

FILE COPY

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session**

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

This is to certify that **Substitute Bill No. 304-30 (COR), "AN ACT TO ADD A NEW SUBSECTION (g) TO §55102, CHAPTER 55, DIVISION 3, TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO AMEND §5.55(g) OF ARTICLE 2, CHAPTER 5, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE CRIMINAL INVESTIGATION SUPERVISOR, TAX INVESTIGATORS, ASSISTANT TAX INVESTIGATORS, COMPLIANCE INSPECTION SUPERVISOR AND COMPLIANCE INSPECTORS OF THE DEPARTMENT OF REVENUE AND TAXATION, AND THE ENTOMOLOGIST AND THE COMMODITY INSPECTORS OF THE DEPARTMENT OF AGRICULTURE IN THE COMPENSATION OF PUBLIC SAFETY AND LAW ENFORCEMENT OFFICERS,"** returned without approval of *I Maga'lahren Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 2ND day of July, 2010, to pass said bill notwithstanding the veto of *I Maga'lahren Guåhan* by a vote of ten (10) Members.

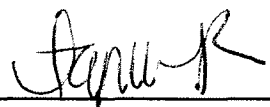


**Judith T. Won Pat, Ed. D.
Speaker**

Attested: 

**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'lahren Guåhan* this 6th day of July
2010, at 5 o'clock P.M.



**Assistant Staff Officer
Maga'lahi's Office**

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session

Bill No. 304-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement and Land,
and further substituted on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW SUBSECTION (g) TO §55102, CHAPTER 55, DIVISION 3, TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO *AMEND* §5.55(g) OF ARTICLE 2, CHAPTER 5, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE CRIMINAL INVESTIGATION SUPERVISOR, TAX INVESTIGATORS, ASSISTANT TAX INVESTIGATORS, COMPLIANCE INSPECTION SUPERVISOR AND COMPLIANCE INSPECTORS OF THE DEPARTMENT OF REVENUE AND TAXATION, AND THE ENTOMOLOGIST AND THE COMMODITY INSPECTORS OF THE DEPARTMENT OF AGRICULTURE IN THE COMPENSATION OF PUBLIC SAFETY AND LAW ENFORCEMENT OFFICERS.

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

2 **Section 1. Legislative Findings and Intent.** On August 14, 2008, *I*
3 *Maga'lahaen Guåhan* signed Public Law 29-105 that provided for a forty
4 percent (40%) compensation increase, and appropriated funding for such, to
5 public safety and law enforcement officials in order to enable the agencies to
6 recruit and retain individuals to carry out public safety and enforcement
7 services. The compensation increase was to be implemented incrementally over
8 a four (4) year period.

9 *I Liheslaturan Guåhan* finds that the Department of Revenue and
10 Taxation Criminal Investigation Supervisor, Tax Investigators, and Assistant
11 Tax Investigators perform criminal investigations for tax fraud, conduct
12 undercover operations and surveillance, interrogations, property forfeiture,
13 prepare investigation reports, coordinate and participate in task force
14 assignments with other federal and local law enforcement agencies and gather
15 evidence related to the provisions of the Guam Territorial Tax Laws in
16 accordance with the Organic Act of Guam, and further mandated under Title
17 11, Guam Code Annotated.

18 *I Liheslaturan Guåhan* further finds that the Department of Revenue and
19 Taxation Compliance Inspectors within the Compliance Branch of the
20 Regulatory Division perform criminal investigations, inspections, prepare
21 investigative reports, conduct undercover operations and surveillance,
22 interrogations, property forfeiture, coordinate with and participate in task force
23 assignments with other federal and local law enforcement agencies, all in
24 relation to the regulation and compliance of alcohol, tobacco, gaming,
25 amusement devices, and gambling laws related to provisions under Title 11,
26 Guam Code Annotated. Compliance Inspectors carry firearms and also have
27 the authority to close businesses and make arrests.

1 In addition, *I Liheslaturan Guåhan* finds that these positions are defined
2 as peace officers under Title 8, Guam Code Annotated, Chapter 5, §5.55 (h). *I*
3 *Liheslaturan Guåhan* believes that the very nature of work performed by these
4 officers within the Tax Enforcement Division/Criminal Investigation Branch of
5 the Department of Revenue and Taxation make them eligible for the
6 compensation adjustment pursuant to the provisions of Public Law 29-105.

7 *I Liheslaturan Guåhan* further finds that the Department of Agriculture
8 USDA/Guam Plant Inspection Facility staff currently includes three (3)
9 Commodity Inspectors and one (1) Entomologist. These four (4) positions are
10 currently mandated to uphold and enforce both local and federal laws and
11 regulations and are critical for proper oversight in Guam of the importation and
12 exportation of agricultural items.

13 **Section 2. Peace Officer Defined.** §5.55(g) of Article 2, Chapter 5,
14 Title 8, Guam Code Annotated, is *amended* to read as follows:

15 “(g) The Chief of the Division of Aquatic and Wildlife Resources,
16 the Conservation Officers of the Division of Aquatic and Wildlife
17 Resources, the Entomologist, and the Commodity Inspectors of the
18 USDA/Guam Plant Inspection Facility of the Department of
19 Agriculture;”

20 **Section 3.** A new Subsection (g) is hereby *added* to §55102, Chapter
21 55, Division 3, Title 10 of the Guam Code Annotated, to read:

22 “(g) The following positions at the Department of Revenue and
23 Taxation and the Department of Agriculture *shall* be included in the law
24 enforcement compensation adjustment mandated by this Section and
25 *shall* receive the adjustment retroactive to October 1, 2008:

- 26 (1) Department of Revenue & Taxation Criminal Investigation
27 Supervisor;

- 1 (2) Department of Revenue & Taxation Tax Investigator;
- 2 (3) Department of Revenue & Taxation Assistant Tax
- 3 Investigator;
- 4 (4) Department of Revenue & Taxation Compliance Inspection
- 5 Supervisor;
- 6 (5) Department of Revenue & Taxation Compliance Inspector;
- 7 (6) Department of Agriculture Commodity Inspector; and
- 8 (7) Department of Agriculture Entomologist.”

9 **Section 4.** The ten percent (10%) increase implemented in Public Law
10 30-55, Chapter V, Section 1(i)(3) adjusting the compensation levels of the
11 above Revenue and Taxation positions *shall not* be in addition to the
12 compensation adjustments herein authorized. The Department of
13 Administration *shall* calculate the adjustments authorized so that it *does not*
14 total more than the compensation adjustments authorized herein.

15 **Section 5. Appropriations.** (a) The Director of Revenue and
16 Taxation may transfer funds from any object class in the Base Operational
17 Appropriation in Public Law 30-55, Chapter V, Section 1(i) up to the amount of
18 Eighty Six Thousand Four Hundred Thirty-three Dollars (\$86,433) to pay for
19 the obligations mandated in Section 3 as follows:

20 (1) Sixty-five Thousand Eight Hundred Thirty-one Dollars
21 (\$65,831) for the Criminal Investigation Supervisor, the Tax Investigator
22 and the Assistant Tax Investigator; and

23 (2) Twenty Thousand Six Hundred Two Dollars (\$20,602) for
24 the Compliance Inspection Supervisor and Compliance Inspectors.

25 (b) The Director of Agriculture may transfer funds from any object
26 class in the Base Operational Appropriation in Public Law 30-55, Chapter V,

1 Section 1(p) up to the amount of Thirty-three Thousand Eight Hundred Sixty
2 Dollars (\$33,860) to pay for the obligations mandated herein.

3 **Section 6. Severability.** *If* any provisions of this Act or the application
4 thereof to any person or circumstance is held invalid, such invalidity shall *not*
5 affect any other provision or application of this Act which can be given effect
6 without the invalid provision or application, and to this end the provisions of
7 the Act are severable.