

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

AGENDA

August 5, 2008

(Reconvening of August 4, 2008 Session)

- (i) Call to order;**
- (ii) Prayer by the Chaplain;**
- (iii) Singing of the Guam Hymn in Chamorro;**
- (iv) Singing of the National Anthem;**
- (v) Roll call;**
- (vi) Call for approval of the Legislative Journal; ~~June 30 to July 9,~~
2008 ~~dj~~;**
- (vii) Communications and petitions; ~~There are~~**
- (viii) Messages from *I Maga'lahen Guåhan*; ~~There are~~**
- (ix) Reports of Standing Committees; ~~There are~~**
- (x) Reports of Select Committees; ~~None~~**
- (xi) Introduction and first reading of bills and resolutions: ~~Bill No.~~
~~333(EC) to Bill No.346 (EC); Resolution No. 171(EC) to Resolution~~
~~No.173(EC); Bill No. 347(LS) to Bill No. 349(LS); Resolution No.~~
~~174(LS) to Resolution No. 175(LS); Bill No. ____(LS) to Bill~~
~~No.____(LS); Resolution No.____(LS) to Resolution No.____(LS);~~
~~Legislative Certificate No. ____(LS) to Legislative Certificate~~
~~No.____(LS).~~**

(xii) Motions;

1. Veto of Bill No. 60(EC), to prohibit transfer of funds from Antonio B. Won Pat International Airport Authority, Guam for the general purposes of GovGuam, received 9/07/07.
2. Veto of SBill No. 33(EC), creating the *Kumision Guåhan Fine'nana* (The Guam First Commission) on the Military Mission in Guam, received 10/26/07. (Failed override - Veto sustained 03/21/08) (Failed override - Veto sustained 7/9/08)
3. Veto of SBill No. 132(EC), to *amend* Title 21 GCA § 80104(e), relative to the powers and duties of the Ancestral Lands Commission to manage and develop former Spanish Crown Lands and other non-ancestral lands, received 10/26/07. (Failed override - Veto sustained 03/21/08)
4. Veto of Bill No. 111(EC), to extending the right of public documents to resumes and applications filed in response to government recruitment, received 1/2/08.
5. Veto of Bill No. 137(EC), relative to government travel law, received 1/2/08. (Failed override - Veto sustained 3/21/08)
6. ~~Veto of Bill No. 171(LS), relative to authorizing the Superintendent of Education to establish a public corporation for the purpose of advancing excellence in education, to be known as the "Foundation for Public Education Act of 2007", received 1/2/08.~~
7. Veto of Bill No. 195(EC), relative to permitted investments and interest earned from the Sixteen Million Dollars (\$16,000,000) of bond proceeds intended to fund payments to COLA Class Awardees as ordered by the judgment in Rios V. Camacho, Superior Court Case No. SP0206-93, received 3/20/08.
8. Veto of Bill No. 210(LS), to appropriate funds to the Department of Revenue and Taxation to purchase new equipment and contractual needs necessary for the functions of the department, received 3/20/08.
9. Veto of Bill No. 211(LS), to appropriate funds to the Department of Revenue and Taxation to hire new personnel within various divisions to enhance collection efforts and compliance with local laws, received 3/20/08.
10. Veto of Bill No. 221(LS), to *amend* Section 1 of part 1-Department of Public Health and Social Services, Chapter III of Public Law 29-19, to increase the appropriation from Forty-Seven Million Three Hundred Fifty-six Thousand One Hundred Eight Dollars (\$47,356,108) to Sixty-One Million Three Hundred Fifty-Six Thousand One Hundred Eight Dollars (\$61,356,108) for the purpose of funding obligations in the Medically Indigent Program and the Medicaid Program, received 3/20/08. (Failed override - Veto sustained 04/25/08)
11. Veto of Bill No. 136(EC), relative to incorporating the provision of wellness and preventive healthcare into the government of Guam's group health and medical insurance coverage, thus promoting and encouraging a more healthy, fit, and improved lifestyle for employees and their families; through *adding* a new Subsection "(h)" to §4301 of Article 3, Chapter 4, Title 4, Guam Code Annotated, Group Insurance, received 3/20/08. (Failed override - Veto sustained 04/25/08)
12. Veto of Bill No. 138(EC), to accelerate the transition of the government of Guam into the digital age by the implementation of a program of discounted fees as incentives for the submission of documents filed with government agencies in an acceptable computerized data format, at the Department of Land Management, by *amending* §60304 and *adding* a new §60315.1 to Title 21, Guam Code Annotated, received 4/7/08. (Failed override - Veto sustained 04/25/08)

13. Veto of Bill No. 287(EC), relative to voting for President and Vice-President of the United States, received 7/22/08.

(xiii) Legislative Concurrence;

- ~~1. From the Committee on Aviation, Federal Affairs, Labor, Housing, Banking & Insurance on the appointment of Mr. William West Cassidy to serve as member of the Guam Banking & Insurance Board with the recommendation to do confirm.~~
- ~~2. From the Committee on Aviation, Federal Affairs, Labor, Housing, Banking & Insurance on the appointment of Mr. Juan Q. Acfalle to serve as a member of the Guam Housing & Urban Renewal Authority Board of Commissioners with the recommendation to do confirm.~~
- ~~3. From the Committee on Criminal Justice, Public Safety, & Youth on the appointment of Fr. Michael C. Crisostomo to serve as s member of the Criminal Injuries Compensation Commission with the recommendation to do confirm.~~

(xiv) Consent Calendar: *

*Through motion that all commendatory, congratulatory and condolence resolutions and legislative certificates introduced today and remainder of this legislative session be considered first read and adopted; to add all Senators as co-sponsors and to allow Senators and the Legal Counsel to make technical corrections.

(xv) Second Reading File:

- | | |
|----------------------------------|----------------------|
| 1. Resolution No. 172(EC) | 10. Bill No. 122(EC) |
| 2. <u>Resolution No. 162(EC)</u> | 11. Bill No. 312(EC) |
| 3. Bill No. 346(EC) | 12. Bill No. 260(EC) |
| 4. Bill No. 295(EC) | 13. Bill No. 263(EC) |
| 5. Bill No. 324(LS) | 14. Bill No. 261(EC) |
| 6. <u>Bill No. 286(EC)</u> | 15. Bill No. 251(EC) |
| 7. Bill No. 288(EC) | 16. Bill No. 257(EC) |
| 8. Bill No. 248(LS) | 17. Bill No. 256(EC) |
| 9. Bill No. 308(EC) | 18. Bill No. 103(LS) |

(xvi) Consideration of the Daily File:

(1) Third Reading File:

8/04/08

1. Bill No. 286(EC)
2. Resolution No. 162(EC)

8/05/08

- 3.
- 4.
- 5.
- 6.
- 7.

(2) Voting File:

1. Veto of Bill No. 171(LS), relative to authorizing the Superintendent of Education to establish a public corporation for the purpose of advancing excellence in education, to be known as the “Foundation for Public Education Act of 2007”, received 1/2/08.
2. On the appointment of Mr. William West Cassidy to serve as member of the Guam Banking & Insurance Board .
3. On the appointment of Mr. Juan Q. Acfalle to serve as a member of the Guam Housing & Urban Renewal Authority Board of Commissioners.
4. On the appointment of Fr. Michael C. Crisostomo to serve as a member of the Criminal Injuries Compensation Commission.

(xvii) Brief extension of remarks (limited to 5 minutes per member);

(xviii) Announcements;

(xix) Adjournment.

SECOND READING FILE
As of 8/4/08

Bill No. 122 (EC) – by J. A. Lujan

AN ACT TO AUTHORIZE THE SALE OF ELECTRIC ENERGY BY COMMERCIAL POWER PRODUCERS DIRECTLY TO CONSUMERS, AND DIRECTING THE PUBLIC UTILITIES COMMISSION TO ESTABLISH REASONABLE RATES FOR ACCESS TO GUAM POWER AUTHORITY TRANSMISSION FACILITIES, TO BE KNOWN AS THE “POWER BILL REDUCTION AND STABILIZATION ACT OF 2007”

Bill No. 248 (LS) - J. T. Won-Pat, Ed.D., J. V. Espaldon, T. R. Muna-Barnes

AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZE CHARTER SCHOOLS ON GUAM.

Bill No. 251 (EC) – by Ray Tenorio, R. J. Respicio, 2nd Reading File 6/30/08
As Substituted by the Committee on Judiciary, **J. P. Guthertz**
Natural Resources, Infrastructure and Cultural Affairs

AN ACT TO ADD A NEW CHAPTER 81 TO, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO THE DEPLOYMENT OF BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE ON PUBLIC RIGHTS OF WAY.

Bill No. 256 (EC) – by Ray Tenorio 2nd Reading File 6-30-08

AN ACT TO ADD ARTICLE 3 TO CHAPTER 43 OF 9GCA RELATIVE TO SKIMMING.

Bill No. 257 (EC) – by Ray Tenorio 2nd Reading File 6/30/08
As Substituted by the Committee on
Criminal Justice, Public Safety and Youth

AN ACT TO AMEND §19102 CHAPTER 19 OF 16GCA RELATIVE TO GOVERNMENT VEHICLE LIABILITY INSURANCE.

Bill No. 260 (EC) – by Ray Tenorio 2nd Reading File 6/30/08
As amended by the Author

AN ACT TO ADD A NEW ARTICLE 4A CHAPTER 67 OF 9GCA RELATIVE TO THE USE OF A MINOR IN A DRUG OPERATION.

Bill No. 261 (EC) – by Ray Tenorio
As amended by the Author

2nd Reading File 6/30/08

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING *THE TRUTH IN FORECASTING ACT*.

**Bill No. 263 (EC) – by Ray Tenorio, J. T. Won Pat,
J. P. Guthertz**

2nd Reading File 6/30/08

AN ACT TO ADD A NEW §19170 TO CHAPTER 19 OF 16GCA RELATIVE TO THE PRESENTATION OF INSURANCE DOCUMENTS TO ESTABLISH “PROOF OF INSURANCE.”.

Bill No. 286 (EC) - v. c. pangelinan

3rd Reading File 8-04-08

AN ACT TO ADD A NEW §40123.1 TO 5GCA, DIVISION 4, CHAPTER 40 RELATIVE TO THE CONSTRUCTION OF GOVERNMENT FACILITIES

Bill No. 288 (EC) – by J. V. Espaldon, D. L.G. Shimizu, B. J.F. Cruz, F. T. Ishizaki,
As Substituted by the Committee **R. J. Respicio**
on General Governmental
Operations and Reorganization

AN ACT TO PROVIDE FOR THE APPOINTMENT OF MAGISTRATES AND JUDICIAL HEARINGS DIVISION HEARINGS OFFICERS WITHIN THE JUDICIARY OF GUAM AND TO PROVIDE FOR THE CREATION OF SATELLITE COURT FACILITIES.

Bill No. 295(EC) - B. J.F. Cruz, J.P. Guthertz, DPA

AN ACT TO AMEND TITLE 4 G.C.A. § 2103.12 RELATIVE TO APPOINTMENTS MADE TO A POSITION WHICH REQUIRES THE ADVISE AND CONSENT OF *I LIHESLATURA* IN AN ACTING CAPACITY AS HEAD OR DIRECTOR OF A DEPARTMENT, AGENCY, OR INSTRUMENTALITY.

Bill No. 308 (EC) – by v. c. pangelinan

AN ACT TO AMEND 4 GCA §8127 (a) RELATIVE TO MEDICAL EXAMINATION REQUIREMENTS FOR GOVERNMENT OF GUAM DISABILITY RETIREMENT.

Bill No. 312 (EC) – by Frank T. Ishizaki, James V. Espaldon

AN ACT TO AMEND §34301 AND TO REPEAL AND RE-ENACT §34302(a) AND §34302(b), ALL OF ARTICLE 3, CHAPTER 34, TITLE 10 GCA, RELATIVE TO ANIMAL QUARANTINE REGULATION.

Bill No. 324 (LS) - T. R. Muna-Barnes

AN ACT TO APPROVE THE LEASE BY AND BETWEEN THE GOVERNMENT OF GUAM AND THE ASAHI ASSOCIATION OF GUAM.

Bill No. 346 (EC) - J. T. Won Pat, Ed.D., T.R. Muña-Barnes, D.L.G. Shimizu, Ed.D.

AN ACT TO AMEND CHAPTER 7, SECTION 7113 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO LIMITATIONS ON CAPACITY LEVELS FOR CONSTRUCTION OF NEW PUBLIC SCHOOLS.

**Resolution No. 162 (EC) – by B. J.F. Cruz, R. J. Respicio, 3rd Reading File 8-04-08
J. P. Guthertz, T. R. Muña Barnes**

Relative to expressing the support of *I Mina' Bente Nuebi Na Liheslaturan Guåhan* of the Guam Adult Drug Court and the Juvenile Drug Court administered by the Judiciary of Guam; and to urging the United States Senate and the United States House of Representatives to support their continued funding.

Resolution No. 172 (EC) – by B. J.F. Cruz, T. R. Muña Barnes, J. P. Guthertz, R. J. Respicio

Relative to expressing the support of *I Mina'Bente Nuebi Na Liheslaturan Guåhan* for the Agent Orange Equity Act introduced by the Honorable Congressman Bob Filner (D-CA) in United States House of Representatives on July 23, 2008, clarifying the qualifications necessary for those with illnesses contracted due exposure to qualify for additional veterans benefits by mandating the inclusion of those members of the armed forces exposed while not explicitly on land, and to respectfully request that Guam and other areas in the theater of operations for the Vietnam War in which Agent Orange was stored and transshipped should be added to the list of areas in which military and civilian employees who were exposed to Agent Orange may qualify for additional benefits.

Committee Reports Received as of 8/04/08

Bill No. 31 (EC) – by A. B. Palacios, Sr.

RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO ‘DOC’ SANCHEZ SCHOLARSHIP PROGRAM, THROUGH AMENDING SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17, GUAM CODE ANNOTATED.

Bill No. 103 (LS) – by A. B. Palacios, Sr.

AN ACT TO PROVIDE FOR DISCRETIONARY APPROVAL OF LEAVE OF ABSENCE FOR OUTSIDE EMPLOYMENT BY AMENDING §4105(d)(4), CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED.

Bill No. 162(LS) – by F. T. Ishizaki, F. F. Blaz, Jr.,

As substituted by the Author and **A. B. Palacios, Sr., Ray Tenorio**
as further substituted by the Committee on
Criminal Justice, Public Safety & Youth

AN ACT TO AMEND SUBSECTION (a), (b), AND (c) OF §18201 OF ARTICLE 2 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE IMPLIED CONSENT PROVISIONS OF THE SAFE STREETS ACT.

AN ACT TO AMEND SUBSECTION (a), (b), AND (c) OF §18201 OF ARTICLE 2 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE IMPLIED CONSENT PROVISIONS OF THE SAFE STREETS ACT.

Bill No. 191 (EC) – by A. B. Palacios, Sr.

AN ACT TO REPEAL THE TAX EXEMPTIONS FOR BANKS, BANKING INSTITUTIONS, SMALL LENDERS AND BUILDING AND LOAN ASSOCIATIONS, BY AMENDING §26202(f)(1) and (2) OF ARTICLE 2, CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO TAX ON BANKS, BANKING INSTITUTIONS, SMALL LENDERS, AND BUILDING AND LOAN ASSOCIATIONS.

Bill No. 202 (EC) – by J. A. Lujan

AN ACT TO AUTHORIZE THE ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM TO ISSUE DIFFERENTIAL PAY TO EMT-B CERTIFIED FIREFIGHTERS OF THE AIRCRAFT RESCUE AND FIRE FIGHTING UNIT

Bill No. 230 (LS) – by v. c. pangelinan

AN ACT TO AMEND 11GCA §103102 (c) RELATIVE TO QUALIFICATIONS FOR COMMISSIONER ON BANKING AND INSURANCE.

Bill No. 236 (LS) – by F. T. Ishizaki, A. B. Palacios, Sr.

AN ACT TO AMEND §§8121(a) AND 6504.1 BOTH OF TITLE 4 G.C.A. AND TO AMEND §77119 OF TITLE 10 G.C.A., RELATIVE TO THE EMPLOYMENT OF RETIRED POLICE OFFICERS.

Bill No. 239 (LS) by F. T. Ishizaki, A. B. Palacios, Sr.

As Substituted by the Committee
on General Governmental
Operations and Reorganization

AN ACT TO AMEND §55102 OF CHAPTER 55, DIVISION 3, TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO PUBLIC SAFETY AND LAW ENFORCEMENT COMPENSATION.

Bill No. 248 (LS) by J. T. Won Pat, Ed.D., J. V. Espaldon, T. R. Muna Barnes,

As substituted by the Committee on
Education, General & Omnibus Affairs

J. P. Guthertz

AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZE CHARTER SCHOOLS ON GUAM.

Bill No. 253 (EC) – by Ray Tenorio, R. J. Respicio, J. P. Guthertz, DPA

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 46 OF 9GCA RELATIVE TO RESTRICTING THE USE OF TELEPHONE RECORDS WITHOUT CONSENT

Bill No. 258 (EC) – by Ray Tenorio

Rec'd 8/04/08

AN ACT TO ADD A NEW §5134 TO CHAPTER 5 OF 19GCA RELATIVE TO PARENTAL ACCOUNTABILITY.

Bill No. 270 (EC) – by A. B. Palacios, Sr.

AN ACT RELATIVE TO PROVIDING FOR THE RECRUITMENT AND HIRING OF 100 NEW UNIFORMED POLICE OFFICERS FOR THE GUAM POLICE DEPARTMENT BY THE YEAR 2013 TO FURTHER ENSURE THE SAFETY OF OUR STREETS AND NEIGHBORHOODS, PARTICULARLY IN CONSIDERATION OF THE ANTICIPATED INCREASE IN CIVILIAN AND MILITARY POPULATION IN THE UPCOMING YEARS; APPROPRIATING THE SUMS NECESSARY FOR THE INITIAL IMPLEMENTATION AND

HIRING OF ADDITIONAL POLICE OFFICERS IN FISCAL YEAR 2009; AND THROUGH ADDING A NEW SECTION §77135 TO CHAPTER 77, DIVISION 3 (PUBLIC SAFETY), TITLE 10, GUAM CODE ANNOTATED; THIS PROVISION SHALL HENCEFORTH BE KNOWN AS THE “*ISLAND-WIDE NEIGHBORHOOD PATROL PUBLIC SAFETY PROTECTION ACT OF 2008*”.

Bill No. 271 (EC) – by E. J. B. Calvo

AN ACT TO AMEND TITLE 5, CHAPTER 22, §22415 RELATIVE TO ALLOWING FOR THE TRANSFER OF PROMISSORY NOTES ISSUED TO CREDITORS OF THE GOVERNMENT OF GUAM.

Bill No. 286 (EC) – by v. c. pangelinan

AN ACT TO ADD A NEW §40123.1 TO 5GCA, DIVISION 4, CHAPTER 40 RELATIVE TO THE CONSTRUCTION OF GOVERNMENT FACILITIES.

Bill No. 289 (EC) – by B.J.F. Cruz, R. J. Respicio, J. P. Guthertz

AN ACT TO AUTHORIZE *I MAGA' LÅHEN GUAHÅN* TO EXCHANGE GOVERNMENT LAND TO ACQUIRE LOT NUMBER 279-RI, MERIZO.

Bill No. 290 (EC) – by B. J.F. Cruz, R. J. Respicio, J. P. Guthertz

AN ACT TO AUTHORIZE *I MAGA' LÅHEN GUAHÅN* TO EXCHANGE GOVERNMENT LAND TO ACQUIRE LOT NUMBER 142 NEW, AGAT.

Bill No. 298 (EC) – by J. V. Espaldon, T. R. Muna-Barnes, R. J. Respicio

AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 5327 IN THE MUNICIPALITY OF DEDEDO TO LIGHT INDUSTRIAL (“M-1”) ZONE.

Bill No. 300 (EC) – by Ray Tenorio

AN ACT TO ADD A NEW CHAPTER 10 TO 22GCA RELATIVE TO PRIVATE EMPLOYER WORKPLACE DRUG TESTING.

Bill No. 307 (EC) – by Ray Tenorio

As Substituted by the Committee on
Public Safety Criminal Justice and Youth

AN ACT TO ADD A NEW CHAPTER 48 TO TITLE 9, GUAM CODE ANNOTATED RELATIVE TO NOTIFICATION OF BREACHES OF PERSONAL INFORMATION”.

Bill No. 323 (LS) – by E. J.B. Calvo

As amended by the Committee

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUÅHAN* TO MAKE PRIOR YEAR VENDOR AND UTILITY PAYMENTS OF THE GOVERNMENT OF GUAM FROM GENERAL FUND REVENUES COLLECTED IN FISCAL YEAR 2008, TO BE KNOWN AS “THE DEFICIT REDUCTION ACT OF 2008.”

Bill No. 325 (LS) – by Ray Tenorio

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF 8GCA RELATIVE TO THE CREATION OF AN ARREST WARRANT REPOSITORY.

Bill No. 331 (LS) – by F. T. Ishizaki, R. J. Respicio, A. B. Palacios, Sr.

As Substituted by the Committee on
Public Safety, Criminal Justice and Youth

AN ACT TO ADD A NEW §3218 TO CHAPTER 3, ARTICLE 2, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF THE SALE OF TIRES AGED OVER SIX (6) YEARS, THE STATING OF THE DATE OF MANUFACTURE, AND THE MANDATORY POSTING OF THE DANGERS OF AGED TIRES AT THE POINT OF SALE.



Legislative Confirmation

Nomination of Mr. William West Cassidy to serve as member of the Guam Banking & Insurance Board. Voting File 8/4/08

Nomination of Mr. Juan Q. Acfalle to serve as a member of the Guam Housing & Urban Renewal Authority Board of Commissioners. Voting File 8/4/08

Appointment of Fr. Michael C. Crisostomo to serve as s member of the Criminal Injuries Compensation Commission. Voting File 8/4/08