 (g) The Commission in coordination with affected agencies *shall*
8 establish:

9 (1) requirements and minimum standards for the certification
10 of peace officers;

11 (2) categories of peace officer certification with respect to
12 the duties and requirements of respective fields;

13 (3) minimum qualifications for peace officer training
14 instructors;

15 (4) minimum training requirements for peace officers;

16 (5) collaboration with training providers and educational
17 institutions to establish core curriculum for all designated programs;

18 (6) categories *or* classification of advanced in-service
19 training programs and minimum courses of study and attendance
20 requirements with respect to the categories or classifications; and

21 (7) a time frame for full compliance with Commission
22 requirements by respective departments and agencies.

23 (h) The Commission *shall*:

24 (1) visit and inspect peace officer training programs *or* their
25 components at any appropriate time;

1 (2) adopt such rules and regulations as it deems proper to
2 fully effectuate and carry out the purpose of this Article, pursuant to
3 the Administrative Adjudication Law;

4 (3) prescribe reasonable minimum qualifications relating
5 *solely* to the physical, mental and moral fitness of persons recruited,
6 appointed *or* retained as peace officers by the government of Guam;

7 (4) deny, suspend, *or* revoke certification of peace officers
8 for substantial failure to comply with this Article or the rules of the
9 Commission, pursuant to procedures and policies enacted pursuant to
10 the Administrative Adjudication Law;

11 (5) recommend to the respective appointing authorities
12 qualifications of candidates for the offices of Chief of Police, the
13 Chief Marshall, the Chief Probation Officer, the Director of
14 Corrections, and the Director of Customs and Quarantine Agency;

15 (6) provide management survey and managerial assistance as
16 requested by corrections and law enforcement agencies;

17 (7) provide by rule for the reciprocity and recognition of
18 equivalent entry level core basic training at a training center by law
19 enforcement officers of the federal government, states *or* territories of
20 the United States, and, also require such additional training for
21 certification as the Commission deems necessary;

22 (8) provide by rule for the reciprocity and recognition of law
23 enforcement officers of the federal government, states *or* territories of
24 the United States with five (5) *or* more years of law enforcement
25 experience. The Commission may waive the equivalent number of
26 hours of training that an officer obtained in another jurisdiction and
27 may require such law officer to complete training in Guam law;

1 (9) provide by rule for temporary certification of peace
2 officers who have previously completed basic peace officer training
3 but have since left service in good standing, provided that said peace
4 officers *shall* satisfy standards and training requirements as set by the
5 Commission;

6 (10) provide by rule for the temporary certification of peace
7 officers from other jurisdictions who have completed basic peace
8 officer training and have since left service in good standing, provided
9 that said peace officers satisfy standards and training requirements as
10 set by the Commission;

11 (11) establish supervisory, managerial, and executive level
12 standards and certification for the agencies covered by this Chapter;
13 and

14 (12) may enter into professional developments with the Guam
15 Community College, the University of Guam, *or* another suitable
16 institution.

17 (i) The Commission *shall* elect a chairperson and vice-chairperson
18 from among its members every two (2) years. A non-voting member *shall*
19 *not* serve as chairperson or vice chairperson of the Commission.”

20 **Section 3.** §32303(b) of Article 3, Chapter 32, Title 17, Guam Code
21 Annotated, is hereby *amended* to read as follows:

22 “(b) With the approval of the Commission, the Executive Director
23 *shall*:

- 24 (1) certify Peace Officer Training programs *or* institutions;
25 (2) certify peace officers who have satisfactorily completed
26 training;

1 (3) consult and cooperate with peace officer training
2 academies in the development of basic and continuing education
3 training programs for peace officers;

4 (4) consult and cooperate with the Guam Community
5 College, the University of Guam, other institutions of higher
6 education, *or* any POST certified advanced training programs for the
7 development of specialized courses of study on Guam for peace
8 officers in the areas of police science, police administration, the social
9 sciences and other related areas;

10 (5) consult and cooperate with other departments and
11 agencies concerned with peace officer training;

12 (6) report to the Commission at regular meetings of the
13 Commission and at other times as required to recommend denial,
14 suspension, *or* revocation of certification of a peace officer to the
15 Commission as deemed necessary; and

16 (7) *shall*, in cooperation with the State Agency, maintain
17 custody of all records of the Commission.”

18 **Section 4. Transfer of Records.** *No later than* thirty (30) days following
19 the enactment of this Act, all records of the POST Commission *shall* be transferred
20 into the custody of the State Agency.

21 **Section 5. Effective Date.** The provisions contained herein *shall* be
22 effective upon the enactment of this Act.

23 **Section 6. Severability.** *If* any provision of this Act or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity shall *not* affect other provisions or applications of this Act which can be
26 given effect without the invalid provisions or application, and to this end the
27 provisions of this Act are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

Thirty-First
Guam Legislature

April 14, 2011

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. Gurbert, 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 Alinc 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

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

RE : Committee Report – Bill No. 105-31 (COR).

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 105-31 (COR) – "AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h)(4), AND (i), AND §32303 (b) AND (b)(7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED,"** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

<u>8</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

2011 APR 25 PM 4:36
De



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. 105-31 (COR)
Sponsored by
Senator Adolpho B. Palacios, Sr.

AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h)(4), AND (i), AND §32303 (b) AND (b)(7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 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

April 12, 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. 105-31 (COR).

Transmitted herewith for your consideration is the Committee Report on **Bill No. 105-31 (COR) – "AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h)(4), AND (i), AND §32303 (b) AND (b)(7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 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. 105-31 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 105-31 (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. Gauthier, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Ducnas
Member
- Senator Maria Silva-Fajeron
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 Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 105-31 (COR)- AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h)(4), AND (i), AND §32303 (b) AND (b)(7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman	<i>[Signature]</i>	4/12/11 ✓				
Thomas C. Ada Vice Chairman	<i>[Signature]</i>	4/12/11 ✓				
Tina R. Muña-Barnes Member	<i>[Signature]</i>	4/12/11 ✓				
Judith P. Guthertz, DPA Member	<i>[Signature]</i>	4/12/11 ✓				
Rory J. Respicio Member	<i>[Signature]</i>	4/12/11 ✓				
Dennis G. Rodriguez, Jr. Member	<i>[Signature]</i>			4/12/11 ✓		
Judith T. Won Pat, Ed.D. Member	<i>[Signature]</i>	4/12/11 ✓				
V. Anthony Ada Member	<i>[Signature]</i>	4/12/11 ✓				
Christopher M. Duenas Member	<i>[Signature]</i>	4/12/11 ✓				
Mana Silva Tajeron Member						
Aline A. Yamashita, Ph.D. Member						



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT DIGEST

Bill No. 105-31 (COR) – “An act relative to providing the Peace Officer Standards and Training Commission with administrative and professional services necessary for the conduct of its activities by amending §32302 (a), (h)(4), and (i), and §32303 (b) and (b)(7) of Article 3, Chapter 32 of Title 17 Guam Code Annotated.” – sponsored by Senator Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on March 28, 2011 at 9:05 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill 105-31 (COR) - “An act relative to providing the Peace Officer Standards and Training Commission with administrative and professional services necessary for the conduct of its activities by amending §32302 (a), (h)(4), and (i), and §32303 (b) and (b)(7) of Article 3, Chapter 32 of Title 17 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 18, 2011 (5-day Notice) and on March 22, 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 Thomas C. “Tom” Ada	Vice Chairman
Senator Tina Rose Muña Barnes	Member
Senator V. Anthony “Tony” Ada	Member
Senator Mana Silva Taijeron	Member
Senator Christopher M. Duenas	Member

Individual(s) Registered for oral or written testimony:

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

Dr. Reilly Ridgell, Dean, Trades and Professional Services, Guam Community College (GCC), provided oral testimony.

J.T. Terlaje, Captain, Head of Training, Guam Fire Department (GFD), provided oral testimony.

Dr. Mary Okada, President, Guam Community College, provided oral testimony.

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

Dr. Ron McNinch, Executive Director, Guam POST Commission, provided written testimony in support of the Bill.

Leonardo M. Rapadas, Attorney General of Guam, provided 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 2:31 p.m., read the agenda and announced that the hearing would be reconvened on Monday, March 28, 2011 at 9:00 a.m. The Chairman recessed the public hearing at 2:35 p.m.

The Chairman reconvened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary on Monday, March 28, 2011 at 9:05 a.m., read the title of the bill, recognized the Senators in attendance, explained the procedure for the public hearing, gave a brief history of the Peace Officers Standards and Training Commission (POST) and explained how the bill would affect the POST. The Chairman called the panel of Dr. Reilly Ridgell, Captain J.T. Terlaje, Dr. Mary Okada and Deputy Attorney General Phillip Tydingco.

Dr. Reilly Ridgell stated that he is the Dean of the School that includes Criminal Justice which has a strong connection with the police academy. He proceeded to state that he didn't have a prepared testimony and that his attendance is meant to support Dr. Okada and answer any questions which he may have knowledge about from his years of work at the college. In reviewing the bill, Dr. Ridgell made note of the absence of the number of members present to constitute a quorum and suggested that it be added. Dr. Ridgell also suggested that the number for quorum remain relatively small.

Chairman Palacios informed Dr. Ridgell that the bill is only a minor amendment to the current legislation to place the Commission back. He went on to state that current law, with respect to qualifications and membership, is still intact, although, he will review the statutes to confirm the validity.

J.T. Terlaje stated that GFD supports the reinstatement of POST to the Guam Community College. He stated that there are already established standards through Fire Bureau Administration and OSHA, and suggested that because they already have

standards established, they could be removed from the POST Commission. Capt. Terlaje informed the Committee that they are working with GCC and AAFB training staff to ensure that all personnel are nationally certified. He stated there is a limited role for GFD in law enforcement. He also stated that Fire Prevention Bureau (code enforcement and arson investigation) and Company Commanders (fire engines, rescue units), may issue citations for violations of International Fire Code. Capt. Terlaje informed the Committee that training has been administered for this by the Court system. He also reiterated that GFD has no problem with the POST Commission going back to GCC.

Dr. Mary Okada read her prepared written statement. She stated that it's only befitting that GCC be the state agency for POST since it is the only post-secondary institution that has specific courses that are also POST training requirements. She also stated that GCC's Criminal Justice Certificate Program is the standard created by GovGuam law enforcement agencies in conjunction with the college. Dr. Okada felt that the college should be included in decisions made regarding changes in training standards that GCC provides. She also stated that GCC has no problem assuming the responsibility of providing administrative and professional services to the Commission. However, she believes that additional funding would need to be made available to support POST's mission and will submit a budget to the Speaker's Office. *(See attached written testimony.)*

Phillip Tydingco stated that it is important that the POST Commission find a home. He said that there have been problems with having a quorum and difficult to run a volunteer organization. Mr. Tydingco stated that the standards are vitally important, but there must be an interaction with the Department of Administration and the Guam Police Department. He stated that the POST law has liability language within the statute or related statutes. He believes that the first step for reactivating the program is to locate it within an agency which can provide support. He said that if the bill becomes law, it should be given flexibility in terms of duties. Mr. Tydingco stated that there would be a technical problem with GFD withdrawing from POST because as long as some of their employees are "Peace Officers," they would still be governed by the standards.

Chairman Palacios read the prepared written testimony of Chief of Police Fred Bordallo. In his written testimony, Chief Bordallo stated that the POST Commission serves to protect the integrity of the law enforcement community by ensuring that minimum or required standards exist at a level determined by its members. He also

stated that the Commission has failed to convene to address numerous issues affecting training, certification, and standards of operation and service for local law enforcement agencies. Chief Bordallo confirmed that GPD supports Bill 105 and has no objections to GCC being designated as the state agency for POST. He also stated that the revival of POST will help the department's ability to be accredited, as well as display to the public that the law enforcement community on Guam will be a product of the highest professional standards. *(See attached written testimony.)*

The Chairman invited Mr. Bobing Wolford to join the panel. Mr. Wolford provided testimony in support of the Bill in Chamorro.

Chairman Palacios thanked Mr. Wolford for his testimony and recognized the presence of Vice Chairman Thomas C. Ada and Legislative Secretary Tina Rose Muña Barnes.

Senator V. Anthony Ada asked Capt. Terlaje that if it is the Department's wish to be removed from the Commission governing the Fire Department, if it is also his intention to have those classified as Peace Officers also removed as Peace Officers.

Capt. Terlaje responded by saying that those working in the Fire Prevention Bureau can be designated, while they're in the Bureau, as Peace Officers. However, if they are outside the Bureau, assigned to the station, ambulance or a rescue company, then law enforcement responsibilities become minute.

Senator Christopher M. Duenas stated that he believes the Bill is a great piece of legislation. He thanked Dr. Okada for embracing the legislation. Senator Duenas stated he tried to implement something similar for DYA. He said that the strengthening of standards for Peace Officers is desperately needed.

Chairman Palacios stated that the minimum qualifications for Peace Officers are local and can be additional to other adopted standards. He said that the GFD should have local standards which apply to them through the POST.

Captain Terlaje said that when Guam OSHA was established, there would be two (2) entities that oversee the same standards.

Chairman Palacios said that the standards of POST are basic and should not interfere with the federal standards. Chairman Palacios and Captain Terlaje conversed about OSHA safety standards and the local standards established through POST.

Senator Muña Barnes suggested that the staff may be provided by pooling resources from the agencies which participate in the POST. She asked what kind of budgetary costs would be associated. Dr. Mary Okada stated that a budget submitted in 2002 had about three hundred and fifty thousand dollars (\$350,000). Senator Muña Barnes stated that she supports it and suggests that the issues that have been raised be addressed.

Chairman Palacios asked that the budgetary requirement for the Executive Director and other support be provided to the Committee. He suggested that maybe there could be support through the Police Service Fund. Dr. Mary Okada said that she will follow up with that information.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 105-31(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 9:30 a.m.

III. WRITTEN TESTIMONIES

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

Dr. Mary Okada, President, Guam Community College (*Summarized in Section II.*)

Dr. Ron McNinch, Executive Director, Guam POST Commission (*Summary follows.*)

Leonardo M. Rapadas, Attorney General of Guam (*Summary follows.*)

Dr. Ron McNinch, Executive Director, Guam POST Commission. Dr. McNinch supports the Bill. He suggested that the legislature provide a modest budget from the beginning and that the Guam Community College be made the records custodian, rather than making it a duty of the director. He recommended that there be five (5) voting members and that the AG, Courts, GFD, DCQA and Park Police be allowed to operate a certification process without involving the POST. He also stated that volunteers should be fully integrated into law enforcement functions. (*See attached written testimony.*)

Leonardo M. Rapadas, Attorney General of Guam. Mr. Rapadas supports the Bill. He stated that one of the major obstacles to an effective POST Commission is the lack of a budget or staff, which would be provided by GCC. He urges the Guam Legislature to pass the Bill as written. (*See attached written testimony.*)

No further written testimony received within the ten (10) day period after the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 105-31 (COR), as introduced**, with the recommendation **TO PASS**.

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

Bill No. 105-3 (COR)

Introduced by:

Adolpho B. Palacios, Sr.



2011 MAR -8 AM 10:50

AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (b) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the Peace Officer Standards and Training (“*POST*”) Commission, as a fully established
4 organization, and contrary to the requirements of law, has not convened for a meeting in
5 at least a year. The absence of regularly held meetings impedes the ability of the
6 Commission to fulfill its intended role and undermines its integrity.

7 *I Liheslaturan Guåhan* further finds that currently there is no provision for
8 administrative support of the *POST* Commission in meeting its mandates. Its regulatory
9 responsibilities build upon the professionalism, competency and effectiveness of public
10 safety personnel.

11 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend existing statute in
12 order to provide administrative and professional support, and necessary organizational
13 changes, critical to sustaining an active and credible *POST* Commission.

1 Section 2. §32302 (a), (b) (4), and (i), Chapter 32 of Title 17 GCA are hereby
2 *amended.*

3 “§32302. Created; Membership; Compensation; Meetings; Publications of
4 **Procedures; Standards for Certified Training; Powers and Duties.**

5 (a) There is hereby created a Peace Officer Standards and Training Commission
6 (POST). The Guam Community College (GCC) shall be designated as the State Agency
7 for POST, and shall provide the administrative and professional services to the
8 Commission. If necessary, GCC shall provide a budget request, annually, to the Speaker
9 of I Liheslaturan Guåhan for consideration. The Commission shall be composed of
10 twelve (12) members as follows:

- 11 (1) the Chief of the Guam Police Department, *or* his designated
12 representative;
- 13 (2) the Chief of the Guam Airport Police, *or* his designated
14 representative;
- 15 (3) the Chief of the Guam Port Police, *or* his designated representative;
- 16 (4) the Attorney General, *or* his designated representative;
- 17 (5) the Director of Customs and Quarantine Agency, *or* his designated
18 representative;
- 19 (6) the Director of the Department of Corrections, *or* his designated
20 representative;
- 21 (7) the Chief of the Division of Aquatic and Wildlife Resources of the
22 Department of Agriculture, *or* his designated representative;

- 1 (8) one (1) non-voting representative from the University of Guam
2 (UOG), appointed by the President;
- 3 (9) one (1) non-voting representative from the Guam Community
4 College (GCC), appointed by the President;
- 5 (10) the Chief Marshal of the Unified Guam Judiciary, *or* his
6 designated representative;
- 7 (11) the Chief of the Guam Fire Department, *or* his designated
8 representative; and
- 9 (12) one (1) voting representative from the Department of
10 Administration, the Personnel Service Division Administrator,
11 appointed by the Director of Administration.

12 (b) Members of the Commission *shall* receive no compensation, but *shall* be
13 reimbursed under §§23103 and 23104 of Title 5 of the Guam Code Annotated for travel
14 and per diem expenses incurred in the performance of their duties. For purposes of
15 compensation, attendance at meetings of the Commission *shall* be deemed performance
16 by a member of the duties of his local governmental employment.

17 (c) The Commission *shall* hold at least four (4) meetings per year.

18 (d) The Commission *shall* establish and publish its procedures.

19 (e) The Commission *shall* establish standards for certification of peace officer
20 training.

21 (f) The Commission *shall* establish reasonable fees for the application and
22 processing for the certification of peace officers.

23 (g) The Commission in coordination with affected agencies *shall* establish:

- 1 (1) requirements and minimum standards for the certification of peace
2 officers;
- 3 (2) categories of peace officer certification with respect to the duties and
4 requirements of respective fields;
- 5 (3) minimum qualifications for peace officer training instructors;
- 6 (4) minimum training requirements for peace officers;
- 7 (5) collaboration with training providers and educational institutions to
8 establish core curriculum for all designated programs;
- 9 (6) categories *or* classification of advanced in-service training programs
10 and minimum courses of study and attendance requirements with
11 respect to the categories or classifications; and
- 12 (7) a time frame for full compliance with Commission requirements by
13 respective departments and agencies.

14 (h) The Commission *shall*:

- 15 (1) visit and inspect peace officer training programs *or* their components
16 at any appropriate time;
- 17 (2) adopt such rules and regulations as it deems proper to fully effectuate
18 and carry out the purpose of this Article, pursuant to the
19 Administrative Adjudication Law;
- 20 (3) prescribe reasonable minimum qualifications relating *solely* to the
21 physical, mental and moral fitness of persons recruited, appointed *or*
22 retained as peace officers by the government of Guam;

- 1 (4) deny, suspend, *or* revoke certification of peace officers for substantial
2 failure to comply with this Article or the rules of the Commission,
3 pursuant to procedures and policies enacted pursuant to the
4 Administrative Adjudication Law;
- 5 (5) recommend to the respective appointing authorities qualifications of
6 candidates for the offices of Chief of Police, the Chief Marshall, the
7 Chief Probation Officer, the Director of Corrections, and the Director
8 of Customs and Quarantine Agency;
- 9 (6) provide management survey and managerial assistance as requested by
10 corrections and law enforcement agencies;
- 11 (7) provide by rule for the reciprocity and recognition of equivalent entry
12 level core basic training at a training center by law enforcement
13 officers of the federal government, states *or* territories of the United
14 States, and, also require such additional training for certification as the
15 Commission deems necessary;
- 16 (8) provide by rule for the reciprocity and recognition of law enforcement
17 officers of the federal government, states *or* territories of the United
18 States with five (5) *or* more years of law enforcement experience. The
19 Commission may waive the equivalent number of hours of training
20 that an officer obtained in another jurisdiction and may require such
21 law officer to complete training in Guam law;
- 22 (9) provide by rule for temporary certification of peace officers who have
23 previously completed basic peace officer training but have since left

1 service in good standing, provided that said peace officers *shall* satisfy
2 standards and training requirements as set by the Commission;

3 (10) provide by rule for the temporary certification of peace officers
4 from other jurisdictions who have completed basic peace officer
5 training and have since left service in good standing, provided that said
6 peace officers satisfy standards and training requirements as set by the
7 Commission;

8 (11) establish supervisory, managerial, and executive level standards
9 and certification for the agencies covered by this Chapter; and

10 (12) may enter into professional developments with the Guam
11 Community College, the University of Guam, *or* another suitable
12 institution.

13 (i) The Commission shall elect a chairperson and vice-chairperson from among
14 its members every two (2) years. A non-voting member *shall* not serve as chairperson or
15 vice chairperson of the commission.”

16 **Section 3. §32303 (b) and (b) (7) of Article 3, Chapter 32, Title 17 GCA are**
17 **hereby amended.**

18 **“§32303. Executive Director; Appointment; Powers and Duties.**

19 (b) With the approval of the Commission, the Executive Director ~~may~~ *shall*:

20 (1) certify Peace Officer Training programs *or* institutions;

21 (2) certify peace officers who have satisfactorily completed training;

22 (3) consult and cooperate with peace officer training academies in the

23 development of basic and continuing education training programs for

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- peace officers;
- (4) consult and cooperate with the Guam Community College, the University of Guam, other institutions of higher education, *or* any POST certified advanced training programs for the development of specialized courses of study on Guam for peace officers in the areas of police science, police administration, the social sciences and other related areas;
- (5) consult and cooperate with other departments and agencies concerned with peace officer training;
- (6) report to the Commission at regular meetings of the Commission and at other times as required to recommend denial, suspension, *or* revocation of certification of a peace officer to the Commission as deemed necessary; and
- (7) ~~act as a voting member of the Commission only in case of a tie~~ shall, in cooperation with the State Agency, maintain custody of all records of the Commission.”

Section 4. Transfer of Records. No later than thirty (30) days following the enactment of this Act, all records of the POST Commission *shall* be transferred into the custody of the State Agency.

Section 5. Effective Date. The provisions contained herein shall be effective upon the enactment of this Act.

Section 6. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not

- 1 affect other provisions or applications of this Act which can be given effect without the
- 2 invalid provisions or application, and to this end the provisions of this Act are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

CHAIRMAN

MON 28
Friday, March 25, 2011

Bill No. 105-31 (COR) – AN ACT TO RELATIVE TO PROVIDING THE **PEACE OFFICER STANDARDS AND TRAINING COMMISSION** WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by **Senator Adolpho B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Reilly Ridgell	GCC	735-5530	✓		✓	
✓ J. T. TERLAK	GPD	472 335 2	✓			
✓ Mary Okada	ACC	735-5700	✓		✓	
✓ Phil Tydingco	AGD	475-3466	✓		✓	



GUAM POLICE DEPARTMENT
DIPATTAMENTON POLISIAN GUAHAN
Government of Guam



EDDIE BAZA CALAO
 Governor

RAY TENORIO
 Lieutenant Governor

Bldg. 233 Central Avenue, Tiyán, Guam 96913
 P.O. Box 23909 Barrigada, Guam 96921
 Telephone: (671) 475-8473 (Switchboard): (671) 475-8508 / 8509 / 8512
 Fax: (671) 472-4036

FREDE E. BORDALLO, JR.
 Chief of Police

RICARDO M. LEON GUERRERO
 Acting Police Commander

March 14, 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 105-31**

Dear Senator Palacios:

Buenas Yan Hafa Adai, Senadot. The P.O.S.T. Commission in its entirety serves to protect the integrity of the law enforcement (LE) community by ensuring that minimum and/or required standards exist at a level determined by its members. For over a period of a year or more this body has not convened to address a myriad of issues affecting training, certifications and more importantly, standards to which our local law enforcement agencies operate and provide services.

The Guam Police Department (GPD) supports the intent of Bill 105-31 and that we have no objections to the Guam Community College being designated as the State Agency for P.O.S.T. As a matter of fact, the GPD is currently seeking accreditation through the Commission on Accreditation for Law Enforcement Agency (CALEA) and the revival of P.O.S.T. will certainly enhance the department's ability to receive accreditation.

In conjunction with this bill, Bill No. 75-30 Guam Police Review Commission and 63-31 Exclusion of Law Enforcement with regard to the Drug Free Work Place, are clearly positive efforts to hold the entire LE community accountable for its actions and to a higher standard. We believe that with the passage of Bill No. 105-31 and the aforementioned bills into law, it will certainly display to the public that law enforcement on Guam will be a product of the highest professional standards.

In closing, the GPD is supportive of any and all bills that clearly enhance its abilities and accountability both pertaining to its operations and personnel. Thank you and *Si Yu'os Ma'ase!*

Sincerely,

FRED E. BORDALLO, JR.
 Chief of Police

RECEIVED
 10/25/11

MAR 25 2011

Sen. Adolpho B. Palacios, Sr.
Chairperson
Committee on Public Safety, Law Enforcement and Judiciary
31st Guam Legislature
155 Hesler Place, Ste. 201
Hagatna, GU 96910,

Honorable Sen. Palacios and Committee members,

Thank you for the opportunity to provide feedback on Bill No. 105-31, RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES.

We are encouraged that the updated draft of Bill 105-31 designates Guam Community College as the State Agency for POST, since GCC is the only Postsecondary Institution on Guam that has specific courses that are also POST Training requirements.

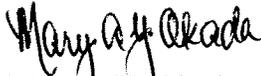
The College's Criminal Justice Certificate Program is *THE* standard created by GovGuam Law Enforcement Agencies in conjunction with the College. GCC's Advisory Committee, with direction from the various Chiefs and Directors of the Law Enforcement Agencies, guides this standard. As such, we are pleased that this bill also designates GCC as a non-voting member of the Commission.

Given GCC's essential role in safeguarding the quality of POST training, we are also encouraged that Subsection 32303 (b) states that "With the approval of the Commission, the Executive Director *shall*: (4) consult and cooperate with the Guam Community College, the University of Guam, other institutions of higher education, *or* any POST certified training programs for the development of specialized courses of study on Guam for peace officers in the areas of police science, police administration the social sciences and other related areas..." As Guam's only higher education institution that provides specific courses that are also POST Training requirements, and because, again, our Criminal Justice Certificate Program is the standard created by GovGuam Law Enforcement Agencies, the College should definitely be included in decisions made regarding changes to the training standards that we provide.

The bill designates GCC as the provider of administrative and professional services to the Commission. While the College is willing to undertake this responsibility, we must stress, however, that GCC will submit a budget request to the Speaker's Office in order to fund this undertaking. GCC will have to hire an executive director for POST. Whether this position is filled by an outside hire or by a GCC employee, the position must be paid. We do not feel at this point that we can ask someone to take on these additional duties. So although GCC is very willing to take on the administrative and professional duties to assist the POST Commission, we will require extra funding to do so. This funding will in turn allow the Commission to provide the guidance and direction that is needed to move things forward for the law enforcement community.

Senators, we thank you for the opportunity to comment on Bill 105-31. We consider this bill to be a very important piece of legislation. Guam Community College looks forward to supporting the POST Commission and to continue providing the highest standard of training for Guam's peace officers.

Senseramente,



Mary A. Y. Okada, Ed.D.

President

Guam Community College

Ron McNinch, PhD, SPHR, CFE
Executive Director (Pro Bono)
Guam POST Commission

28 March 2011

Testimony Regarding Bill 105-3, Related to the Guam POST Commission

Dear Senator Palacios and Honorable Members of the Guam Legislature,

I had classes all morning, so I was not able to attend the hearing on this bill.

As Executive Director (Pro Bono) of POST, I am writing this letter to support aligning administrative services for the POST Commission under the Guam Community College. This in effect would provide an administrative home to POST and allow records security and the continuity of services. Below are a few general comments:

A) The law suggests GCC request a budget if necessary. The legislature should provide a modest budget to administratively support the commission from the outset. To be frank, outside of administrative tasks and records security, there is not a lot to budget. If a rulemaking cycle is developed to address POST rule issues, I would suggest a specific item to address it as a single activity. Otherwise, a "Funding Frankenstein" requiring a significant annual budget might emerge. Also, the POST Director, is largely a limited activity. A senior officer in one of the agencies or a similar supporting agency could do this job as a collateral duty.

B) Section 3 (7): Regarding a "state agency," for records, perhaps since the supporting designated agency is GCC, request GCC to be the records custodian as part of the school's records division. Don't make it a duty of a cyclical director. This might be a part of the administrative budget GCC requests. Again, a starter budget from the legislative side might help.

C) There are two additional items that might be considered. First, limit voting members to five. GPD, DOC, GAP, GPP and one person appointed by the governor. The AG, Courts, GFD, DCQA, and Park Police should be allowed to operate their certification process without having to make it a POST issue. These agencies should also work with POST to address their specific agency needs, rather than the current one size fits all approach. Second, Guam needs to fully integrate the potential of volunteers in its law enforcement functions. There are a large number of models that might be considered and implemented.

Sincerely, Ron McNinch, Pro Bono POST Director (via email)

--

Ron McNinch, PhD, SPHR, CFE
488-8889

Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

April 6, 2011

Honorable Adolpho B. Palacios, Sr. 
Chairperson, Committee on Public Safety,
Law Enforcement and Judiciary
Mina'trentai Unu Na Liheslaturan Guåhan
The Thirty-first Guam Legislature
Suite 104, 155 Hesler Place
Hagatna, Guam 96910

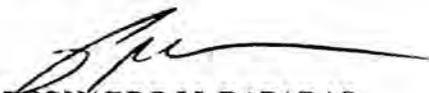
Subject: **Bill No. 105-31 re: Amendments to Certain Provisions of POST Commission Law**

Dear Chairman Palacios,

Buenas yan Håfa Adai! The Office of the Attorney General supports the intent of Bill No. 105-31 to amend certain provisions of Guam Legislative Bill No. 105-31. Of particular importance is the proposed amendment that designates the Guam Community College (GCC) as the state agency to provide administrative and professional services to the Peace Officer Standards and Training (POST) Commission, and that authorizes the GCC to seek a budget request for POST. As noted in Chief Deputy Attorney General Phil Tydingco's verbal testimony at the public hearing on this bill, one of the major obstacles to the effective and efficient operation the POST Commission is that "it has had no home for several years", which for example meant that there was no budget and no staff except for Dr. McNinch and his students volunteering with the Executive Director functions. The POST law is also intended to facilitate the professional development and quality assurance of Guam's 'peace officers' found among our many law enforcement agencies including the Guam Police Department. Therefore, we respectfully urge the Guam Legislature to enact Bill No. 105-31 as presently written.¹

Should you have any questions do not hesitate to contact me or Chief Deputy Attorney General Phil Tydingco. *Dångkolo na Agradesimiento!*

Sincerely,


LEONARDO M. RAPADAS
Attorney General of Guam

¹Section 3 of Bill No. 105-31 proposes to have the POST Executive Director be mandated ("shall") rather than allow him discretion ("may") to carry out specific tasks or duties, but we suggested at the public hearing that the Legislature may want to reconsider that amendment in order to allow flexibility given the scope and breadth of the tasks or duties.



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

2011 MAR 10 AM 10:23
KWA

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

March 10, 2011

VIA FACSIMILE
(671) 472-2825

Ms. Benita Manglona
Director
Bureau of Budget & management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 103-31 (COR) through 107-31 (COR)

Hafa Adai Ms. Manglona:

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

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

Very Truly Yours,

Senator Rory Respicio

Attachments

Cc: Clerk of the Legislature

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 105-31 (COR)**

AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND, (i) AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Community College	Dept./Agency Head: Mary A.Y. Okada
Department's General Fund (GF) appropriation(s) to date:	13,583,423
Department's Other Fund (Specify) appropriation(s) to date: Tourist Attraction Fund \$24,154; Manpower Development Fund \$3,059,265	3,083,419
Total Department/Agency Appropriation(s) to date:	\$16,666,842

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196 thru P.L.20- 239)	\$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	1/	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? / / 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: /X/ Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: g/okada Date: 4/15/11 Director: Benita Manglona Date: 4/15/11
 Benita A. Manglona, Director

Footnotes:

1. The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time. Such impact includes costs associated with administrative and professional services to be provided by the Guam Community College (GCC), as the State Agency for the Peace Officer Standards and Training Commission (POST). GCC shall provide a budget request annually to the Legislature for consideration.



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

2011 MAR 10 AM 10:24
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
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LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
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ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Ducnas

March 9, 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 No. 105-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 105-31 (COR).

Please ensure that the subject bill is 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!

(1) Attachments

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

March 8, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
105-31 (COR)	A. B. Palacios, Sr.	AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.	3/08/11 10:50 a.m.	3/9/11		Committee on Public Safety, Law Enforcement & Judiciary			



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Mar 18, 2011 at 11:11 AM

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>, Adolpho Palacios <senabpalacios@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, cipo@guamlegislature.org, alerta.jemaine@gmail.com, evelyn4families@gmail.com

March 18, 2011

Please see attached First Notice of Public Hearing scheduled for Friday, March 25, 2011 starting at 2:30 pm for the Committee on Public Safety, Law Enforcement and Judiciary. Thank you for your kind attention.

 **1stNoticePH3-25-11.pdf**
347K



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

March 18, 2011

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

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **2:30 pm, Friday, March 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR)** – AN ACT TO RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 60-31 (COR)** – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO **PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** – sponsored by **Senator Mana Silva Taijeron**

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

Destination	Start Time	Time	Prints	Result	Note
PDN	03-18 11:05	00:00:30	001/001	OK	
KUAM	03-18 11:06	00:00:21	001/001	OK	
PNC	03-18 11:07	00:00:33	001/001	OK	
K57	03-18 11:08	00:00:16	001/001	OK	
HIT RADIO 100	03-18 11:08	00:00:16	001/001	OK	
KSTO	03-18 11:09	00:00:33	001/001	OK	
GLIMPSES	03-18 11:10	00:00:13	001/001	OK	
MARIANAS VARIETY	03-18 11:10	00:00:22	001/001	OK	
KSTEREO/KISH	03-18 11:11	00:00:34	001/001	OK	
JOY 92 FM	03-18 11:12	00:00:16	001/001	OK	
KPRG	03-18 11:12	00:00:16	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, BMD: Double-Sided Banding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX, RL: Relay, MB: 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 Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 18, 2011

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

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 2:30 pm, Friday, March 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR) - AN ACT TO RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.** - sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 60-31 (COR) - AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** - sponsored by Senator Mana Silva Tajeron

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 Janasen or Jennifer Dulla at 472-5047/5048.

Office/Mailing Address: 155 Mesler Place, Hagåtña 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

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Mar 18, 2011 at 11:24 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@spbguam.com, news@guampdn.com, parrojo@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 18, 2011

Please see the attached First Notice of Public Hearing from Senator Adolpho B. Palacios, Sr., regarding a public hearing scheduled for Friday, March 25, 2011. Thank you for your kind attention.

 **1stNoticePH3-25-11.pdf**
347K



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

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 18, 2011

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

FIRST NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **2:30 pm, Friday, March 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

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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>

Second Notice of Public Hearing scheduled for Friday, March 25, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Mar 22, 2011 at 10:33 AM

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, senator@senatorbjcruz.com, duenasenator@gmail.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>
 Cc: "Steven A. Dierking" <steve@believeinguam.com>, cyrus@senatorada.org, louise_atalig@yahoo.com, chelsea@tinamunabarnes.com, Mary Fejeran <maryfejeran@gmail.com>, garrett.duenas@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, leonguerrero.angela@gmail.com, leslie.g@senatormabini.com, cipo@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, elainevtll@gmail.com, cherbert.senatordrodriguez@gmail.com, chechsantos@gmail.com, alerta.jermaine@gmail.com, evelyn4families@gmail.com

March 22, 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 **2:30 pm, Friday, March 25, 2011**, at *1 Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR)** – AN ACT TO RELATIVE TO PROVIDING THE **PEACE OFFICER STANDARDS AND TRAINING COMMISSION** WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by **Senator Adolpho B. Palacios, Sr.**
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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing

1 message

Adolpho Palacios <senabpalacios@gmail.com>**Tue, Mar 22, 2011 at 10:34 AM**

To: clerks@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtarms@guamlegislature.org

March 22, 2011

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

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for March 25, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Mar 22, 2011 at 10:36 AM

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

March 22, 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 **2:30 pm, Friday, March 25, 2011**, at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

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Destination	Start Time	Time	Prints	Result	Note
PDN	03-22 10:56	00:00:31	001/001	OK	
KUAM	03-22 10:57	00:00:23	001/001	OK	
PNC	03-22 10:58	00:00:19	001/001	OK	
K57	03-22 10:59	00:00:16	001/001	OK	
HIT RADIO 100	03-22 10:59	00:00:17	001/001	OK	
KSTO	03-22 11:00	00:00:35	001/001	OK	
KSTEREO/KISH	03-22 11:02	00:00:35	001/001	OK	
JOY 92 FM	03-22 11:03	00:00:22	001/001	OK	
KPRG	03-22 11:03	00:00:17	001/001	OK	
MARIANAS VARIETY	03-22 11:07	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, 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 Trentei Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

March 22, 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 2:30 pm, Friday, March 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:30 pm:

- **Bill No. 105-31 (COR) - AN ACT TO RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (j), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.** - sponsored by Senator Adolpho B. Palacios, Sr.
- **Bill No. 60-31 (COR) - AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK.** - sponsored by Senator Maria Silva Taijeron.

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Office/Mailing Address: 155 Mesler Place, Hagåtña Guam 96910
Telephone No. (671) 472-5047/5048 - Fax No. (671) 472-5032 - Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PUBLIC HEARING

9:00 am, Monday, March 28, 2011

(Reconvening of 2:30 pm, Friday, March 25, 2011)

I Liheslaturan Guahan's Public Hearing Room, Hagatña

AGENDA

- I. **Call to Order**
- II. **Opening Remarks/Announcements**
- III. **Items for Public Consideration**
 - **Bill No. 105-31 (COR) – AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED. – sponsored by Senator Adolpho B. Palacios, Sr.**
 - **Bill No. 60-31 (COR) – AN ACT TO AMEND §26103 AND TO ADD A NEW CHAPTER 27 TO TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING VEHICLE PASSENGERS RIDING IN THE BED OF A PICKUP TRUCK. – sponsored by Senator Mana Silva Tajjeron**
- IV. **Closing Remarks**
- V. **Adjournment**

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 Guahan'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

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

Bill No. 105-3 (COR)

Introduced by:

Adolpho B. Palacios, Sr.



2011 MAR -8 AM 10:50

AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the Peace Officer Standards and Training (“POST”) Commission, as a fully established
4 organization, and contrary to the requirements of law, has not convened for a meeting in
5 at least a year. The absence of regularly held meetings impedes the ability of the
6 Commission to fulfill its intended role and undermines its integrity.

7 *I Liheslaturan Guåhan* further finds that currently there is no provision for
8 administrative support of the POST Commission in meeting its mandates. Its regulatory
9 responsibilities build upon the professionalism, competency and effectiveness of public
10 safety personnel.

11 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend existing statute in
12 order to provide administrative and professional support, and necessary organizational
13 changes, critical to sustaining an active and credible POST Commission.

1 Section 2. §32302 (a), (h) (4), and (i), Chapter 32 of Title 17 GCA are hereby
2 *amended.*

3 “§32302. Created; Membership; Compensation; Meetings; Publications of
4 **Procedures; Standards for Certified Training; Powers and Duties.**

5 (a) There is hereby created a Peace Officer Standards and Training Commission
6 (POST). The Guam Community College (GCC) shall be designated as the State Agency
7 for POST, and shall provide the administrative and professional services to the
8 Commission. If necessary, GCC shall provide a budget request, annually, to the Speaker
9 of I Liheslaturan Guåhan for consideration. The Commission *shall* be composed of
10 twelve (12) members as follows:

- 11 (1) the Chief of the Guam Police Department, *or* his designated
12 representative;
- 13 (2) the Chief of the Guam Airport Police, *or* his designated
14 representative;
- 15 (3) the Chief of the Guam Port Police, *or* his designated representative;
- 16 (4) the Attorney General, *or* his designated representative;
- 17 (5) the Director of Customs and Quarantine Agency, *or* his designated
18 representative;
- 19 (6) the Director of the Department of Corrections, *or* his designated
20 representative;
- 21 (7) the Chief of the Division of Aquatic and Wildlife Resources of the
22 Department of Agriculture, *or* his designated representative;

- 1 (8) one (1) non-voting representative from the University of Guam
2 (UOG), appointed by the President;
- 3 (9) one (1) non-voting representative from the Guam Community
4 College (GCC), appointed by the President;
- 5 (10) the Chief Marshal of the Unified Guam Judiciary, *or* his
6 designated representative;
- 7 (11) the Chief of the Guam Fire Department, *or* his designated
8 representative; and
- 9 (12) one (1) voting representative from the Department of
10 Administration, the Personnel Service Division Administrator,
11 appointed by the Director of Administration.

12 (b) Members of the Commission *shall* receive no compensation, but *shall* be
13 reimbursed under §§23103 and 23104 of Title 5 of the Guam Code Annotated for travel
14 and per diem expenses incurred in the performance of their duties. For purposes of
15 compensation, attendance at meetings of the Commission *shall* be deemed performance
16 by a member of the duties of his local governmental employment.

17 (c) The Commission *shall* hold at least four (4) meetings per year.

18 (d) The Commission *shall* establish and publish its procedures.

19 (e) The Commission *shall* establish standards for certification of peace officer
20 training.

21 (f) The Commission *shall* establish reasonable fees for the application and
22 processing for the certification of peace officers.

23 (g) The Commission in coordination with affected agencies *shall* establish:

- 1 (1) requirements and minimum standards for the certification of peace
2 officers;
- 3 (2) categories of peace officer certification with respect to the duties and
4 requirements of respective fields;
- 5 (3) minimum qualifications for peace officer training instructors;
- 6 (4) minimum training requirements for peace officers;
- 7 (5) collaboration with training providers and educational institutions to
8 establish core curriculum for all designated programs;
- 9 (6) categories *or* classification of advanced in-service training programs
10 and minimum courses of study and attendance requirements with
11 respect to the categories or classifications; and
- 12 (7) a time frame for full compliance with Commission requirements by
13 respective departments and agencies.

14 (h) The Commission *shall*:

- 15 (1) visit and inspect peace officer training programs *or* their components
16 at any appropriate time;
- 17 (2) adopt such rules and regulations as it deems proper to fully effectuate
18 and carry out the purpose of this Article, pursuant to the
19 Administrative Adjudication Law;
- 20 (3) prescribe reasonable minimum qualifications relating *solely* to the
21 physical, mental and moral fitness of persons recruited, appointed *or*
22 retained as peace officers by the government of Guam;

- 1 (4) deny, suspend, *or* revoke certification of peace officers for substantial
2 failure to comply with this Article or the rules of the Commission,
3 pursuant to procedures and policies enacted pursuant to the
4 Administrative Adjudication Law;
- 5 (5) recommend to the respective appointing authorities qualifications of
6 candidates for the offices of Chief of Police, the Chief Marshall, the
7 Chief Probation Officer, the Director of Corrections, and the Director
8 of Customs and Quarantine Agency;
- 9 (6) provide management survey and managerial assistance as requested by
10 corrections and law enforcement agencies;
- 11 (7) provide by rule for the reciprocity and recognition of equivalent entry
12 level core basic training at a training center by law enforcement
13 officers of the federal government, states *or* territories of the United
14 States, and, also require such additional training for certification as the
15 Commission deems necessary;
- 16 (8) provide by rule for the reciprocity and recognition of law enforcement
17 officers of the federal government, states *or* territories of the United
18 States with five (5) *or* more years of law enforcement experience. The
19 Commission may waive the equivalent number of hours of training
20 that an officer obtained in another jurisdiction and may require such
21 law officer to complete training in Guam law;
- 22 (9) provide by rule for temporary certification of peace officers who have
23 previously completed basic peace officer training but have since left

1 service in good standing, provided that said peace officers *shall* satisfy
2 standards and training requirements as set by the Commission;

3 (10) provide by rule for the temporary certification of peace officers
4 from other jurisdictions who have completed basic peace officer
5 training and have since left service in good standing, provided that said
6 peace officers satisfy standards and training requirements as set by the
7 Commission;

8 (11) establish supervisory, managerial, and executive level standards
9 and certification for the agencies covered by this Chapter; and

10 (12) may enter into professional developments with the Guam
11 Community College, the University of Guam, *or* another suitable
12 institution.

13 (i) The Commission shall elect a chairperson and vice-chairperson from among
14 its members every two (2) years. A non-voting member *shall* not serve as chairperson or
15 vice chairperson of the commission.”

16 **Section 3. §32303 (b) and (b) (7) of Article 3, Chapter 32, Title 17 GCA are**
17 **hereby amended.**

18 **“§32303. Executive Director; Appointment; Powers and Duties.**

19 (b) With the approval of the Commission, the Executive Director ~~may~~ shall:

20 (1) certify Peace Officer Training programs *or* institutions;

21 (2) certify peace officers who have satisfactorily completed training;

22 (3) consult and cooperate with peace officer training academies in the

23 development of basic and continuing education training programs for

- 1 peace officers;
- 2 (4) consult and cooperate with the Guam Community College, the
3 University of Guam, other institutions of higher education, *or* any
4 POST certified advanced training programs for the development of
5 specialized courses of study on Guam for peace officers in the areas of
6 police science, police administration, the social sciences and other
7 related areas;
- 8 (5) consult and cooperate with other departments and agencies concerned
9 with peace officer training;
- 10 (6) report to the Commission at regular meetings of the Commission and
11 at other times as required to recommend denial, suspension, *or*
12 revocation of certification of a peace officer to the Commission as
13 deemed necessary; and
- 14 (7) ~~act as a voting member of the Commission only in case of a tie~~ *shall,*
15 in cooperation with the State Agency, maintain custody of all records
16 of the Commission.”

17 **Section 4. Transfer of Records.** No later than thirty (30) days following the
18 enactment of this Act, all records of the POST Commission *shall* be transferred into the
19 custody of the State Agency.

20 **Section 5. Effective Date.** The provisions contained herein shall be effective
21 upon the enactment of this Act.

22 **Section 6. Severability.** If any provision of this Act or its application to any
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall not

- 1 affect other provisions or applications of this Act which can be given effect without the
- 2 invalid provisions or application, and to this end the provisions of this Act are severable.