

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Introduced
NOV 20 2006
7:55 A.M. *fr*

Bill No. 396 (~~LS~~/EC)

Introduced by:

R. Klitzkie
Mark Forbes

RAY TENORIO
A. B. DOMESTOS
B. J. Cruz

AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER 1, §1103(c) RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM.

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

2 **Section One.** Title 4 G.C.A., Chapter 1, §1103 (c) is amended to read:

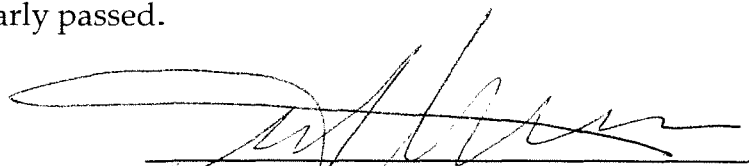
3 “(c) The provisions of this Section shall not apply to any vehicle assigned for the use of I
4 Maga'lahren Guåhan [the Governor], I Segundu na Maga'lahren Guåhan [the Lt.
5 Governor], and the Speaker of I Liheslaturan Guåhan [the Legislature], ~~the Presiding~~
6 ~~Judge of the Superior Court of Guam, and the Chief Justice of the Supreme Court of~~
7 ~~Guam.”~~

8 **Section** _____. Section One is effective on the effective date of §5 of PL 28-137.

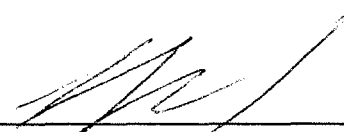
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

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


This is to certify that Bill No. 390 (EC), "AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER 1, §1103(c), RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM," as amended, was on the 27th day of December, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 30 day of Dec, 2006, at 1:30 o'clock P.M.

 #573
Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 390 (EC)

As amended.

Introduced by:

R. Klitzkie
Mark Forbes
Ray Tenorio
A. B. Palacios, Sr.
B. J.F. Cruz
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
Mike Cruz
L. F. Kasperbauer
J. A. Lujan
R. J. Respicio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO *AMEND* TITLE 4 G.C.A., CHAPTER 1,
§1103(c), RELATIVE TO APPLYING THE
PROHIBITION OF GOVERNMENT VEHICLES
FOR PERSONAL USE TO THE PRESIDING
JUDGE OF THE SUPERIOR COURT OF GUAM &
THE CHIEF JUSTICE OF THE SUPREME COURT
OF GUAM.**

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

2 **Section 1.** Title 4 G.C.A., Chapter 1, §1103(c) is *amended* to read:

3 “(c) The provisions of this Section shall not apply to any
4 vehicle assigned for the use of *I Maga'lahaen Guåhan* [the Governor], *I*

1 *Segundu Na Maga'lahen Guåhan* [the Lt. Governor] and the Speaker
2 of *I Liheslaturan Guåhan* [the Legislature].”

3 **Section 2.** Section 1 is effective on the effective date of §5 of P.L. 28-
4 137.

6

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
2006 (SECOND) Regular Session

Date: 12/27/06

VOTING SHEET

Bill No. 390 (EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓	✓			
KASPERBAUER, Lawrence F.	✓	✓			
KLITZKIE, Robert	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓	✓			
WON PAT, Judith T.	✓				

TOTAL 12 2 0 0 0

CERTIFIED TRUE AND CORRECT:

 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

December 14, 2006

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Committee Report – Bill 390 (EC)

Mr. Speaker:

Transmitted herewith for your consideration and action is the committee report on **Bill 390 (EC), AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER 1, § 1103(c) RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM**, as referred to the Committee on Judiciary, Governmental Operations, and Reorganization.

The Committee votes are as follows:

_____ 5 _____ TO PASS
_____ 0 _____ NOT TO PASS
_____ 0 _____ TO REPORT OUT ONLY
_____ 0 _____ ABSTAIN
_____ 0 _____ INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely

Bob
Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations & Reorganization



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

December 6, 2006

Committee on Judiciary, Governmental Operations,
& Reorganization
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 390 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **Bill 390 (EC), AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER 1, § 1103(c) RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM**, as referred to the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,


Bob

Senator Robert Klitzkie, Chairman

Committee on Judiciary, Governmental Operations,
& Reorganization



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 390 (EC) - AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER 1, § 1103(c) RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member		12/7/06 ✓				
Senator Adolpho Palacios, Member		12/7 ✓				
Senator Larry Kasperbauer, Ph. D., Member						
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member						

Zaf
12/21/06

Zaf
12/21/06

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session**

Bill No. 390(EC)

Introduced by:

R. Klitzkie
Mark Forbes
Ray Tenorio
A.B. Palacios
B. J.F. Cruz

**AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER
1, §1103(c) RELATIVE TO APPLYING THE
PROHIBITION OF GOVERNMENT VEHICLES
FOR PERSONAL USE TO THE PRESIDING
JUDGE OF THE SUPERIOR COURT OF GUAM
& THE CHIEF JUSTICE OF THE SUPREME
COURT OF GUAM.**

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

2 **Section One.** Title 4 G.C.A., Chapter 1, §1103 (c) is amended to read:

3 “(c) The provisions of this Section shall not apply to any vehicle assigned for the use of I
4 Maga'lahren Guåhan [the Governor], I Segundu na Maga'lahren Guåhan [the Lt.
5 Governor], and the Speaker of I Liheslaturan Guåhan [the Legislature], ~~the Presiding~~
6 ~~Judge of the Superior Court of Guam, and the Chief Justice of the Supreme Court of~~
7 ~~Guam.~~”

8 **Section _____.** Section One is effective on the effective date of §5 of PL 28-137.

I. OVERVIEW

The Committee on Judiciary, Governmental Operations, and Reorganization held a public hearing on Bill 390 (EC) on November 27, 2006 at 9:00am in the Guam Legislature public hearing room in Hagatna, Guam. Notice of public hearing was disseminated throughout all local media.

Senators present:

Senator Robert Klitzkie, chairman
Senator Adolpho Palacios, member
Senator Larry Kasperbauer, member
Senator Judith Won Pat

Summary of testimony:

Chief Justice F. Phillip Carbuillido of the Supreme Court presented oral testimony in support of Bill 390 (EC). The Chief Justice stated that he supports the intent of the bill to prohibit personal chauffeuring of judges and justices to and from their places of residence. He also highlighted that the courts have a current vehicle policy in place which addresses the authorized uses of government vehicles by all employees.

Findings & recommendations:

Bill 390 (EC) eliminates the Presiding Judge of the Superior Court of Guam and the Chief Justice of the Supreme Court of Guam from provisions of Title 4 G.C.A., Chapter 1, § 1103 which allow personal use of government vehicles.

Chief Justice F. Phillip Carbuillido of the Supreme Court presented testimony on Bill 390 (EC) during the hearing of 27 November. In discussing the purpose and intent of the bill, the Chief Justice stated that his belief is that it is to prohibit personal chauffeuring of judges and justices to and from their residence. The Chief Justice commented that "if that is intent of bill, then I support Bill 390."

The committee finds that based on the support of the Chief Justice and evidence during the hearing that there is no public opposition, Bill 390 (EC) is a salutary that symbolizes frugality in the Judiciary.

Accordingly, the Committee on Judiciary, Governmental Operations, & Reorganization does hereby submit its findings and recommendation to **DO PASS Bill 390 (EC), AN ACT TO AMEND TITLE 4 G.C.A., CHAPTER 1, § 1103(c) RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM**, as introduced.



I Mina' Bente Ocho Na Liheslaturan Guahan
**Committee on Judiciary, Governmental Operations, & Reorganization
& Committee on Calendar**

AGENDA

Monday, November 27, 2006
Guam Legislature
Public Hearing Room

9:00am – 5:00pm

Bill 370 (EC) - An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam.

Bill 375 (EC) - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.

Bill No. 381 (EC) - An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website.

Bill 383 (EC) - An Act To Amend Title 3, Chapter 1, § 1103 Relative To Definitions Of The Board Of Canvass & Appeals (Boca), Bureau Of Elections, & Administrator Of Elections; To Revise Election Rules & Regulations; To Amend Title 3, Chapter 1, § 1111(B) Relative To Filing Of Political Parties With The Bureau Of Elections; To Amend Title 3, Chapter 1, § 1117 Relative To Approval Of Tabulating Devices; To Amend Title 3, Chapter 2, § 2101 Relative To The Composition Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2102 Relative To The Position Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2103 Relative To Duties Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2104 Relative To The Election Manual; To Amend Title 3, Chapter 2, § 2105 Relative To The Provision Of Election Forms; To Amend Title 3, Chapter 2, § 2106 Relative To Powers Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2107 Relative To Candidate Placement On Ballot; To Amend Title 3, Chapter 7, § 7130 Relative To The Tabulation Of Ballots; To Add A New § 7103.1 To Title 3 G.C.A., Chapter 7 Relative To Electronic Voting Machines; To Add A New § 2109 To Title 3, Chapter 2 Relative To Assignment Of Employees Of The Bureau Of Elections; To Add A New 2110 To Title 3, Chapter 2 Relative To The Staff Of The Bureau Of Elections; To Add A New Subsection (K) To Title 4, Chapter 4, § 4101 Relative To The Duties Of The Director Of Administration Concerning The Bureau Of Elections; To Secure Office Space For The Bureau Of Elections; To Add A New § 2110 To Title 3, Chapter 2 Relative To Transparency Of Guam Election Procedures; To Add A New § 1120 To Title 3, Chapter 1 Relative To Transferring Of Authority From The Election Commission" And The "Executive Director" To The Board Of Canvass And Appeals And The Administrator Of Elections In Ch. 3-21 In Title 3; To Establish The Bureau Of Elections As The Successor To The Election Commission; To Authorize Commissioners To Serve As Members Of The Board Of Canvass & Appeals; To Make Various Provisions Of This Act Effective Upon The Filing Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007.

Bill 390 (EC) – An Act To Amend Title 4 G.C.A., Chapter 1, § 1103(c) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam.

Appointment of **Brett David Burnham** to the Guam Ethics Commission.

Appointment of David **Joseph Hahn** to the Guam Ethics Commission.

Bill 388 (EC) – An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet.

**For more information, please visit www.bobsoffice.org/judiciary.
Written testimony can be submitted via e-mail to judiciary@bobsoffice.org.
For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.**

Committee on Judiciary, Governmental Operations & Reorganization
MINUTES

Public hearing date: November 27, 2006

Public hearing called to order by Chairman Klitzkie at 9:00am.

Senators present:

Senator Robert Klitzkie
Senator Adolpho Palacios, member
Senator Larry Kasperbauer, member
Senator Judith Won Pat

Bill 370 (EC), An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam, heard at 9:03am.

- Chief Justice F. Philip Carbullido of the Supreme Court presented oral testimony in opposition to Bill 370 (EC) at 9:04am.

*Questions and comments presented to the panel by Senator Robert Klitzkie.

Bill 381 (EC), An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website, heard at 9:06am

- Chief Justice F. Philp Carbullido of the Supreme Court of Guam presented oral and written testimony in favor of Bill 381 (EC) at 9:06am.

- Justice Robert Torres of the Superior Court of Guam presented oral testimony in favor of Bill 381 (EC) at 9:10am.

*Questions and comments presented to the panel by Senator Adolpho Palacios, Senator Larry Kasperbauer, Senator Robert Klitzkie, and Senator Judith Won Pat.

Bill 390 (EC), An Act To Amend Title 4 G.C.A., Chapter 1, §1103(C) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam, heard at 9:33am.

- Chief Justice F. Philip Carbullido of the Supreme Court of Guam presented oral testimony in favor of Bill 390 (EC) at 9:33am.

*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Adolpho Palacios, Senator Larry Kasperbauer, and Senator Judith Won Pat.

Bill 388 (EC), An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet, heard at 9:42am.

- Sergio Quenga, compiler of laws, presented oral testimony in favor of Bill 388 (EC) at 9:45am.
 - Justice Robert Torres, presented oral testimony in favor of Bill 388 (EC) at 9:45am.
 - Jacqueline Terlaje, legal representative for Data Management XXX, presented oral testimony in opposition of Bill 388 (EC) at 9:48am.
 - Chief Justice F. Philip Carbuillido of the Supreme Court of Guam presented oral testimony on Bill 388 (EC) at 10:07am.
 - Joann Muna, representative of the Human Relations Coordinating Council, presented oral testimony in favor of Bill 388 (EC) at 10:34am.
 - Trini Torres, Chamorro activist, presented oral testimony in favor of Bill 388 (EC) at 10:48am.
- *Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Larry Kasperbauer, Senator Judith Won Pat, & Senator Adolpho Palacios.

Chairman Klitzkie called a 5 minute recess at 10:55am.

Bill 375 (EC), An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act, was heard at 11:00am.

- Luis Reyes, superintendent of the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:00am.
 - Kenneth Chargualaf, associate superintendent for the Secondary Education Division of the Guam Public School System, presented oral testimony at 11:02am.
 - Fred Nishihara, legal counsel for the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:09am.
 - Ramon T. Lizama, personnel services administrator of the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:11am.
- *Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Larry Kasperbauer, and Senator Judith Won Pat.

Bill 383 (EC), An Act To Amend Title 3, Chapter 1, § 1103 Relative To Definitions Of The Board Of Canvass & Appeals (Boca), Bureau Of Elections, & Administrator Of Elections; To Revise Election Rules & Regulations; To Amend Title 3, Chapter 1, § 1111(B) Relative To Filing Of Political Parties With The Bureau Of Elections; To Amend Title 3, Chapter 1, § 1117 Relative To Approval Of Tabulating Devices; To Amend Title 3, Chapter 2, § 2101 Relative To The Composition Of The Board Of Canvass & Appeals; To Amend Title 3,

Chapter 2, § 2102 Relative To The Position Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2103 Relative To Duties Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2104 Relative To The Election Manual; To Amend Title 3, Chapter 2, § 2105 Relative To The Provision Of Election Forms; To Amend Title 3, Chapter 2, § 2106 Relative To Powers Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2107 Relative To Candidate Placement On Ballot; To Amend Title 3, Chapter 7, § 7130 Relative To The Tabulation Of Ballots; To Add A New § 7103.1 To Title 3 G.C.A., Chapter 7 Relative To Electronic Voting Machines; To Add A New § 2109 To Title 3, Chapter 2 Relative To Assignment Of Employees Of The Bureau Of Elections; To Add A New 2110 To Title 3, Chapter 2 Relative To The Staff Of The Bureau Of Elections; To Add A New Subsection (K) To Title 4, Chapter 4, § 4101 Relative To The Duties Of The Director Of Administration Concerning The Bureau Of Elections; To Secure Office Space For The Bureau Of Elections; To Add A New § 2110 To Title 3, Chapter 2 Relative To Transparency Of Guam Election Procedures; To Add A New § 1120 To Title 3, Chapter 1 Relative To Transferring Of Authority From The Election Commission” And The “Executive Director” To The Board Of Canvass And Appeals And The Administrator Of Elections In Ch. 3-21 In Title 3; To Establish The Bureau Of Elections As The Successor To The Election Commission; To Authorize Commissioners To Serve As Members Of The Board Of Canvass & Appeals; To Make Various Provisions Of This Act Effective Upon The Filling Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007, was heard at 2:30pm.

- Vicente Garrido presented oral testimony in his personal capacity in support of Bill 383 (EC) at 2:31pm.

- Trini Torres presented oral testimony in his personal capacity in support of Bill 383 (EC) at 2:35pm.

- Larry Ramirez, board member of the Guam Election Commission, presented oral testimony in support of Bill 383 (EC) at 2:45pm.

- Joe Mesa presented oral testimony in his personal capacity in opposition of Bill 383 (EC) at 3:01pm

- Roger Sardea presented oral testimony in his personal capacity in support of Bill 383 (EC) at 3:07pm.

- Carlo Branch presented oral and written testimony in his personal capacity on Bill 383 (EC) at 3:43pm.

- Robert Benevaente presented oral testimony in his personal capacity on Bill 383 (EC) at 3:47pm.

- Edita Sardea presented oral testimony in her personal capacity in support of Bill 383 (EC) at 4:04pm.

*Questions and comments presented to the panel by Senator Robert Klitzkie.

At 4:07pm Chairman Klitzkie adjourned the hearing to 9:00am on Tuesday, November 28, 2006 to hear the confirmations of Brett Burnham and David Hahn.

Declaration Under Penalty of Perjury of Audreya J.P. Taitano

- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on 11/20/2006, 11/22/2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on 11/24/2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on 11/20/2006, 11/22/2006, & 11/24/2006.
- 7.) I e-mailed notice to Speaker Forbes on 11/20/2006, 11/22/2006, & 11/24/2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature (www.guamlegislature.com), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on 11/20/2006, 11/22/2006, & 11/24/2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs were handled accordingly.
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, Governmental Operations, and Reorganization, on 11/20/2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

Declaration Under Penalty of Perjury

6 GCA Section 306

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 5, 2006 on Guam by



Audreya J.P. Taitano (audi)

APPENDIX A: NOTICE OF PUBLIC HEARING



I Mina' Bente Ocho Na Liheslaturan Guahan **Committee on Judiciary, Governmental Operations, & Reorganization**

NOTICE OF PUBLIC HEARING

A public hearing will be held on Monday, November 27, 2006 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

9:00am – 5:00pm

Bill 370 (EC) - An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam.

Bill 375 (EC) - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.

Bill No. 381 (EC) - An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website.

Bill 383 (EC) - An Act To Amend Title 3, Chapter 1, § 1103 Relative To Definitions Of The Board Of Canvass & Appeals (Boca), Bureau Of Elections, & Administrator Of Elections; To Revise Election Rules & Regulations; To Amend Title 3, Chapter 1, § 1111(B) Relative To Filing Of Political Parties With The Bureau Of Elections; To Amend Title 3, Chapter 1, § 1117 Relative To Approval Of Tabulating Devices; To Amend Title 3, Chapter 2, § 2101 Relative To The Composition Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2102 Relative To The Position Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2103 Relative To Duties Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2104 Relative To The Election Manual; To Amend Title 3, Chapter 2, § 2105 Relative To The Provision Of Election Forms; To Amend Title 3, Chapter 2, § 2106 Relative To Powers Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2107 Relative To Candidate Placement On Ballot; To Amend Title 3, Chapter 7, § 7130 Relative To The Tabulation Of Ballots; To Add A New § 7103.1 To Title 3 G.C.A., Chapter 7 Relative To Electronic Voting Machines; To Add A New § 2109 To Title 3, Chapter 2 Relative To Assignment Of Employees Of The Bureau Of Elections; To Add A New 2110 To Title 3, Chapter 2 Relative To The Staff Of The Bureau Of Elections; To Add A New Subsection (K) To Title 4, Chapter 4, § 4101 Relative To The Duties Of The Director Of Administration Concerning The Bureau Of Elections; To Secure Office Space For The Bureau Of Elections; To Add A New § 2110 To Title 3, Chapter 2 Relative To Transparency Of Guam Election Procedures; To Add A New § 1120 To Title 3, Chapter 1 Relative To Transferring Of Authority From The Election Commission" And The "Executive Director" To The Board Of Canvass And Appeals And The Administrator Of Elections In Ch. 3-21 In Title 3; To Establish The Bureau Of Elections As The Successor To The Election Commission; To Authorize Commissioners To Serve As Members Of The Board Of Canvass & Appeals; To Make Various Provisions Of This Act

Effective Upon The Filling Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007.

Bill 390 (EC) – An Act To Amend Title 4 G.C.A., Chapter 1, § 1103(c) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam.

Appointment of **Brett David Burnham** to the Guam Ethics Commission.

Appointment of David **Joseph Hahn** to the Guam Ethics Commission.

Bill 388 (EC) – An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet.

**For more information, please visit www.bobsoffice.org/judiciary.
Written testimony can be submitted via e-mail to judiciary@bobsoffice.org.
For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.**

APPENDIX B: MEDIA E-MAIL LISTING

<p align="center">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p align="center">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@guam.net Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr, Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News – Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor, mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com ABC 14 News – John Anderson, News Director, jontalk@k57.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstonews@ite.net KISH (102.9 FM) – Jean Hudson, News Director, kstonews@ite.net Hit Radio 100 – Trina San Agustin, News Director, news@hitradio100.com</p>

APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman
 Speaker Mark Forbes, Ex-Officio
 Senator Jesse A. Lujan, Member
 Senator Larry Kasperbauer, Ph.D., Member
 Senator Ray Tenorio, Member
 Senator Benjamin J.F. Cruz, Member
 Senator Adolpho B. Palacios, Sr., Member

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Bureau of Budget & Management Research
Fiscal Note of Bill No. 390 (EC)

Bill Title (Preamble): AN ACT TO AMEND TITLE 4 GCA, CHAPTER 1, §1103(c) RELATIVE TO APPLYING THE PROHIBITION OF GOVERNMENT VEHICLES FOR PERSONAL USE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM & THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM.

Department/Agency Appropriation Information

Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Perry C. Taitano, Administrator of the Courts
Department's General Fund (GF) appropriation(s) to date:	\$21,389,092
Department's Other Fund (specify): <u>Safe Streets Fund & FY2006 Carryover Appropriations</u> to date:	\$1,202,898
Total Department/Agency Appropriation(s) to date:	\$22,591,990

Fund Source Information of Proposed Appropriation

	General Fund:	Other (specify):	Total:
FY 2007 Adopted Revenues	\$456,347,922	\$0	\$456,347,922
FY Appro. to P.L. 28-150	(\$456,347,922)	\$0	(\$456,347,922)
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 Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$12,000	\$0	\$12,000	\$12,000	\$12,000	\$12,000
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$12,000	\$0	\$12,000	\$12,000	\$12,000	\$12,000

- 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?
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / 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
/X/ Requested agency comments not received by due date / / Other: _____

Analyst: Arthur R. Mariano Date: 12/5/06 Director: Carlos P. Bordallo Date: DEC 06 2006

Footnote(s):
 The proposed legislation calls for application of the prohibition of government vehicles for personal use to both the Presiding Judge of the Superior Court of Guam and the Chief Justice of the Supreme Court of Guam. It appears that legislative intent is to offset benefits afforded by P.L. 28-137 (a.k.a. Judicial Efficiency Act of 1996) including annual compensation adjustments by applying a corresponding reduction in other benefits, namely the use of government vehicles for personal use. The Bureau estimates that cost savings will be approximately \$12,000 per annum (2 vehicles at \$6,000 per year per vehicle including vehicle value, auto insurance and fuel cost).