

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Liheslaturan Guåhan*  
THIRTY-SECOND GUAM LEGISLATURE

December 15, 2014

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'trentai Dos na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**RE: Committee Report on Bill No. 424-32 (LS) As Introduced**

*Hafa Adai* Speaker Won Pat:

The Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources, and Election Reform hereby reports out its findings and recommendations on **Bill No. 424-32 (LS) As Introduced- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY,"** sponsored by Senator Rory J. Respicio and Senator Tina Rose Muña Barnes.

Committee votes are as follows:

  4   TO PASS  
  0   NOT TO PASS  
  5   TO REPORT OUT ONLY  
  0   TO ABSTAIN  
  0   TO PLACE IN INACTIVE FILE

2014 DEC 15 AM 11:03

Very Truly Yours,

Handwritten signature of Rory J. Respicio.

Rory J. Respicio

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
THIRTY-SECOND GUAM LEGISLATURE

**COMMITTEE REPORT ON  
BILL NO. 424-32 (LS)  
As Introduced**

**“AN ACT TO AMEND 9 GAR  
DIVISION 1, CHAPTER 3, SECTION  
3226 (h) (2) TO CLARIFY THAT  
CONCRETE AND SOLID METAL  
WALLS ARE ACCEPTABLE AS  
PERIMETER FENCING FOR A  
COMMERCIAL QUARANTINE  
FACILITY,” Sponsored by Senator  
Rory J. Respicio and Senator Tina  
Rose Muña Barnes**

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM

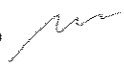


*I Mina'trentai Dos na Libeslaturan Guåhan*  
**THIRTY-SECOND GUAM LEGISLATURE**

December 15, 2014

**MEMORANDUM**

**To:** **All Members**  
*Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources; and Election Reform*

**From:** **Senator Rory J. Respicio** 

**Subject:** **Committee Report on Bill No. 424-32 (LS) As Introduced**

Transmitted herewith for your review and consideration is the **Bill No. 424-32 (LS) As Introduced- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY,"** sponsored by Senator Rory J. Respicio and Senator Tina Rose Muña Barnes.

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 424-32 (LS) As Introduced
- Public Hearing Sign-in Sheet
- Referral of Bill No. 424-32 (LS) As Introduced
- Fiscal Note for Bill No. 424-32 (LS) As Introduced
- Fiscal Note Waiver for Bill No. 424-32 (LS) As Introduced
- Public Hearing Notices
- Public Hearing Agenda
- Related News Reports

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 do not hesitate to contact me.

*Si Yu'os Ma'åse!*

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
**THIRTY-SECOND GUAM LEGISLATURE**

**COMMITTEE VOTING SHEET**

Bill No. 424-32 (LS) As Introduced- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY," sponsored by Senator Rory J. Respicio and Senator Tina Rose Muña Barnes.

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Rory J. Respicio Chairperson		<input checked="" type="checkbox"/> 12-15-14				
Senator Thomas C. Ada Vice-Chairperson		<input checked="" type="checkbox"/>				
Speaker Judith T. Won Pat, Ed.D. Member		<input checked="" type="checkbox"/>				
Vice-Speaker Benjamin J.F. Cruz Member				<input checked="" type="checkbox"/>		
Legislative Secretary Tina Rose Muña Barnes Member						
Senator Dennis G. Rodriguez, JR. Member				<input checked="" type="checkbox"/> 12/15		
Senator Frank Blas Aguon Jr. Member				<input checked="" type="checkbox"/>		
12/15/14 Senator Michael F.Q. San Nicolas Member		<input checked="" type="checkbox"/>				
12/15/14 Minority Leader Senator V. Anthony Ada Member				<input checked="" type="checkbox"/> 12/15		
Senator Aline Yamashita Member				<input checked="" type="checkbox"/>		

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
**THIRTY-SECOND GUAM LEGISLATURE**

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY," by Senator Rory J. Respicio and Senator Tina Rose Muña Barnes introduced on November 18, 2014; and was subsequently referred to the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources; and Election Reform on November 18, 2014.

Senator Rory J. Respicio, Chairperson of the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources; and Election Reform convened a public hearing on Bill No. 424-32 (LS) on Tuesday, November 25, 2014, 9:00 A.M. in the Legislature's Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all senators and to all main media broadcasting outlets on November 18, 2014 and November 20, 2014.

Senators Present

Senator Rory J. Respicio, Chairman  
Senator V. Anthony Ada, Member  
Senator Aline A. Yamashita, Member  
Senator Michael Lintiac

II. SUMMARY OF TESTIMONY & DISCUSSION

Ms. Mariquita Taitague, Director, Department of Agriculture, provided written and oral testimony in opposition of the bill.  
Dr. Vanessa Oshiro, Marianas Vet Care, provided written and oral testimony in opposition of the bill.  
Dr. Joel Joseph, Wise Owl Animal Care, provided written and oral testimony in support of the bill.  
Mr. Benjamin Schiff, Wise Owl Animal Care, provided written and oral testimony in support of the bill.  
Dr. Paul Pomes, Furry Friends Vet, provided oral testimony in opposition of the bill.  
Dr. Thomas Poole, Department of Agriculture, provided oral testimony in opposition of the bill.  
Mayor Rudy Mantanane, Stray Dog Committee, provided oral testimony in opposition of the bill.  
Rosanna Fernandez, Wise Owl Animal Care, provided oral testimony in support of the bill.

Chairman Senator Rory J. Respicio called the public hearing to order at 9:00 A.M. and as the sponsor of Bill No. 424-32 (LS), provided opening remarks on the bill.

Senator Rory Respicio

I would like to establish some ground rules here so we can address this not only in a very diplomatic way, but in an expedient way so that we can continue to build on a series of status hearings that we have had over the last few months which Senator Yamashita attended every single one of those hearings. Originally, I decided that we need to publically and why is has taken 6 or 8 years to get this one animal quarantine facility inspected. The position that the government is taking is that they are in serious default because the law says you have to have a cyclone fence and have a concrete barrier. After having a series of status hearings, the Department of Agriculture (DOA) made a commitment and expected the proposed animal quarantine facility and unfortunately they inspected that facility using a different standard than how they inspected the two other facilities. I'm not sure if DOA has gone back, and used that same standard for the other animal quarantine facilities and both of them recently established. This bill is designed to update the code to force a serious discussion on weather or not concrete barrier is just as effective than having a cyclone fence for a perimeter barrier. It is designed in a way as I wrote the bill to not close any particular animal facility and give time for others to comply.

Senator Respicio invited the first panel to testify.

Ms. Mariquita Taitague, Director, Department of Agriculture, provided written and oral testimony in opposition of the bill. *See attached written testimony.*

Dr. Vanessa Oshiro, Marianas Vet Care, provided written and oral testimony in opposition of the bill. *See attached written testimony.*

Mr. Benjamin Schiff

Thank you to all the senators present for taking time out of your day to be here. We appreciate it. We have been here multiple times. I have heard the director multiple times. Dr. Poole mentioned that if we have a perimeter fence around our facility, then they wouldn't have a problem with our facility. Today, they go and say having a concrete wall prevents some from seeing inside the facility. If we put a fence around our facility, you still wouldn't be able to see if there were concrete walls. So I want to show you that the reason we have been here multiple times is because unfortunately the people doing the inspection choose the way they want to read the law. I hope when you guys are writing the law, you guys double check each word specifically so it is not under each person's individual thought of what the law is suppose to be. The law states you have up to six months to update the current facilities. Or update our facilities. However, when the military opened up their quarantine facility back in 2001, the same law was passed saying Harper Valley Quarantine had one year to update their facility. And they still haven't. Although this law only focuses on perimeter fence, it is funny how the Director will bring up Dr. Malakooti saying that there is no problem with getting his facility open, he didn't have to change the law or anything. His facility is in tin so you can't see inside his facility either. I went there and there is a perimeter fence around it, but you can't see inside the facility.

Dr. Joel Joseph, Wise Owl Animal Care, provided written and oral testimony in support of the bill. *See attached written testimony.*

Senator Respicio

To the Director, you said that the perimeter fence is necessary and could see into whether or not the animals escape their individual kennels. Is the perimeter fence to protect the building or contain the animals?

Director Taitague

To contain the animals.

Senator Respicio

So over the years, why didn't you just recognize that the perimeter fence which this facility has, is the perimeter fence that is right outside individual kennels. Why didn't you just recognize that the perimeter fence. This animal propose facility. Minds are too wrapped around a perimeter fence when this law was first established and goes around the quarantine facility.

Director Taitague

Yes. Correct.

Senator Respicio

A perimeter fence should also prevent a barrier to prevent the animals from their individual kennels, correct?

Director Taitague

Yes.

Senator Respicio then called the next panel to testify.

Senator Respicio

Congratulations Dr. Poole on your retirement. Do you currently have a contract with the Government of Guam?

Dr. Thomas Poole

At the moment, I do not have a contract. I've been appointed but not being paid. I was asked to do it because the procurement process is fairly long. The Governor could of done an emergency requisition but he did not want to do it that way and asked me to continue my duties and I said okay but I am not sure how long it is going to last. It is difficult to know where to start because what I have been listening to has not been true. What we are talking about is a single facility that has been trying to become licensed as a quarantine facility without following the existing laws so we are proposing to change those laws. I have to remind you that this facility was build as a home and converted into a vet hospital without receiving the permits that were required.

Dr. Paul Pomes

I endorse Dr. Poole's comments 100%. I don't have a financial stake in this outcome. I am very concerned as a vet professional. This is a lame duck session. We are trying to rush through without review. Current regulations are simple and easy to understand. There are many security hazards. I am concerned he (Dr. Joseph) was able to sit here and bully the Director who doesn't deserve that. This bill doesn't secure a safe facility. It weaken its.

Mayor Rudy Mantanane

I am here on behalf of the Stray Dog Committee. The building that has walls, concrete or tin, a fence is Plan B. I went to the Wise Owl Facility and it is beautiful inside. I don't see a Plan B for his facility to keep people and the animals safe, only a Plan A. This can cause a safety issue in case people get bit and get rabies. They are not following the law and building the fence. I ask that Agriculture to give people in violation a citation. It's all about safety and safeguard the people around the area.

Senator Respicio thanked his colleagues present and the panel for testifying and considered **Bill No. 424-32 (LS)** duly heard.

**III. ADDITIONAL WRITTEN TESTIMONY**

1. Charles K. Tanner, MHA, M.Ed., FACHE, provided written testimony in opposition of the bill. *See attached for written testimony.*
2. Dr. Kevin Malakooti, provided written testimony on the bill but did not state in support or in opposition of the bill. *See attached for written testimony.*

**IV. FINDINGS AND RECOMMENDATIONS**

The Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources; and Election Reform hereby reports out Bill No. 424-32 (LS) As Introduced with the recommendation **TO REPORT OUT ONLY.**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN  
2014 (SECOND) Regular Session

Bill No. ~~434~~-32 (LS )  
Introduced by:

R.J. RESPICIO  
T.R. MUÑA BARNES

AN ACT TO AMEND 9 GAR DIVISION 1,  
CHAPTER 3, SECTION 3226 (h) (2) TO  
CLARIFY THAT CONCRETE AND SOLID  
METAL WALLS ARE ACCEPTABLE AS  
PERIMETER FENCING FOR A COMMERCIAL  
QUARANTINE FACILITY.

2014 NOV 13 PM 12:58

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 3226 (h) (2) of Title 9, Division 1, Chapter 3 of the Guam  
3 Administrative Rules and Regulations (GAR) is amended as follows:

4 "(2) Unless a solid roof covers the entire facility, [T]the premises of a CQF shall  
5 be surrounded by a perimeter fence no less than eight feet in height and topped  
6 with barbed wire tilted inward. Fencing shall be composed of concrete, solid  
7 metal, or wire. All wire shall be of a mesh size of two (2) inches by two (2) inches  
8 or less and of no less than nine (9) gauge. "

9 Section 2. Any commercial quarantine facility with a perimeter wire fence  
10 with mesh size greater than two (2) inches by two (2) inches shall have a grace  
11 period of 6 months from the enactment of this Act to comply with the fencing  
12 requirement in Section 1.



**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
**THIRTY-SECOND GUAM LEGISLATURE**

**PUBLIC HEARING SIGN-IN SHEET**

Tuesday, November 25, 2014 • 9:00 AM

*I Liheslatura* • Public Hearing Room • Hagåtña, Guam

**Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes**

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Marigvita Taitaga	Dept of Agri	Oppose	✓		300-7970	doan.richie@yahoo.com
Vanessa Obispo	Maritime Welfare	oppose	✓		734-6341	droshira@gmail.com
Dr Joseph	Wise Owl	Support	✓	✓	646-2277	Pacific Island Vet@gmail.com
Barbara Schiff	Wise Owl	Support				

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



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**THIRTY-SECOND GUAM LEGISLATURE**

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Tuesday, November 25, 2014 • 9:00 AM

*I Liheslatura* • Public Hearing Room • *Hagåtña*, Guam

**Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (b) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes**

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Paul Pomes, DCM	Furry Friends Vet Svc	oppose	no	Yes	929-4840	paul@pomes.org

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
THIRTY-SECOND GUAM LEGISLATURE

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Tuesday, November 25, 2014 • 9:00 AM

*I Liheslatura* • Public Hearing Room • Hagåtña, Guam

Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Thomas Poole	Dept Ag	oppose	✓	✓	700-7965	guamvet@pwa
Mayor Rudy Mestanza	Stray Dog Committee	oppose		✓	898-8315	rgomayorsoffice@gmail.com

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
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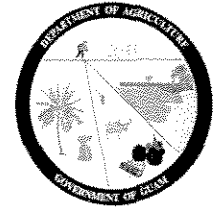
**Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes**

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Rosanna Fernandez	Wise Owl	Support		✓		



**Department of Agriculture**  
**Dipattamenton Agrikottura**

163 Dairy Road, Mangilao, Guam 96913



**Eddie Baza Calvo**  
**Governor**

**Ray Tenorio**  
**Lt. Governor**

Director's Office	300-7965/66; Fax 734-6569
Agricultural Dev. Services	300-7972/73
Animal Health	300-7965
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	300-7975/76; Fax 300-3201
Plant Nursery	300-7974
Plant Inspection Facility	475-1426/27; Fax 477-9487

**Mariquita F. Taitague**  
**Director**

**Matthew L.G. Sablan**  
**Deputy Director**

November 24, 2014

**MEMORANDUM**

To: 32<sup>nd</sup> Guam Legislature

From: Director, Department of Agriculture

Subject: Bill No 48-4-32 (LS)

Buenas yan Hafa Adai, Mr, Chairman and Members of the Committee on Rules, Federal Foreign and Micronesia Affairs; Human and Natural Resources and Election Reform.

Guahu si Mariquita F, Taitague, Director of Department of Agriculture, I come before your committee to provide comments on Bill No 48-4-32 (LS),- " An act to amend 9 GAR Division, Chapter 3, Section 3226 (h)(2) to clarify that concrete and solid metal walls are acceptable as perimeter fencing for a Commercial Quarantine Facility.

I would like to express my objection to this proposed bill. Please allow me to explain the basis for my convictions.

Foremost is the fact that this bill proposes to weaken laws that have served Guam very well for many years. We have suffered no outbreak of rabies nor have any quarantined animals escaped from our quarantine facilities.

What is the dire problem that justifies weakening the laws that preserve our rabies-free status? We have three independent quarantine facilities ensuring competition. Clearly it is not excessively burdensome to meet those requirements as Dr. Malakooti just accomplished that three months ago. He made no demands that Guam change; he simply followed the law.

Our current quarantine fencing requirements are consistent with the standards of Hawaii, Australia, New Zealand, and the United States Department of Defense. Chain-link fencing topped with wire offers advantages that are not duplicated with solid walls. One cannot see through walls, so it is impossible to know what is going on there. Has an animal escaped its primary enclosure? Is it waiting for someone to open a door so that it can bolt free? Is an unauthorized person inside trying to free an animal from its primary enclosure? If walls worked as well as perimeter fences, then pets would not escape from veterinary hospitals.

I humbly ask this body on behalf of the Department of Agriculture not to pass this legislation. To compromise for one would mean to compromise for everyone else in this delicate island of ours.

*M. F. Taitague*  
**MARIQUITA F. TAITAGUE**

## **Talking Points Public Hearing RE: Bill No. 424-32 (LS) 11/25/14**

I. First: To clear the record: Dr. Joseph has in a previous hearing stated that I, Dr. Vanessa Oshiro, was the attending veterinarian for Harper Valley Kennels in a court case JUDGED IN THE PLAINTIFF'S FAVOR : This is a patently FALSE statement. As predicted, he publicly lied in an attempt to undermine my character so as to distract from his own. Harper Valley Kennels was found blameless in the case to which he referred. I challenge Dr. Joseph to produce evidence to the contrary and will defend my name in court if necessary (Judgment for Harper Valley Kennels, Appendix 1, submitted as part of written testimony).

II. Secondly, I would like to remind the legislators of the letter to the World Health Organization by Dr. Joseph presented at one of the numerous pre-election hearings that strained the limits of acceptable politics: In that letter, Dr. Joseph vigorously contends that Guam's Rabies-free status should be removed by that organization. This should be a clear signal of the danger he presents in the protection of Guam's borders and is further evidence of his character. (Wise Owl 2010 Letter to WHO, Appendix 2, also herein submitted).

III. Given Dr. Joseph's history as testified by two independent veterinarians, Dr. Paul Pomes, and myself, re. his proposal to the World Health Organization to rescind Guam's Rabies Free Status, AND his lack of respect for the potential effects of a novel Rabies outbreak on Guam thereby implied, I have to question Mr. Respicio's judgment in pursuing this current action. Guam could be quarantined should a new Rabies outbreak occur, and the effects of such a scenario would be extreme. In the name of serving the dubious interests of one man, the community at large is being made more vulnerable by the repeated harassment of Department of Agriculture government officials merely living up to their mission in safeguarding our island.

-Further, given the current Ebola crisis, it seems even more irresponsible of this legislature to devote so much of their time--paid for with the people's resources-- to Dr. Joseph's cause. Failure of clear quarantine procedures for this disease has resulted in heightened fear amongst Americans of an epidemic, not without merit. More is known about the threat of Rabies disease progression and prevention of its spread, and yet this government would lessen quarantine safety measures to repeatedly accommodate the fancy of one dangerous individual.

IV. Finally, please be aware that my concerns voiced here are about preserving integrity in the legislative process and are not personal in nature, speaking to a dangerous precedent openly unfolding, perhaps and hopefully even without the senators leading this effort being aware of what their dogged support of such a questionable cause could look like to voters. For as Pope Francis so astutely has observed, "corruption is like bad breath; often the one who has it doesn't realize it, and someone else must notice and tell them." Consider me the messenger.

On that note, I would also add that all the senators would do well to remember that the people's vote has afforded you your positions in government, and you have a duty to them to represent their interests fairly. Only you know within yourselves what your true motives are and whether you actually live up to the language you co-opt, but we the people know what they should be and your actions will be the true test of your faithfulness to your constituents. Those of you who have been re-elected may congratulate yourselves now, but do not forget that the voters of Guam

have a long memory, for better and worse. Ultimately, God will be the judge as he inspires them to see through any self-serving politics to uncover who our real representatives are for the long run. He is already at work here.

Thank you

Vanessa L. Oshiro, DVM  
Marianas VetCare  
Barrigada, Gu 96913  
671-734-6341

IN THE SUPERIOR COURT OF GUAM.  
SMALL CLAIMS DIVISION

JOHN M. McSWEENEY and,  
YI YING H. McSWEENEY

SMALL CLAIMS CASE NO. SD0865-13

Plaintiffs,

vs.

DECISION AND ORDER

HARPER VALLEY KENNELS INC.

Defendant.

INTRODUCTION

The matter before the Court came on Plaintiffs, John and Yi Ying McSweeney claims against Defendant Harper Valley Kennels Inc. for injuries sustained by Plaintiffs' dog allegedly due to Defendant's negligent care while the dog was in Defendant's quarantine facility. On January 17, 2014, a trial in this matter was held and continued to March 14, 2014 before the Honorable Benjamin C. Sison, Jr. who took the matter under advisement. The parties appeared Pro Se. Having reviewed the evidence presented and the applicable law, the Court now issues its Decision and Order.

FACTUAL BACKGROUND

Plaintiffs John and Ying McSweeney are owners of Bobo, a toy poodle dog they purchased in Taiwan and flown to Guam. Guam law required that upon arriving on Guam, Bobo would have to spend several months in a quarantine facility before he can be released to Plaintiffs. Plaintiffs entered into a contract with Defendant for Bobo to be quarantined at



1 Defendant's facility upon arrival on Guam.

2 Bobo arrived on Guam as scheduled, and immediately transferred from the Guam  
3 International Airport directly to Harper Valley Kennels, a Guam certified quarantine facility.  
4 Bobo was apparently in good health and physical condition when he was delivered to Harper  
5 Valley Kennels. On the day Bobo was to be released to Plaintiffs, Bobo underwent a routine  
6 physical/medical inspection by a Dr. Oshiro in the presence of Ms. McSweeney at Defendant's  
7 facilities. Veterinarian Dr. Oshiro found Bobo to be in good health and Ms. McSweeney took  
8 Bobo home.  
9

10  
11 Several hours after taking Bobo home, Mr. McSweeney noticed that Bobo was limping.  
12 Bobo was subsequently re-examined by Dr. Oshiro and thereafter by another veterinarian, Dr.  
13 Malakooty. Radiographs of Bobo's leg were taken and analyzed. Bobo was ultimately  
14 determined to be suffering from a fracture to his right hind leg. Femoral Head and Neck  
15 Osteotomy was successfully performed on Bobo.  
16

17 Plaintiffs filed this instant lawsuit against Defendant claiming Bobo's injuries were a  
18 direct result of Defendant's negligent care while Bobo was in quarantine. Defendant denies any  
19 liability for Bobo's injuries arguing that Bobo's injuries were self-inflicted as a result of Bobo's  
20 excessive jumping, and which likely occurred after Bobo had already left the Kennel. In the  
21 alternative, Defendant argues that Bobo suffered from Legg-Calve-Perthes disease, a congenital  
22 conditional which predisposes Bobo and similar dog breeds to such fractures.  
23

24 At trial, Plaintiff solicited the testimony of veterinarian Dr. Joel Joseph who was asked by  
25 Plaintiffs to review the radiographs of Bobo. Dr. Joseph's testimony directly refuted Defendant's  
26 and Dr. Oshiro's claims that Bobo suffered from a congenital condition which predisposed him  
27 to bone fracturing. Dr. Malakooty's testimony supported Dr. Joseph's position that Bobo likely  
28

1 did not suffer from Legg-Calve-Perthes disease. Moreover testimony by Dr. Joseph. Dr.  
2 Malakooty and a written report by IDEXX Laboratories support the proposition that because the  
3 radiographs showed such severe muscle atrophy surrounding the injured leg, it was likely that  
4 the bone fracture had occurred while Bobo was still in quarantine under Defendant's care.  
5

6  
7 **LAW AND ARGUMENT**

8 To sustain its negligence claim against the defendants, the plaintiffs had to prove by  
9 preponderance of the evidence that the defendants owed it a duty of care, they breached that  
10 duty, their breach was the actual and proximate cause of the injuries to its dogs, and the damages  
11 it suffered. *Virden v. Betts & Beer Constr. Co.*, 656 N.W.2d 805, 807 (Iowa 2003). Because  
12 Plaintiffs and Defendant entered into a contract for Defendant to care for Bobo while under  
13 quarantine, it goes without saying that Defendant certainly had a duty to provide reasonable care  
14 to Bobo while under Defendant's care. Plaintiffs also have proven that Bobo had suffered certain  
15 injuries. However to impose liability on Defendant under a theory of negligence Plaintiffs must  
16 also show that Defendants breached its duty of care to Plaintiffs and Bobo and this breach in turn  
17 proximately caused the injuries suffered by Bobo. In this regard, Plaintiffs have failed to show  
18 that Defendant breached its duty of care owed to Plaintiffs.  
19  
20  
21

22 Plaintiff first argues that Defendant breached this duty of care by housing Bobo in  
23 facilities too large for Bobo and that this must have been a contributing factor to Bobo's injuries.  
24 To support this proposition, Plaintiff offered into evidence, purported guidelines for the  
25 appropriate size dimensions of kennels based on a dog's size and testimonial evidence that  
26 Defendant's kennels did not conform to these guidelines. Plaintiffs however fail to show that  
27 these guidelines are strictly required under Guam law. Moreover, because Defendant's facilities  
28

1 have been certified by Guam's authorizing agency, the Department of Agriculture. Plaintiffs  
2 argument that Defendant breached their obligation to provide kennel facilities of a certain size to  
3 Bobo is not supported. Furthermore, there is no evidence that the size of Bobo's kennel actually  
4 contributed to Bobo's injuries.  
5

6 More importantly, Plaintiffs fail to show any specific action or inaction on the part of  
7 Defendant or Defendant's agent, which proximately caused Bobo's injuries. Even if the court  
8 does find that Bobo suffered his injuries while still in quarantine in Defendant's facilities and  
9 that Bobo did not suffer from any congenital condition predisposing him to such injuries, this  
10 alone is insufficient to show that Defendant breached any duty of care owed to Bobo. All the  
11 veterinarians testified at trial that Bobo's injuries could have been self-inflicted by accident.  
12 Because Bobo's injuries could have occurred simply by accident through no fault of Defendant  
13 and because Plaintiffs cannot point to any particular action or inaction by Defendant which  
14 caused Bobo's injuries, Plaintiffs have failed to prove by preponderance of the evidence that  
15 Defendant breached its duty of care to Bobo and the Plaintiffs. Accordingly, Plaintiffs' claims  
16 against Defendant in this matter are dismissed with prejudice.  
17  
18

19  
20 JUN 25 2014

21 SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

22  
23 Original Signed By:  
24 Benjamin C. Sison Jr.  
25 The Small Claims Referee

26 **BENJAMIN C. SISON, JR., Court Referee**  
27 **Superior Court of Guam**

28 a full and correct copy of this  
judgment shall be filed in the office of the  
Clerk of the Superior Court of Guam  
at Hason, Guam  
JUN 25 2014  
Honorable J. D. ...



November 15, 2010

WISE OWL VETERINARY CARE

We are your "other family doctor"

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Tamuning, GU 96913  
www.wiseowl.net

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This letter is addressed to the people of Guam, the government of the state of Hawaii, and the World Health Organization. The situation here in Guam is rather grave. The government sponsored, supported, and permissiveness that have allowed the present situation to get to this point is appalling, and an affront to the good people of Guam, and to world health.

I am talking about the rabies and quarantine situation in Guam. Presently, and for the past 10 years, Guam's only civilian quarantine center has been horribly deficient in even complying with building codes, never mind humane animal care. Numerous escapes from quarantine are now documented and more are coming to light. The government officials in charge of quarantine refuse to allow modern facilities to open. They steadfastly and openly declare that the existing quarantine must stay open despite its blatant failure to protect public health. They call things like escapes, failure to place animals in the quarantine facility (they are housed with sick animals at a local vet clinic), and broken down and missing fencing - just minor infractions. GovGuam has even failed to do yearly sanitation inspections since 2001. The government veterinarian has been employed by the civilian owner of the quarantine facility. The CDC indicates the most likely method of rabies entering a rabies free island, like Guam, would be a failure in the Quarantine system.

The Territorial Veterinarian, Dr. Thomas Poole, went so far as to write an article on quarantine in the local dog club magazine, *671 Bully Magazine*, (issue 3, April 2010).

*Guam is very different from most rabies-free areas. We have a large stray and feral dog population on Guam, and we have jungles wherein they can disappear at will. .... Moreover, we are visited frequently by boats from areas where rabies is hyperenzootic - that is present in huge numbers. The Phillipines is the most worrisome example..... And that is why it remains important to vaccinate pets on Guam for Rabies.*

Basically, Dr. Poole is admitting that we cannot control our borders. We cannot control the stray dog population. And we must vaccinate for rabies to prevent it because we cannot keep it out.

The problem is compounded by the fact that compliance with vaccination is very low. There is no legal need to vaccinate cats and cats carry rabies and transmit it in higher percentages than the dogs (again per CDC).

Guam cannot claim to be a safe place for the world in regards to rabies anymore. The government official in charge has even stated so in writing. It is time for Guam to once again lose its rabies free status. This will be good for the world and bad for Guam. However, it is up to Guam to repair the problem, for it was Guam that allowed it to happen

Joel Joseph DVM

Hafa adai Senators,

Please accept my written and oral testimony at today's public hearing regarding clarification/modification of the existing Guam Quarantine law(s).

I believe we are here today - not because we need to change the law - but because we need to clarify the law. We need to clarify the law - because the Calvo administration, has seen fit to implement the law for the benefit of its friends and its personal vendetta against me. This despite what the law actually states.

I really want everyone to understand that **this is not the first time we have had to do this**. This is a recurring theme, this is a recurring action, and this has cost the taxpayers of Guam millions and millions of dollars. I will give you several examples.

**1<sup>st</sup>** we had a law passed to clarify the Open Govt Law. The clarification was simple - it bluntly stated that people are allowed to record at all public meetings. The open government law **did** allow for the recording of all public meetings. However, this administration threatened to keep us in court for 5 years fighting such interpretation of the Open Government law. I must commend our intelligent Senators, who passed a clarification that negated such a frivolous 5 year lawsuit, and the cost to our taxpayers.

I want people to remember Gov Eddie Calvo's speech -- where he stated that he welcomes opening the curtains and transparency in his administration. If you do not remember it, I am providing the you tube site with it in my written statement ( <http://www.youtube.com/watch?v=njMVXIRih1A> ) - It is located at the 2 min mark in the video. I remind you of this because - ***not only did*** we have to fight for clarification of the open government law - as mentioned above - but once the law was passed, this administration then enacted the law - in such a manner - that our cameras and microphones had to be placed underneath air vents and/or in other odd places so that you could neither hear nor see what was transpiring clearly. It was not until the news media arrived and insisted on proper placement of recording devices - that those serving at Gov Calvo's pleasure - decided what they were doing to us was - shall we say - inappropriate.

*If you missed the point of this example - I will be blunt. We had to pass a law, to clarify a law, only to have Gov Calvo prevent the law from going into effect for as long as he could.*

**2<sup>nd</sup>** we had to pass PL 30 -195 to clarify and identify the problems with GBAHE. Please remember that *ALL the members* of GBAHE are appointed by Gov Calvo **and** serve at his pleasure. TPL 30-195 stated problems with GBAHE and its board members. The law was passed unanimously. Including a yea vote from Senator Tenorio.

What has happened since is that Gov Calvo refuses to obey the law. He simply continues to ignore it, and meanwhile his appointees, which serve at his pleasure - have lost 24 out of 24 law suits. This has cost the people of Guam literally millions - I repeat - **millions** of dollars.

Senators, and citizens of Guam, I want you to understand how severe of a problem this is. I want you to understand that anyone, especially anyone who owns a business, needs to fear the actions of GovGuam officials who repeatedly act like this. It has become painfully clear that if Calvo-Tenorio do not like you, or if you openly stand up to them, they will persecute you without mercy and without regard to the amount of taxpayer money spent to persecute you. I would go as far as to say that they simply do not care because it is not their money they are spending. In support of this I limit myself to 2 examples:  
a) 55 GovGuam officials are being sued for violation of my civil rights - and at least 4 of them are cabinet level officials in the Calvo-Tenorio administration.

b) In the last court case we won – GovGuam, and specifically GBAHE – who if you remember legally serve at the the Governors pleasure - were convicted – not just charged, but actually convicted - of filing and prosecuting frivolous lawsuits for the sole purpose of causing me and my family economic and emotional harm. The court imposed sanctions for this are supposed to stop them from ever considering doing this again. It would appear that the fear of such sanctions does not matter.

*If you missed the point of this example – I will be blunt and say this again. We had to pass a law, to clarify a law, only to have Gov Calvo prevent the law from going into effect for as long as he could. And in this case he still refuses to replace this board or adhere to the law that was passed. Simply put the Governor does not care about the example he sets – I guess he thinks he is above the law and doesn't have to obey it.*

**3<sup>rd</sup>** we are here today because the Calvo administration does not want me to be allowed to work or employ people here in Guam. Once again it involves simple clarification of law and the failure of those that serve at his pleasure to follow Guam law.

- Governor Calvo has personally taken this effort against me, and I want the good citizens of Guam to understand this also. He has sent his Chief of staff, he has sent his personal aides into this foray - with the specific goal of preventing me, specifically me, from being able to open a quarantine facility and compete in a free and fair environment. Competition would result in better choices for the people of Guam, but he fears this because I can do it with higher quality and a lower price than his friends.

- We have proven that the Governors friends, Dr. Thomas Poole and his cabinet officer - Dept of Agriculture Director Maritita Taitague - have failed to ever legally inspect a quarantine facility in the last 9 years. We have proven that they are willing to ignore quarantine and public health laws so that Ray Tenorio's good friend, Dr. Velma Harper still has an income.

As a result, if the laws are properly upheld,

- 1) Guam must loose its rabies free status.
- 2) Guam must close all its quarantine stations and stop all importation of animals.
- 3) those involved need to be prosecuted for the animal cruelty they have allowed to happen. Our Lt Gov wants everyone to believe he is for animal rights. If so, as chief health and safety officer on this island, how can he allow illegal quarantines to stay in business. How can he allow animals in that quarantine station to be left outside in a typhoon. **Not once but twice – in just the last 6 months.** How can he ignore that a dog broke its leg in quarantine, due specifically to his failure to follow the quarantine law regarding fence size. And how can it happen that the quarantine staff did not notice the dog had a broken leg, discharged it from quarantine, and then attempted to cover up their mistake. We have already submitted this information to Senator Respicio's hearing on quarantine status.

If you get nothing else out of this, then please realize that the people who are supposed to be protecting our island from rabies and other diseases are so incompetent and corrupt that they cannot notice that a dog is 3 legged lame, has a broken leg, and that they missed it for 3 months. If they can not identify a broken leg – over a 3 month period - how can they identify rabies or other diseases.

*Once again - if you missed the point of this example – I will be blunt and say this again. We here now to pass a law, to clarify a law, that the people who serve at Gov Calvo's refuse to adhere to, or apply equally and fairly.*

I say to the Senators, and mostly I say to the Guamanian people, that we still need to pass the laws that are in front of us today. We need to do so to stop the waste of our taxpayer money by Calvo-Tenorio's personal persecution of me and my family. The waste will not stop until the law is clarified. Even then, we all need to understand, that we will have the problem of getting Calvo-Tenorio to follow the law.

Director Taitague, and the suddenly retired GovGuam Territorial Veterinarian Dr. Thomas Poole, have consistently stated how important the fencing for a quarantine facility is. It is their main sticking point.

It is the sole item they push and push and push. So today we are here to clarify this and try to get them to enact the laws they say are so very important.

For this reason, I am suggesting that the law include penalties for failure to follow the laws. Not just penalties that can be avoided or are minimal. But penalties that will provide the laws with the needed teeth - so that those that serve at the Governors pleasure understand that the law comes above the personal pettiness of the administration. Penalties for putting Guam in a position where it should and could lose its rabies free status. Penalties for failure to follow basic public health procedures. Penalties because we are a nation of laws and not a nation of simply rich and powerful people who feel they are above the law.

I would suggest that if the Director of Agriculture fails to legally and fairly inspect all the OPEN and proposed quarantine facilities, that he/she be fined a minimum of \$10,000 per facility, and that he/she personally be responsible for all legal fees, from any and all parties resulting from such action or inaction. I suggest \$10,000 because those who are in these GovGuam positions have enough money that this is a figure that will make them take notice, and because they are dealing with public health issues.

I would suggest that if a quarantine facility fails to adhere to the requirements of the fencing law it be fined \$500 per day that the facility remains open and in violation of the law.

I would suggest that the Director of Agriculture be personally fined \$10,000 for failure to close any facility not meeting the fencing requirement.

Yes, I am bringing their own argument that the fence is such a significant item - or as they say "Critical condition" - against them. I do not see how they can stand up and say the fence is not critical - when they have been telling the Senators at the Senate status hearings that the fence is the most important thing.

I thank you for your time and allowing me to speak.

I humbly submit this for inclusion in the record from this meeting.

Dr. Joel Joseph DVM  
Wise Owl Animal Hospital

November 25, 2014

32<sup>nd</sup> Guam Legislature

*I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN*

155 Hesler Place

Hågatña, Guam 96910

Purpose: Testimony Bill 424-32 LS

Dear Senators,

I do not support the passage of Bill 424-32LS as I believe it does not strengthen the procedures of quarantining animals to ensure Guam remains rabies and disease free.

As a layperson, I equate an animal quarantine facility to a "doggy prison". When you close your eyes and imagine a prison, what do you see? A fence surrounding a building (often multiple fences) and prisoners inside the building, kept in "cages" with iron bars. When I visualize an animal quarantine facility, the picture is pretty much the same except with fur!

As Dr. Poole testified, a perimeter fence is a good last line of defense for escaping animals and also a good impediment for unauthorized people coming into the facility. Dr. Poole also mentioned it is the current standard of practice in many regional facilities and the US Military.

I attended the public hearing and listened to the experts testify. After listening to three Veterinarians testify against this bill and following their logic, it only strengthens my "unqualified" opinion of this effort.

Two items befuddle me:

Why is this specific matter even in front of the Legislature? It seems it would be better placed with the Director of Agriculture or Territorial Veterinarian? In my opinion the focus of the bill is too micro whereas a better macro type bill would befit the attention of the body.

Has the Legislature done sufficient research on quarantine standards? Given the sensitivity (real and perceived) of communicable diseases both in animals and humans, it seems wise to spend considerable time to ensure that current "evidenced based" standards are in place to protect our island. Considering three experts testified against this bill seems sufficient alone to put it at question.

A suggestion ... recently I was asked to be a member of the Governor's Task Force on Communicable Disease (Medical Surge Sub-Committee). It seems more legislatively appropriate and befitting to follow a similar pathway/process to this equivalent issue with regard to animals. In fact, I wish something similar was in place during the anaplasmosis discussions and the passage of Bill 297-32.

In closing I do not feel a need to regurgitate the testimonial points made by our three Veterinarian experts. I encourage you to ponder them as you deliberate your vote and hope you come to the same conclusion I have and not support the passage of Bill 424-32LS.

Sincerely,



Charles K. Tanner, MHA, M.Ed., FACHE



**From:** Animal Medical <[animalmedguam@hotmail.com](mailto:animalmedguam@hotmail.com)>

**Date:** December 3, 2014 at 2:57:31 PM ChST

**To:** "[speaker@judiwonpat.com](mailto:speaker@judiwonpat.com)" <[speaker@judiwonpat.com](mailto:speaker@judiwonpat.com)>, "[senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)" <[senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)>, "[senator@tinamunabarnes.com](mailto:senator@tinamunabarnes.com)" <[senator@tinamunabarnes.com](mailto:senator@tinamunabarnes.com)>, "[roryforquam@gmail.com](mailto:roryforquam@gmail.com)" <[roryforquam@gmail.com](mailto:roryforquam@gmail.com)>, "[office@senatorada.org](mailto:office@senatorada.org)" <[office@senatorada.org](mailto:office@senatorada.org)>, "[senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com)" <[senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com)>, "[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)" <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>, "[sensorsannicolas@gmail.com](mailto:sensorsannicolas@gmail.com)" <[sensorsannicolas@gmail.com](mailto:sensorsannicolas@gmail.com)>, "[senatortonyada@guamlegislature.org](mailto:senatortonyada@guamlegislature.org)" <[senatortonyada@guamlegislature.org](mailto:senatortonyada@guamlegislature.org)>, "[duenasenator@gmail.com](mailto:duenasenator@gmail.com)" <[duenasenator@gmail.com](mailto:duenasenator@gmail.com)>, "[aline4families@gmail.com](mailto:aline4families@gmail.com)" <[aline4families@gmail.com](mailto:aline4families@gmail.com)>, "[brantforquam@gmail.com](mailto:brantforquam@gmail.com)" <[brantforquam@gmail.com](mailto:brantforquam@gmail.com)>, "[mike@mikelimtiaco.com](mailto:mike@mikelimtiaco.com)" <[mike@mikelimtiaco.com](mailto:mike@mikelimtiaco.com)>, "[tommy@senatormorrison.com](mailto:tommy@senatormorrison.com)" <[tommy@senatormorrison.com](mailto:tommy@senatormorrison.com)>

**Subject:** FW: Testimony for Bill # 424-32 (LS)

Dear Senators,

Please read the attachment as my written testimony for the proposed changes for animal quarantine. If you have any questions, I would be more than happy to speak to you. You may contact me at 637-8387 or via email. Thank you.

Sincerely,

Dr. Kevin Malakooti

December 1, 2014

To the Guam Legislature,

I am writing in regards to Bill no. 424-32 (LS) sponsored by Senators Respicio and Muna Barnes, regarding changing quarantine regulations. While I do not involve myself in politics, I am compelled to finally opine regarding the blatantly misguided bill that is introduced by these Senators with no understanding of what the repercussions are for their actions. It is another attempt to circumvent Guam laws, instead of abiding to them, weakening Guam's standards and risking the loss of Guam's 'rabies-free' status. Not only is this potentially economically damaging to Guam, but risks the introduction of disease to our animal and human population. It seems that Senator Respicio and Muna Barnes without any research or consultation are willing to alter quarantine regulations solely for the benefit of WiseOwl.

Are you not tired of Guam being mocked by outsiders, insinuating we are an island that is somewhat 'backward'? – for example Howard Stern on X-factor, or a poor joke in "Good Morning Vietnam". This legislation and attempt to allow a quarantine facility to be run on the 2<sup>nd</sup> story of someone's home/clinic/apartment is exactly the kind of ill-conceived political move that opens this island up to ridicule. Quarantine is a major international disease issue – our neighbors in Japan, Australia, Hawaii and others spend millions of dollars annually to protect their countries from disease with state of the art facilities, doctors and staff. Guam is extremely privileged at this time to have rabies-free status. Think on what our national and international neighbors would think in assessing this facility which is completely inappropriate and is 'politically approved'. No research, no consultation, no knowledge of what is at stake, but politicians willing to alter laws to assist one individual. It serves no public interest.

Let me give you just one very small logistical example of how this facility is impractical. Dogs travel in large bulky carriers weighing over 150 lbs. This large heavy crate will have to be carried up a narrow stairwell by multiple people, with a scared, moving dog that has been transported for days and is now being man-handled up a stairway and through corridors not designed for this purpose. It cannot be done and is ridiculous. And if the dog is removed before going up the stairs it has already broken quarantine. It is set up for failure and mockery. Then comes the matter of trust. WiseOwl has been mired in controversy since its inception – do we want Guam's quarantine run by a facility that lacks community trust?

The Animal Medical Clinic is owned by myself and my wife Patti, who is Chamorro. Together we have served Guam for over twenty years. Some months ago we contacted Senator Respicio and informed him that we were involved in building an indoor, air conditioned quarantine facility. At that time, Senator Respicio was pushing the Department of Agriculture to approve WiseOwl under the guise that Harper Quarantine was sub-par and had no competition. We clearly informed him a quality facility was under construction. This did not stop Respicio's attempt to force Agriculture to accept a non-compliant, non-permitted facility. Regardless, and at great expense and with much effort and within the parameter of ALL Guam's laws, my wife and I built an indoor quarantine facility. Several times during construction we had it inspected by Agriculture and Department of Public works – ANY and ALL discrepancies we had immediately corrected, regardless of cost. We built secondary fencing, we installed high pressure washers, we modified architectural plans, we purchased a water tank, we added handicap parking space

and we even broke down concrete walls to move just a few inches because, due to the application of tile, the department of Agriculture deemed our kennel was a few inches too narrow.

Senator Respicio would like to change the law so that while others have to conform and abide by them, WiseOwl can bypass them. Do not be fooled that this one simple change addressed in the law is all that it is about – it is about a continued attempt to allow special exemption to circumvent the law. We have spent a great deal of our hard earned resources and effort in doing things correctly – to the benefit of the people and animals of Guam – and now Respicio wants to punish this commitment to excellence by allowing a non-compliant facility with no permits.

For many years people have wanted to start a new quarantine – and it was (and is) open to all. Many of us could have done what WiseOwl is attempting now, but we had the understanding that there were standards to be upheld. And when these standards drop, let me give you a glimpse of what is possible. My own home, and maybe most on Guam, have a concrete wall, a bathroom with a four inch drain and an indoor room – now we can all qualify to run a quarantine out of our homes! WiseOwl has no lack of resource, so why not abide by the law and build a legal one? No-one has a problem with opening an additional quarantine – but uphold the standards set forth – it is that simple. Don't allow Guam's quarantine to become yet another 'joke'.

Quarantine is a significant public health, animal health and economic issue. While developed nations like Japan and Australia continue to uphold the strictest standards with world class facilities and monitoring, we have Senators who are willing to lower standards and potentially lose so much we have worked for. Gaining rabies free status was a massive victory for Guam. Now, we are threatening to lose it all by weakening our barriers and showing our island neighbors that personal politics trumps proper protocol. Hawaii is watching closely. If we lose rabies free status from Hawaii, we will lose all our rabies free status and Guam and its residents will suffer the consequence. Do the Senators who introduced this bill even understand what is at stake? – Clearly not! All the veterinarians on Guam have clearly spoken against it.

There are those of us who practice business at the highest standards to the benefit of all the people of Guam. We respect the law and are compliant, putting the people and animals first, not individual gain. Honesty and integrity are 'black and white' issues with no room for 'greys'. I am extremely proud of my service and dedication to all the people of Guam, holding my profession to the highest possible standards. This standard has been sorely challenged and my profession and its moral code basically destroyed by some these last few years. I am asking the legislature to put a stop to the degradation of Guam's standards. Stop the acceptance of personal favor over public good. Do not risk losing Guam's 'rabies-free' status. Uphold the standard of excellence in the protection of our island. Keep veterinary medicine clean and worthy of the code of ethics we are bound. Do not allow us to be frowned upon by our neighbors. Keep Guam good! Voting down this misguided change in the law is the right thing to do for Guam. It is about Guam's integrity.

Prior to submitting legislation, it would be prudent for these Senators to invite Hawaii state officials to Guam to assess our quarantine – become informed first. It's not hard and it shows 'intent'. Show that the legislation is in the best interest of Guam.

Dr. Kevin Malakooti  
Animal Medical Clinic



## COMMITTEE ON RULES

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MINORITY LEADER

Senator  
Aline Yamashita  
Member

# Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 424-32 (LS) – RJ. Respicio and T.R. Muña Barnes, "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY,"**– on November 25, 2014. COR hereby certifies that BBMR confirmed receipt of this request November 25, 2014 at 12:17 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 424-32 (LS) to be included in the committee report on said bill, is hereby waived.**

Certified by:

  
\_\_\_\_\_

**Senator Rory J. Respicio**  
Chairperson, Committee on Rules

December 15, 2014

**Date**



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.F. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

November 25, 2014

VIA E-MAIL

[anthony.blaz@bbmr.guam.gov](mailto:anthony.blaz@bbmr.guam.gov)

**Anthony C. Blaz**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 424-32(LS) through 427-32(COR)**

*Hafa Adai* Mr. Blaz:

Transmitted herewith is a listing of *I Mina'trentai Dos 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 J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
424-32 (LS)	R.J. Respicio, T.R. Muna Barnes	AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY.
425-32(LS)	Michael T. Limtiaco R. J. Respicio	AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT.
426-32 (COR)	T. C. Ada	AN ACT RELATIVE TO THE SAFE OPERATIONS OF COMMERCIAL MOTOR VEHICLES BY ADOPTING APPLICABLE PARTS OF 49 CFR PART 180 TO ENSURE THE DEPARTMENT OF REVENUE AND TAXATION'S MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (DRT/MCSAP) REMAINS COMPLIANT WITH ITS FEDERAL MANDATES.
427-32 (COR)	B. J.F. Cruz	AN ACT TO AMEND § 85103(b) OF CHAPTER 85, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE COUNCIL ON THE ARTS AND HUMANITIES.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
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Senator  
Michael E.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

November 18, 2014

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 424-32(LS)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 424-32(LS)**.

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 members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Received*

**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
424-32 (LS)	R.J. RESPICIO T.R. MUÑA BARNES	AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY	11/18/14 12:58 p.m.	11/18/14	Committee on Rules, Federal, Foreign, & Micronesia Affairs, Human & Natural Resources, and Election Reform.			<b>Fiscal Note Request 11/25/14</b>



SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
THIRTY-SECOND GUAM LEGISLATURE

November 18, 2014

**MEMORANDUM**

**To:** All Senators  
All Media

**From:** Majority Leader Rory J. Respicio

**Subject:** 5-Day Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

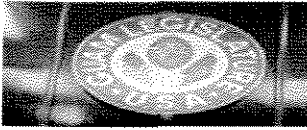
*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on **Tuesday, November 25, 2014 beginning at 9:00 A.M.**, the Legislature's Public Hearing Room:

**9:00 A.M. Public Hearing**

- Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
- Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT." Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election Reform, and may be submitted via email to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at [etajalle@guamlegislature.org](mailto:etajalle@guamlegislature.org). *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature  
Executive Director  
Legal Counsel  
Sergeant-at-Arms  
MIS  
AV



Rory Respicio <cor@guamlegislature.org>

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## 5-Day Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

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Senator Rory J. Respicio <cor@guamlegislature.org>

Tue, Nov 18, 2014 at 5:30 PM

To: "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Thomas (Tommy) Morrison" <tommy@senatomorrison.com>, "hottips@kuam.com" <hottips@kuam.com>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>, phnotice <phnotice@guamlegislature.org>

Cc: Guam Legislature Clerks <clerks@guamlegislature.org>, Therese Terlaje <tmerlaje@gmail.com>, "Vince P. Amiola" <vpamiola1@gmail.com>, mis <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <joesa@guamlegislature.org>, av@guamlegislature.org

Bcc: Bernadette Meno <guam.avon@gmail.com>, bill phillips <phillipsguam@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <mary@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Amiola" <vpamiola1@gmail.com>, Bruce Lloyd <bruce.lloyd.media@gmail.com>, Joel Joseph <pacificislandvet@gmail.com>, Ben Schiff <benscottschiff@gmail.com>, "doagridir@yahoo.com" <doagridir@yahoo.com>, beverlydavis@live.ca, "manuel.cruz" <manny.cruz@dol.guam.gov>

November 18, 2014

### MEMORANDUM

To: All Senators

All Media

From: Majority Leader Rory J. Respicio

Subject: 5-Day Notice of Public Hearing– Tuesday, November 25, 2014, 9:00

A.M.

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on Tuesday, November 25, 2014 beginning at 9:00 A.M., the Legislature's Public Hearing Room:

**9:00 A.M Public Hearing**

- **Bill No. 424-32 (LS)- “AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY.” Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes**
- **Bill No. 425-32 (LS)- “AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT.” Sponsors- Senator Michael T. Lintiac and Senator Rory J. Respicio**

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election

Reform, and may be submitted via email to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at [etajalle@guamlegislature.org](mailto:etajalle@guamlegislature.org). *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature

Executive Director

Legal Counsel

Sergeant-at-Arms

MIS

AV

—  
**Majority Leader Rory J. Respicio**  
Chairperson, Committee on Rules;  
Federal, Foreign & Micronesian Affairs;  
Human & Natural Resources; and Election Reform  
*I Mina Trentai Dos na Lihestaturan Guåhan*  
155 Hesler Place, Ste. 302  
Hagåtña, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547



**2014.11.26\_RJR PH\_5DayNotice.pdf**  
343K

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
THIRTY-SECOND GUAM LEGISLATURE

November 19, 2014

VIA EMAIL  
[doagridir@yahoo.com](mailto:doagridir@yahoo.com)

Mrs. Mariquita F. Taitague  
Director  
Department of Agriculture  
192 Dairy Road  
Mangilao, Guam 96913

**Subject: Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.**

Dear Director Taitague,

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on **Tuesday, November 25, 2014 beginning at 9:00 A.M.**, the Legislature's Public Hearing Room:

**9:00 A.M. Public Hearing**

- **Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY."** Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes

I invite you to appear before this committee and provide testimony on Bill No. 424-32 (LS). Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Majority Leader Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; & Election Reform, and may be hand-delivered or mailed to my office at 155 Hesler Place, *Hagåtña*, Guam 96910; e-mailed to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); or faxed to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or service shall contact and submit their request to Elaine Tajalle at my office.

Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation.

Very truly yours,

Rory J. Respicio



Rory Respicio <cor@guamlegislature.org>

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## Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

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Senator Rory J. Respicio <cor@guamlegislature.org>

Wed, Nov 19, 2014 at 2:31 PM

To: "doagridir@yahoo.com" <doagridir@yahoo.com>

Cc: beverlydavis@live.ca

Bcc: Bemadette Meno <guam.avon@gmail.com>, bill phillips <phillipsguam@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <mary@guamlegislature.org>, "Rory J. Respicio" <rorryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Amiola" <vpamiola1@gmail.com>, Bruce Lloyd <bruce.lloyd.media@gmail.com>

November 19, 2014

**VIA EMAIL**

doagridir@yahoo.com

**Mrs. Mariquita F. Taitague**

Director

Department of Agriculture

192 Dairy Road

Mangilao, Guam 96913

**Subject: Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.**

Dear Director Taitague,

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on **Tuesday, November 25, 2014 beginning at 9:00 A.M.**, the Legislature's Public Hearing Room:

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I invite you to appear before this committee and provide testimony on Bill No. 424-32 (LS). Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Majority Leader Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; & Election Reform, and may be hand-delivered or mailed to my office at 155 Hesler Place, Hagåtña, Guam 96910; e-mailed to cor@guamlegislature.org; or faxed to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or service shall contact and submit their request to Elaine Tajalle at my office.

Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation.

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Rory J. Respicio

—  
**Majority Leader Rory J. Respicio**  
Chairperson, Committee on Rules;  
Federal, Foreign & Micronesian Affairs;  
Human & Natural Resources; and Election Reform  
*I Mina Trentai Dos na Liheslaturan Guåhan*  
155 Hesler Place, Ste. 302  
Hagåtña, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547

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SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM




*I Mina'trentai Dos na Libeslaturan Guåhan*  
THIRTY-SECOND GUAM LEGISLATURE

November 20, 2014

**MEMORANDUM**

**To:** All Members  
All Media

**From:** Majority Leader Rory J. Respicio 

**Subject:** Second Notice of Public Hearing-- Tuesday, November 25, 2014, 9:00 A.M.

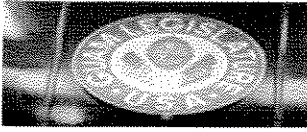
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Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election Reform, and may be submitted via email to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at [etajalle@guamlegislature.org](mailto:etajalle@guamlegislature.org). *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature  
Executive Director  
Legal Counsel  
Sergeant-at-Arms  
MIS  
AV



Rory Respicio <cor@guamlegislature.org>

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## Second Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

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Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, Nov 20, 2014 at 11:00 AM

To: "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Bames <senator@tinamunabames.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "hottips@kuam.com" <hottips@kuam.com>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>, phnotice <phnotice@guamlegislature.org>

Cc: Guam Legislature Clerks <clerks@guamlegislature.org>, Therese Terlaje <tinterlaje@gmail.com>, "Vince P. Arriola" <vparriola1@gmail.com>, mis <mis@guamlegislature.org>, Tom Unsiog <sgtamms@guamlegislature.org>, Joe San Agustin <joesa@guamlegislature.org>, av@guamlegislature.org

Bcc: Bemadette Meno <guam.avon@gmail.com>, bill phillips <phillipsguam@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <mary@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Arriola" <vparriola1@gmail.com>, Bruce Lloyd <bruce.lloyd.media@gmail.com>, Joel Joseph <pacificislandvet@gmail.com>, Ben Schiff <benscottschiff@gmail.com>, "doagridir@yahoo.com" <doagridir@yahoo.com>, beverlydavis@live.ca, "manuel.cruz" <manny.cruz@dol.guam.gov>

November 20, 2014

### MEMORANDUM

To: All Members

All Media

From: Majority Leader Rory J. Respicio

Subject: Second Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesia Affairs; Human & Natural Resources; and Election Reform will be conducting the following on **Tuesday, November 25, 2014 beginning at 9:00 A.M.**, the Legislature's Public Hearing Room:

**9:00 A.M. Public Hearing**

- **Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY."** Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
- **Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT."** Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election Reform, and may be submitted via email to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at [etajalle@guamlegislature.org](mailto:etajalle@guamlegislature.org). *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature

Executive Director


Legal Counsel

Sergeant-at-Arms

MIS

AV

—  
**Majority Leader Rory J. Respicio**  
 Chairperson, Committee on Rules;  
 Federal, Foreign & Micronesian Affairs;  
 Human & Natural Resources; and Election Reform  
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**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåhan*  
**THIRTY-SECOND GUAM LEGISLATURE**

**PUBLIC HEARING**

**Tuesday, November 25, 2014 • 9:00 AM**  
**Legislature's Public Hearing Room • Hagåtña, Guam**

**AGENDA**

- I. Call to Order**
- II. Announcements**
- III. Items for Public Consideration**
  - **Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY."** Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
  - **Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT."** Sponsors- Senator Michael T. Lintiacio and Senator Rory J. Respicio
- IV. Closing Remarks**
- V. Adjournment**

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For copies of the above mentioned bills, please visit the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to [cor@guamlegislature.com](mailto:cor@guamlegislature.com), or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at our office. For more information, please call 472-7679. We look forward to your attendance and participation. *Si Yu'os ma'åse'!*

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



*I Mina'trentai Dos na Libeslaturan Guåban*  
**THIRTY-SECOND GUAM LEGISLATURE**

News Release  
For Immediate Release

## **Respicio Holds Public Hearing To Strengthen Animal Quarantine Laws**

*November 25, 2014* – Senator Rory J. Respicio held a public hearing this morning on legislation that would amend current animal quarantine laws to allow for concrete walls to be included in quarantine facilities in addition to the currently allowed mesh wire fences.

Respicio, the Chairman of the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform, authored Bill No. 424-32 (LS)- “AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY.” The legislation was cosponsored by Senator Tina Rose Muña Barnes.

Current law requires that the premises of Commercial Quarantine Facilities “shall be surrounded by a perimeter fence not less than eight (8) feet in height and topped with barbed wire tilted inward. Fencing wire shall be of a mesh size of two (2) inches by two (2) inches or less, and of no less than nine (9) gauge.”

Respicio’s proposed changes state “Unless a solid roof covers the entire facility, the premises of a CQF shall be surrounded by a perimeter fence no less than eight feet in height and topped with barbed wire tilted inward. Fencing shall be composed of concrete, solid metal, or wire. All wire shall be of a mesh size of two (2) inches by two (2) inches or less and of no less than nine (9) gauge.” The proposed language in Bill No. 424 further states that “Any commercial quarantine facility with a perimeter wire fence with mesh size greater than two (2) inches by two (2) inches shall have a grace period of 6 months from the enactment of this Act to comply with the fencing requirement in Section 1.”

Testimony delivered this morning on the legislation was mixed with Dr. Joel Joseph of Wise Owl Animal Hospital testifying in favor of Bill No. 424. Joseph noted the reform of the regulation would make more competition possible and that “Competition would result in better choices for the people of Guam...” and could possibly lower the quarantine costs for those bringing their animals to island.

The Director of the Department of Agriculture, Mariquita F. Taitague, stated that she is opposed to the legislation as she says it weakens the laws that she says have served our island well for many years. “One cannot see through walls, so it is impossible to know what is going on there.” However, Respicio asserts that this bill strengthens the animal quarantine facility laws because no one should argue that a mesh fence is more secure than a concrete wall.

Copy of Bill No. 424-32 (LS) is attached.

-30-

UNSWORN DECLARATION: I hereby declare that the foregoing is true and correct to the best of my knowledge and belief, under penalty of perjury of the laws of Guam, this declaration being sworn and made in lieu of an affidavit pursuant to Title 6 Guam Code Annotated §4308, at the place and date identified herein.

*Rory J. Respicio*



# Preserve rabies-free status

TUESDAY, 09 DEC 2014 03:00AM

LETTER TO THE EDITOR



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ON NOV. 25, Sen. Rory Respicio held a public hearing on Bill 424-32, "to clarify that concrete and solid metal walls are acceptable as perimeter fencing for a commercial quarantine facility."

Despite the senator's denials to the contrary, this bill is solely meant to benefit a single constituent, Joel Joseph, owner of Wise Owl Animal Clinic. All other facilities have a perimeter fence topped with barbed wire and a double-entry gate. Dr. Joseph wants us to believe that his second-floor boarding facility in a converted residence is equivalent to that.

The dangers in this bill are multiple. It allows an untested and unproven quarantine facility design to be put in place without scientific review. The current design regulations are based on peer-reviewed, security assessed and tested facilities in Hawaii, the U.S. mainland, military installations, Australia, etc. Without that review and testing, the likely result will be a vote of no-confidence by the other rabies-free nations and the effective revocation of Guam's rabies-free status. In addition, there's the risk of animal escape in a very busy tourist area.

It would be the height of irresponsibility to approve this change without a neutral third-party review such as by the U.S. Centers for Disease Control and Prevention. The CDC has the expertise and experience to assess the effectiveness of a quarantine design. To anyone who claims this is unnecessary, I would ask, "Are you prepared to be personally liable for the loss of Guam's rabies-free status?"

Dr. Joseph makes multiple claims that his facility is superior to the existing quarantine facilities: features such as cameras, multiple doors, etc. Unless there's someone actually watching the cameras 24/7, all they do is allow reconstruction of how an animal escaped. No doubt he has a superior boarding facility; however, the preservation of Guam's rabies-free status is far more important than favoritism to a single operator.

*(Disclosure: I am a five-state licensed relief veterinarian currently on contract to Isla Veterinary Clinic. I have no financial interests one way or another in the outcome. I speak only as a public health professional with the best interests of Guam in mind.)*

**Paul Pomes,**  
Guam