



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



April 18, 2013

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

VIA: The Honorable Rory J. Respicio
Chairman
Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform

RE: Committee Report on Bill No. 56-32 (COR), As Amended by the Committee
Dear Speaker Won Pat,

Håfa adai! Transmitted herewith is the committee report on Bill No. 56-32 (COR), as amended by the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations – “AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE.”

Committee votes are as follows:

- 6 TO DO PASS
- _____ TO NOT PASS
- _____ TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

2013 APR 19 AM 9:32Q

Respectfully,

MICHAEL F.Q. SAN NICOLAS



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT

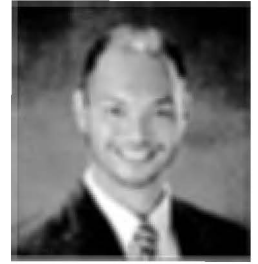
BILL NO. 56-32 (COR) AS AMENDED BY THE COMMITTEE

**AN ACT TO REPEAL AND REENACT §9108
OF TITLE 16, GUAM CODE ANNOTATED,
RELATIVE TO CHANGING THE PENALTY
FOR VIOLATION OF THE TRAFFIC CODE
FROM A PETTY MISDEMEANOR TO A
CIVIL VIOLATION PUNISHABLE BY A FINE.**



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



April 18, 2013

MEMORANDUM

TO: All Members
Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations

RE: **Committee Report on Bill No. 56-32 (COR), As Amended by the Committee**

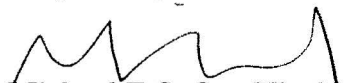
Håfa adai! Transmitted herewith for your consideration is the Committee Report on Bill No. 56-32 (COR), as amended by the Committee – “AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE.”

This report includes the following:

- Committee Voting Sheet
- Report Digest
- Copy of Bill No. 56-32 (COR), As Introduced
- Copy of Bill No. 56-32 (COR), As Per Legal Counsel
- Copy of Bill No. 56-32 (COR), As Amended
- Public Hearing Sign-in Sheet
- Copy of COR Referral of Bill No. 56-32 (COR), As Introduced
- Copy of COR Referral of Bill No. 56-32 (COR), As Per Legal Counsel
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Testimony

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 my office.

Respectfully,



Michael F.Q. San Nicolas



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE VOTING SHEET

Bill No. 56-32 (COR), as amended by the Committee – “AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman 4/18/13		✓				
Senator Thomas C. Ada Vice Chairman						
Speaker Judith T. Won Pat, Ed.D. Member		4/18/13 ✓				
Vice Speaker Benjamin J.F. Cruz Member		4/18/13 ✓				
Senator Tina Rose Muña Barnes Member		✓				
Senator Vicente C. Pangelinan Member						
Senator Rory J. Respicio Member		4/18/13 ✓				
Senator V. Anthony Ada Member						
Senator Aline A. Yamashita, Ph.D. Member		✓				



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 56-32 (COR) was introduced on February 25, 2013 by Vice Speaker Benjamin J. Cruz and Senator Thomas C. Ada. The bill was subsequently referred by the Committee on Rules to the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations on February 25, 2013.

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations convened a public hearing on Bill No. 56-32 (COR) on March 19, 2013 at 10:06 a.m. in *I Liheslatura's* Public Hearing Room. The hearing was adjourned at 10:37 a.m.

Public Notice Requirements

Public Hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on March 11, 2013, and on March 15, 2013.

Senators Present

Senator Michael F.Q. San Nicolas, Chairman
Vice Speaker Benjamin J. Cruz, Committee Member
Senator Vicente C. Pangelinan, Committee Member

Public Testimony

Joshua Tenorio, Director of Policy, Planning and Community Relations, Judiciary of Guam

Written Testimony

Raymond Perez, Private Citizen
Joshua Tenorio, Director of Policy, Planning and Community Relations, Judiciary of Guam

II. TESTIMONY & DISCUSSION

Chairman Michael San Nicolas: Bill 56-32, introduced by Vice Speaker Benjamin J.F. Cruz and Senator Thomas C. Ada. Today, we have Mister Josh Tenorio from the Court.

Mr. Joshua Tenorio: Good morning, Mister Chairman, Speaker Pangelinan and Vice Speaker Cruz. I am here to provide some testimony for Bill 56-32. I do want to point out that I expect that the proponent of the legislation will be here; that is the Attorney General's Office. Since they are not here, I decided to come forward in case there are questions. I do know that this legislation will resolve an issue that was noted in the media a couple months ago when, for a period of time, both the Magistrate Judge and the Senior Judge Pro-Tem, who had been appointed to handle traffic hearings, had been throwing out traffic citations when the Attorney General's Office was not present for prosecution. That was because the current statute has a default petty misdemeanor that is to be charged for any violation of the traffic violations chapter that does not specifically have a criminal violation attached to it. So, the Attorney General's Office had to take a couple weeks to identify prosecutors to attend traffic hearings for those

operations to normalize. This legislation is meant to eliminate the requirement for prosecutors to be present at traffic hearings for those traffic violations that the Legislature has not specifically established them to be crimes of misdemeanor, felony or petty misdemeanor.

Chairman San Nicolas: Thank you, Mister Tenorio. I apologize. I forgot to yield to the author for his opening remarks and I'd like to do so at this time.

Vice Speaker Benjamin Cruz: Thank you very much. Back when I was at the court, we used to just have a hearing with just police officers presenting for the government and the alleged violator. Recently, as Mister Tenorio had mentioned, the judge has determined that since it is a petty misdemeanor that the presence of an Attorney General prosecutor is required and has been dismissing the actions. Senator Tom Ada, who I must give credit for being on top of that, contacted the Office of the Attorney General and they provided him with draft legislation correcting the fire problem and also the traffic problem. He introduced and got passed the fire code changes in the last session and he asked me, as oversight chair of the police department, to be the main co-sponsor of this bill. The bill was written by the Attorney General's Office. I know that my friend has some issues about some of the language but this was drafted by the Attorney General's Office to repeal the provision on petty misdemeanor as a default and instead make it a violation so that there'll be no need for the presence of a prosecutor from the Attorney General's Office. With the shortage that we're experiencing in government, and the fact that the Attorney General's Office is in need of additional personnel, I felt a need and I believe that it is imperative that we allocate those funds and resources as judiciously as possible and have them spend their time prosecuting the major crimes as opposed to spending hours in traffic court. I'm hoping that we'll be able to pass this in the coming session. We'll have to address the concern that Senator Pangelinan has pointed out to me in the proposed legislation that gives the Traffic Court Division of the Superior Court, or the Judiciary, the ability to be able to set the schedule of fines. I've always had problems with the fact that the Court has kept the fines but no one will provide me with the legal opinion that says that it's not unconstitutional.

Senator Vicente Pangelinan: The concern I have there is that the schedule of fines, as proposed in this bill, is meant to ensure that the fines remain reasonable and that this is a power of the Legislature. We want to ensure that it remains in the Legislature. We've just seen hyperinflation, in terms of everything, and there is no control - power, water. Everything is now being set by everything outside of the Legislature and the general public has no recourse in some of these things. I think that the one body that is responsive to the concerns of the general public, in terms of these matters of when it hits their pocket books, is the Legislature. I would like to ensure that the general public continues to have access to influence that. I'd like to point out and request that when the bill is reported out of committee, that provision be deleted; I'm putting that out for consideration.

Chairman San Nicolas: Thank you, Mister Speaker. Yes, it does appear that on page 2, lines 3-5, there is some ambiguity of language on the schedule of fines and whether or not this bill would turn over the setting and scheduling of the amount of those fines, in total, to the court. The committee will work on tightening that language as requested. Did you have any comment on that?

Mr. Tenorio: I don't. Obviously, I respect the authority of the Legislature to determine the policy. I'm present to comment about what the application would do. I do want to point out, for the record, that the Attorney General's Office, the Presiding Judge and the DUI court judges have been meeting regularly every two weeks. There are two items being addressed jointly with the Guam Police Department, the Department of Public Works and the Attorney General's Office. The first one has to do with reviewing the Safe Streets Act and incorporating some the better practices that are being promoted in the States along with the current successful methods of dealing with DUI charges. The second one is discussion that it might be appropriate to revisit, or for the Legislature to consider, whether or not the criminal penalties in Title 16 of traffic code, in which there are some felonies and misdemeanors charged, should be moved

as a traffic chapter in the criminal code. It will be more consistent and the AG's office and the police officers, who are charging at the time of the arrests, can be more efficient in that regard. Lawyers believe that it would be good for the Legislature to consider that. The committee continues to work and they will report their findings to the Legislature to make those considerations.

Chairman San Nicolas: Thank you, Mister Tenorio. There being no other individuals wishing to speak on behalf of Bill 56-32, that will conclude the hearing on Bill 56-32.

III. FINDINGS AND RECOMMENDATIONS

Prior to the public hearing, the Legislative Legal Counsel determined that the title of Bill 56-32 (COR), as introduced, did not comply with the Standing Rules. As a result, and with the concurrence of the primary sponsor, an updated bill reflecting that change was submitted to the Committee. The change was also reflected in subsequent public notices for the hearing and on the public hearing agenda.

After the public hearing was conducted, the Committee received a letter from the Judiciary of Guam which addressed the concerns raised by Senator Vicente Pangelinan at the hearing. Additionally, the letter included proposed language to be considered for inclusion in Bill 56-32 (COR) that would address said concerns.

The Committee has amended Bill 56-32 (COR) with the following change:

- original language in Subsection (a) is deleted to remove the ability of the Traffic Court or the Judiciary of Guam to set traffic fines that are not set by law. This is also reflected in the amended title of the bill.



The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations hereby reports out Bill No. 56-32(COR), as amended by the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations, with the recommendation TO PASS.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

2013 FEB 25 PM 4: 29 

Bill No. 56-32 (WR)

Introduced by:

B.J.F. Cruz 
Thomas C. Ada 

**AN ACT RELATIVE TO REPEALING AND
REENACTING SECTION §9108 OF TITLE 16 GUAM
CODE ANNOTATED.**

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

2 **Section 1.** §9108 of Chapter 9 of Title 16, Guam Code Annotated, is
3 hereby *repealed and re-enacted* to read as follows:

4 ~~§ 9108. Violation of This Title – Petty Misdemeanor.~~

5 ~~Except in cases where a different punishment is provided by this Title,~~
6 ~~every person who fails or refuses to comply with or violates any provision of~~
7 ~~this Title is guilty of a petty misdemeanor.~~

8 **“§9108. Violation of This Title – Violation**

9 (a) Except in cases where a different punishment is provided by
10 this Title or other law, every person who fails or refuses to comply with or
11 violates any provision of this Title is guilty or liable of a civil violation
12 punishable by a fine as set forth at law or in the schedule of fines adopted by
13 the Traffic Court Division of the Superior Court of Guam or by the Judiciary
14 Branch of the government of Guam, or if fine amount is not enumerated at

1 law or in the schedule of fines above, then fine amount is not to exceed Five
2 Hundred Dollars (\$500.00).

3 (b) Notwithstanding subsection (a) of this Section, the Office of the
4 Attorney General is not precluded from filing a criminal complaint or
5 indictment pursuant to Chapters 15, 45 and 50 of Title 8 G.C.A. in the
6 Superior Court of Guam that may include charges involving the violation of,
7 or failure or refusal to comply with any provisions of Title 16 G.C.A.”

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 56-32 (COR)

Introduced by:

B.J.F. Cruz
Thomas C. Ada

**AN ACT TO REPEAL AND REENACT §9108 OF
TITLE 16, GUAM CODE ANNOTATED,
RELATIVE TO CHANGING THE PENALTY FOR
VIOLATION OF THE TRAFFIC CODE FROM A
PETTY MISDEMEANOR TO A CIVIL
VIOLATION PUNISHABLE BY A FINE, AND TO
AUTHORIZE THE TRAFFIC COURT OR
JUDICIARY TO SET TRAFFIC FINES THAT ARE
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9 Attorney General is not precluded from filing a criminal complaint or
10 indictment pursuant to Chapters 15, 45 and 50 of Title 8 G.C.A. in the
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12 or failure or refusal to comply with any provisions of Title 16 G.C.A.”

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 56-32 (COR)

As Amended by the Committee on Aviation,
Ground Transportation, Regulatory Concerns
and Future Generations.

Introduced by:

B.J.F. Cruz

Thomas C. Ada

**AN ACT TO REPEAL AND REENACT §9108 OF
TITLE 16, GUAM CODE ANNOTATED, RELATIVE
TO CHANGING THE PENALTY FOR VIOLATION
OF THE TRAFFIC CODE FROM A PETTY
MISDEMEANOR TO A CIVIL VIOLATION
PUNISHABLE BY A FINE, ~~AND TO AUTHORIZE
THE TRAFFIC COURT OR JUDICIARY TO SET
TRAFFIC FINES THAT ARE NOT SET BY LAW.~~**

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5 ~~finest adopted by the Traffic Court Division of the Superior Court of~~
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7 ~~fine amount is not enumerated at law or in the schedule of fines~~
8 ~~above, then fine amount is~~ not to exceed Five Hundred Dollars
9 (\$500.00).

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11 the Attorney General is not precluded from filing a criminal
12 complaint or indictment pursuant to Chapters 15, 45 and 50 of Title 8
13 G.C.A. in the Superior Court of Guam that *may* include charges
14 involving the violation of, or failure or refusal to comply with any
15 provisions of Title 16 G.C.A.”



I Mina'Trentai Dos na Liheslaturan Guahan

Committee on Aviation, Ground Transportation,
Regulatory Concerns, and Future Generations

SENATOR MICHAEL F.Q. SAN NICOLAS

March 19, 2013

Bill No. 56-32 (COR): AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE, AND TO AUTHORIZE THE TRAFFIC COURT OR JUDICIARY TO SET TRAFFIC FINES THAT ARE NOT SET BY LAW.

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Joshua Tenorio	Judiciary	4826904	✓			



Bill No. 56-32 (COR): Change of Offenses To Civil Violations

dial911@ite.net <dial911@ite.net>
To: senatorsannicolas@gmail.com

Thu, Mar 21, 2013 at 4:08 PM

Dear Senator San Nicolas:

This is to provide testimony in opposition to Bill No. 56-32 (COR) as currently written.

I have been made to understand that the bill was proposed to address the issue of impartiality in judgment, the issue of police being allowed to practice law and the availability of prosecutorial attorneys in the traffic court. Despite these reasons for proposing the bill, there has been no ruling by the court on this matter to invalidate the Traffic Court Rules, nor has the Judicial Council changed those rules.

Traffic Court Rules adopted by Judicial Council established the current procedure of hearing traffic offenses without the presence of a prosecutor. The rules are allowed in accordance with 8 GCA, §1.07 and §1.09, as deemed necessary to "secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay". Furthermore, the statute states that, in regards to the Traffic Court Rules, "Such rules may be inconsistent or conflict with the procedures provided in this Code. However, the defendant in any proceeding before the Traffic Court shall have the right to appeal to the Superior Court and obtain a trial de novo in any case." Thus, there is a remedy for defendants who believe that the expedited process is not in the best interest of justice.

Listed here are some issues with the proposed amendment to the statute:

1. Does the amendment seek to convert the offenses in 16 GCA to entirely civil matters; or does it seek to designate acts or omissions as "violations" in the context of 9 GCA, §1.18(f)? If the latter is the case, then the amendment should strike the original phrase "guilty of a petty misdemeanor" and replace it with the words "guilty of a violation", without further changes to the existing statute.
2. If the amendment is proposed to be an entirely a civil matter, would the violation be considered a binding obligation for the purposes of 7 GCA, §1108 and §1109? What mechanism empowers police officers (per 10 GCA, § 77104) to "enforce" a civil violation that is not yet adjudicated through the courts?
3. Are suits brought forth for violations of 16 GCA considered private actions as under 7 GCA, §1114? Who is the plaintiff? Are police officers considered to be acting as individuals, or as government agents under the proposed statute? Does this negate the obligation of the Office of the Attorney General to appear in court as directed under 5 GCA, §30109(c) in regards to civil actions?

4. Detention is permitted for criminal offenses by 8 GCA §30.10, and police officers are presumably allowed to issue citations for traffic offenses under the authority of 8 GCA, §25.10 and §25.20. Would police officers retain authority to stop the free movement of a citizen driving on the highway, and detain and cite them for non-criminal conduct if offenses are changed to civil violations?

5. Are there any protections, equivalent to 8 GCA, §20.15, granted to law enforcement officers for enforcing civil violation? Does "good faith" doctrine still apply?

Thank you for receiving my concerns. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

Raymond Perez
Sinajana
727-2299



Fwd: Follow up on Bill-56-32 Traffic offenses as civil violations

Mike Lidia <mike.lidia@senatorbjcruz.com>

Fri, Apr 12, 2013 at 12:08 PM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>, Julian Janssen <julian.c.janssen@gmail.com>

Cc: Carlo Branch <carlo.branch@gmail.com>

Senator San Nicolas and Staff:

Please find below testimony from the AG and his staff regarding Bill No. 56-32 for inclusion into the committee report. Thank you.

Mike Lidia

----- Forwarded message -----

From: **Ana Maria Won Pat Borja** <ana.wonpatborja@senatorbjcruz.com>

Date: Thu, Apr 11, 2013 at 6:46 PM

Subject: Fwd: Follow up on Bill-56-32 Traffic offenses as civil violations

To: Carlo Branch <carlo.branch@senatorbjcruz.com>, Mike Lidia <mike.lidia@senatorbjcruz.com>

Ana Maria Won Pat-Borja, esq.

Staff Attorney

Office of the Vice Speaker - I Mina'trentai dos na Liheslaturan Guåhan

155 Hesler Place Hagåtña, GU 96910

(671) 477-2520

----- Forwarded message -----

From: **Phil Tydingco** <ptydingco@guamag.org>

Date: Thu, Apr 11, 2013 at 6:33 PM

Subject: RE: Follow up on Bill-56-32 Traffic offenses as civil violations

To: Ana Maria Won Pat Borja <ana.wonpatborja@senatorbjcruz.com>, "Lenny M. Rapadas"

<lrappedas@guamag.org>, "senator@senatorbjcruz.com" <senator@senatorbjcruz.com>

Cc: Zerlyn Palomo <zpalomo@guamag.org>

Hafa Adai Vice-Speaker BJ Cruz and Ms. Won Pat-Borja

I will assume that the inquiries posed by Mr. Raymond Perez is the same GPD Captain Ray Perez who raise nearly all these same issues questions in a meeting held on March 25, 2013. It is my recollection that the meeting was attended by Captain Ray Perez, Captain Steve Ignacio, Chief Fred Bordallo, Attorney General Rapadas, and myself. Based on the answers or responses we provided to these same issues at that meeting, we did not believe there would be the kinds of problems suggested or implied by the issues he raised by enacting Bill 56-32 into law. Regarding the issue about police officers practicing law in the Traffic Court, it was not raised at our meeting. As far as I know, the judge of the Traffic Court never allows police officers to practice law before them. They are treated as witnesses. Indeed, as I write this response, I recollect that I sent an email to Chief Prosecutor Basil O'Mallan and First Assistant Prosecutor

Jonathan Quan summarizing the meeting, and I will paste and cut that email onto this email below.

For the record, I represented the Office of the Attorney General to work on Bill 56-32 together with Presiding Judge Alberto Lamorena III, Judge Elizabeth Barrett-Anderson, Judge Verne Perez, Judge Jaime Canto and Judge Alberto Tolentino in order to address the problem that arose when the Traffic Court began requiring prosecutors to show up or dismiss cases (SEE ATTACHED BILL WHERE SECTION ONE OF THE LEGISLATIVE FINDINGS DESCRIBED THE PROBLEM), and ~~the Office of the Attorney General supports Bill 56-32~~ as a remedy that by and large addresses the problems although we still have to tackle identifying other Title 16 GCA traffic offenses whose statutory provisions specifically provide criminal penalties (i.e., punished as petty misdemeanor, misdemeanor, or 3rd, 2nd or 1st degree felonies) which should be transferred to a new separate Chapter in Title 9 GCA (am working primarily with Judge EBA on this project, too).

Phil Tydingco, Chief Deputy Attorney General

Below here is a paste and cut of the email I sent to Basil and Jonathan regarding the meeting with GPD on Bill 56-32:

From: Phil Tydingco
Sent: Tuesday, March 26, 2013 10:02 AM
To: Basil O'Mallan; Jonathan Quan; ProAttyGroup
Cc: Lenny M. Rapadas; Zerlyn Palomo
Subject: FW: Request for Meeting Re: Bill 56-32

Basil and Jonathan,

As you know, Bill 56-32 is being proposed to alleviate the problem of having to send prosecutors to prosecute traffic violations, which should be decriminalized and treated as civil violations. We met yesterday with Chief Bordallo, Captain Ray Perez and Captain Steve Ignacio because they were concerned that somehow because traffic citations (by and large and not those traffic offenses that have specifically enumerated criminal punishments as petty misdemeanors, misdemeanors, or felonies) are treated as civil violations procedurally in traffic court will mean that police officers cannot pull people over for violating the traffic code as they are only allowed to seize, detain, arrest, etc. for criminal matters only. The AG and I discussed their concerns and related that they were oversimplifying the matter and overbroadly applying their general training principles that tell every police officer that they train "that police do not become in civil matters". In addition, the proposed amendment (see attachment) in subsection (b) also protects our ability to prosecute in criminal court even if the pullover first involved a traffic citation that gets punished as a civil violation in traffic court. Anyway, we reminded them that not only are many seemingly civil matters or violations more often than not carry criminal penalties, but that

their enabling act says otherwise. For example:

10 GCA HEALTH AND SAFETY

CH. 77 GUAM POLICE DEPARTMENT

CHAPTER 77

GUAM POLICE DEPARTMENT

§ 77102. Guam Police Department.

- (a) There is established within the executive branch of the government of Guam the Guam Police Department.
- (b) The director or head of the Guam Police Department shall be known as the *Chief of Police*, which shall be an unclassified position appointed by the Governor, subject to confirmation by the Guam Legislature.
- (c) The deputy director of the Guam Police Department shall be known as the *Deputy Chief of Police* which shall be an unclassified position appointed by the Chief of Police.

§ 77103. Powers and Duties of Department.

(a) The Department is charged with the enforcement of all criminal laws. Each police officer is authorized to:

- (1) Protect life and property;
- (2) Enforce the law;
- (3) Prevent crime;
- (4) Preserve the peace;
- (5) Arrest violators pursuant to Title 8 Guam Code Annotated;
- (6) Serve the public;
- (7) Conduct searches and seizures of property pursuant to Title 8
Guam Code Annotated; and
- (8) Perform the duties of a peace officer.

(b) The Department is authorized to cooperate with any Federal, state, national or international law enforcement agency, including any law enforcement entity of any possession of the United States, where a reciprocal agreement exists in detecting crime, apprehending criminal offenders and preserving law and order.

(c) The Guam Police Department shall have jurisdiction within the Territory of Guam over all lands, whether titled to the government or not, including submerged lands, all waterways whether navigable or not, and over all air space above such land and waterways with respect to which the

Territory has jurisdiction.

§ 77104. Department to Enforce Highway Safety.

The Department shall enforce ~~all laws~~ relating to the operation of vehicles on public roadways within the Territory. A police officer is authorized to arrest or cite persons violating any provision of Title 16, Guam Code Annotated, Guam Vehicle Code.

§ 77105. Department to Enforce Governmental Regulations.

The Department, upon the request of any other branch or department of the government, may enforce criminal laws or any regulation which such branch or department is charged to enforce.

The Guam Police Department has asked for roll call training on this issue if this bill becomes law.

Phil

From: Ana Maria Won Pat Borja [mailto:ana.wonpatborja@senatorbjcruz.com]
Sent: Wednesday, April 10, 2013 11:37 AM
To: Phil Tydingco; Lenny M. Rapadas
Cc: Zerlyn Palomo
Subject: Fwd: Follow up on Bill-56 - Traffic offenses as civil violations

Hafa Adai,

Please see the below Vice Speaker Cruz's request for comment from your office on bill 56-31.

Also included in this email is the testimony reference to in the senator's request. In short, the senator is requesting for a written comment from your office addressing the changes made to Bill 56 and the testimony included here so that the bill can move out of committee.

Thank you,

Ana Maria Won Pat-Borja

Dear Attorney General Rapadas,

I have been informed that your office was not invited to the Public Hearing on Bill 56-31(COR), Relative to making minor traffic offenses a civil violation. Though this bill was not referred to my Committee, I apologize for not personally ensuring that you were notified. While your office was integral to its drafting, it is my hope that you will submit, for the benefit of the body, a written statement on the measure. Also recently submitted testimony, provided for you below, has given Chairman San Nicolas slight pause. Please address the concerns in any statement you provide.

Respectfully,

~ BJ

Dear Senator San Nicolas:

This is to provide testimony in opposition to Bill No. 56-32 (COR) as currently written.

I have been made to understand that the bill was proposed to address the issue of impartiality in judgment, the issue of police being allowed to practice law and the availability of prosecutorial attorneys in the traffic court. Despite these reasons for proposing the bill, there has been no ruling by the court on this matter to invalidate the Traffic Court Rules, nor has the Judicial Council changed those rules.

Traffic Court Rules adopted by Judicial Council established the current procedure of hearing traffic offenses without the presence of a prosecutor. The rules are allowed in accordance with 8 GCA, §1.07 and §1.09, as deemed necessary to "secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay". Furthermore, the statute states that, in regards to the Traffic Court Rules, "Such rules may be inconsistent or conflict with the procedures provided in this Code. However, the defendant in any proceeding before the Traffic Court shall have the right to appeal to the Superior Court and obtain a trial de novo in any case." Thus, there is a

remedy for defendants who believe that the expedited process is not in the best interest of justice.

Listed here are some issues with the proposed amendment to the statute:

1. Does the amendment seek to convert the offenses in 16 GCA to entirely civil matters; or does it seek to designate acts or omissions as “violations” in the context of 9 GCA, §1.18(f)? If the latter is the case, then the amendment should strike the original phrase “guilty of a petty misdemeanor” and replace it with the words “guilty of a violation”, without further changes to the existing statute.
2. If the amendment is proposed to be an entirely a civil matter, would the violation be considered a binding obligation for the purposes of 7 GCA, §1108 and §1109? What mechanism empowers police officers (per 10 GCA, § 77104) to “enforce” a civil violation that is not yet adjudicated through the courts?
3. Are suits brought forth for violations of 16 GCA considered private actions as under 7 GCA, §1114? Who is the plaintiff? Are police officers considered to be acting as individuals, or as government agents under the proposed statute? Does this negate the obligation of the Office of the Attorney General to appear in court as directed under 5 GCA, §30109(c) in regards to civil actions?
4. Detention is permitted for criminal offenses by 8 GCA §30.10, and police officers are presumably allowed to issue citations for traffic offenses under the authority of 8 GCA, §25.10 and §25.20. Would police officers retain authority to stop the free movement of a citizen driving on the highway, and detain and cite them for non-criminal conduct if offenses are changed to civil violations?
5. Are there any protections, equivalent to 8 GCA, §20.15, granted to law enforcement officers for enforcing civil violation? Does “good faith” doctrine still apply?

Thank you for receiving my concerns. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

Raymond Perez
Sinajana
727-2299

Ana Maria Won Pat-Borja, esq.

Research Analyst

Office of the Vice Speaker - I Mina'trentai dos na Liheslaturan Guåhan

155 Hesler Place Hagåtña, GU 96910

(671) 477-2520

--
Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520



Bill draft re Traffic Offenses 16 GCA §9108 presumed petty misdemeanors than violations.03.doc
49K



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bill 56-32(LS)

Joshua Tenorio <jtenorio@guamcourts.org>

Mon, Apr 15, 2013 at 9:22 AM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Hafa Adai!

Please find the attached letter addressing concerns raised on Bill 56-32(LS) by Senator Pangelinan.

Thank you for your consideration.

Senseramente,

JOSHUA F. TENORIO

Director of Policy, Planning & Community Relations

Judiciary of Guam

120 West O'Brien Drive

Hagatna, Guam 96910

671.475.3278

671.482.6904 (mobile)



Letter to Senator San Nicolas re Bill 56-32(LS).pdf

208K



Judiciary of Guam



F. PHILIP CARBULLIDO
CHIEF JUSTICE

ADMINISTRATIVE OFFICE OF THE COURTS
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174
TEL: (671) 475-3544 / FAX: (671) 477-3184

ALBERTO C. LAMORENA III
PRESIDING JUDGE

PERRY C. TAITANO
ADMINISTRATOR OF THE COURTS

April 12, 2013

The Honorable Michael F.Q. San Nicolas
Chairman, Committee on Aviation, Ground Transportation
Regulatory Concerns, and Future Generations
I Mina Trentai Dos Na Liheslaturan Guåhan
155 Hessler Place
Hagåtña, Guam 96910

Dear Chairman San Nicolas:

Hafa Adai! Thank you for giving me the opportunity to submit comments on behalf of the Judiciary of Guam regarding Bill No. 56-32(COR), AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE, AND TO AUTHORIZE THE TRAFFIC COURT OR JUDICIARY TO SET TRAFFIC FINES THAT ARE NOT SET BY LAW.

If passed into law, violations of Title 16 (the Vehicle Code) would be considered civil violations and not petty misdemeanors. This would not apply to any violations in which a different punishment has been established by law but would enable the Traffic Court to adjudicate non-criminal traffic violations without the presence of a Prosecutor.

The Judiciary of Guam does not have any objection to the request made by Speaker Vicente C. Pangelinan to remove the language in the legislation regarding the setting of traffic fines. We recommend amending the proposed language contained in §9108 as follows.

“§9108. Violation of this Title – Violation (a) Except in cases where a different punishment is provided by this Title or other law, every person who fails or refuses to comply with or violates any provision of this Title is guilty or liable of a civil violation punishable by a fine ~~as set forth at law or in the schedule of fines adopted by the Traffic Court Division of the Superior Court of Guam or by the Judiciary Branch of the government of Guam, or if the fine amount is not enumerated at law or in the schedule of fines above, then fine amount is~~ not to exceed Five Hundred Dollars (\$500.00).

(b) Notwithstanding subsection (a) of this Section, the Office of the Attorney General is not precluded from filing a criminal complaint or indictment pursuant to Chapters 15, 45 and 50 of Title 8 G.C.A. in the Superior Court of Guam that may include charges involving the violation, or failure or refusal to comply with any provisions of Title 16 G.C.A.”

If you require further information, please free to contact me at your convenience.

Senseramente,

JOSHUA F. TENORIO
Director of Policy, Planning & Community Relations

cc: Honorable Frank B. Aguon, Jr.
Honorable Benjamin J.F. Cruz



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: 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

Senator
Vicente (Ben) C. Pangelinan
Member

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

Senator
Dennis G. Rodriguez, Jr.
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Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

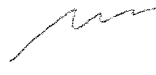
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 26, 2013

Memorandum

To: Reanne Meno
Clerk of the Legislature

From: Senator Rory J. Respicio 
Chairperson, Committee on Rules

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos.: 5-32 (LS), 11-32 (COR), 29-32 (COR), 35-32 (COR), 39-32 (COR), 47-32 (COR), 56-32 (COR), and 59-32 (COR)

WAIVERS:

Bill Nos.: 23-32 (COR), 58-32 (COR), and 67-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 MAR 27 11:15 AM

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORRAY TENORIO
LIEUTENANT GOVERNORJOHN A. RIOS
DIRECTOR***FACSIMILE INFORMATION PAGE***PLEASE DELIVER TO: Senator Rory RespicioFACSIMILE NUMBER: 472-3547FROM: BBMRTotal Pages including this page: 23

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note on the following Bill Nos.: 5-32(LS), 11-32(COR), 29-32(COR), 35-32(COR), 39-32(COR), 47-32(LS), 56-32(COR), and 59-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 23-32(COR), 58-32(COR), and 67-32(COR).**COMMENTS:** Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

MAR 25 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 5-32(LS), 11-32(COR), 29-32(COR), 35-32(COR), 39-32(COR), 47-32(LS), 56-32(COR), and 59-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 23-32(COR), 58-32(COR) and 67-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 56-32(COR)**

AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16 GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Judiciary of Guam	Dept./Agency Head: F. Philip Carbullido, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	23,564,558
Department's Other Fund (Specify appropriation(s) to date: Safe Streets Fund)	145,000
Total Department/Agency Appropriation(s) to date:	\$23,709,558

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? /x/ Yes / / No
If Yes, see attachment
 - Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
 - Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
 - Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
 - Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
/ / Requested agency comments not received as of the due date /x/ Other:*
- *Due to other budgetary priorities and impending deadline.

Analyst: <u>Dina P. Rivera</u>	Date: <u>3-19-13</u>	Director: <u>Johanna A. Rios</u>	Date: MAR 20 2013
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Footnotes:
See attached Comments.

COMMENTS TO BILL 56-32(COR)

BILL NO. 39-32 IS AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16, OF THE GUAM CODE ANNOTATED.

The Bill is proposing to impose a fine not to exceed Five Hundred Dollars (\$500.00) in violation of any provisions as set forth in Title 16, Chapter 9. This is in when no such fine exist in the "schedule of fines" adopted by the Traffic Court Division of the Superior Court of Guam or by the Judiciary Branch. As such, this could serve as an additional revenue generating source to the Superior Court of Guam. However, the annual financial impact is undetermined at this time.



COMMITTEE ON RULES

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

Senator
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Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 25, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 56-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 56-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all 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 Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
56-32 (COR)	B.J.F. Cruz T.C. Ada	AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16 GUAM CODE ANNOTATED.	2/25/2013 4:29 p.m.	2/25/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			Fiscal Note Request 2/26/13



FW: Revision to Bill 56(COR)

TMT <tterlaje@guam.net>

Thu, Mar 14, 2013 at 10:11 AM

To: Rennae Meno <rennae@guamlegislature.org>, Vice Speaker Benjamin Cruz <senator@senatorbjcruz.com>, "Senator Rory J. Respicio" <roxyforguam@gmail.com>

Cc: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Madame Clerk,

Bill 56-32(COR) requires changes to the title to conform with the form and style required by the Standing Rules. The Primary Sponsor concurs with my recommendation to change the title of the bill to read as follows:

AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE, AND TO AUTHORIZE THE TRAFFIC COURT OR JUDICIARY TO SET TRAFFIC FINES THAT ARE NOT SET BY LAW.

Please effectuate these changes and immediately notify the Committee to which the bill was referred. Public notices regarding this Bill should reflect the amended Title.

Si Yu'us Ma'ase.


Therese M. Terlaje
Legislative Counsel

I Mina Trentai Dos na Liheslaturan Guahan
(32nd Guam Legislature)

From: Carlo Branch <carlo.branch@gmail.com>
Date: Wed, 13 Mar 2013 16:48:32 +1000
To: TMT <tterlaje@guam.net>, "Senator Rory J. Respicio" <cor@guamlegislature.org>
Cc: "Vice Speaker Benjamin J.F. Cruz" <senator@senatorbjcruz.com>
Subject: Revision to Bill 56(COR)

Please find the attached memorandum from Vice Speaker Cruz relative to the necessary revision of Bill 56-32(COR).

~ Carlo

 **56 COR Revision Memo.pdf**
535K

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
56-32 (COR)	B.J.F. Cruz T.C. Ada	<p>AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16 GUAM CODE ANNOTATED.</p> <p>AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE, AND TO AUTHORIZE THE TRAFFIC COURT OR JUDICIARY TO SET TRAFFIC FINES THAT ARE NOT SET BY LAW.</p>	2/25/2013 4:29 p.m.	2/25/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			Fiscal Note Requested 2/26/13



First Notice - 3.19.13 Public/Confirmation Hearing

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Mon, Mar 11, 2013 at 6:05 PM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, bmkelman@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, edavis@k57.com, editor@mvguam.com, gerry@mvguam.com, gmmsinc@guam.net, info@chinesetimesguam.com, jason@kuam.com, john@kuam.com, kcn.kelly@gmail.com, koreannews@guam.net, kprg@guam.net, life@guampdn.com, mabuhaynews@yahoo.com, mindy@kuam.com, mwatanabe@guampdn.com, news@k57.com, parroyo@k57.com, radioprod@kuam.com, rgibson@k57.com, sabrina@kuam.com, slimtiaco@guampdn.com, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, publisher@glimpsesofofguam.com, weavert@pstripes.osd.mil, news@guampdn.com, jtyquiengco@spbgua.com, kevin@spbgua.com, hill.bruce@abc.net.au, pacificjournalist@gmail.com, parroyo@spbgua.com, editor@saipantribune.com, clynt@spbgua.com, mcpherson.kathryn@abc.net.au, cimiculka@guampdn.com, arcordoba@guampdn.com, communications@guam.gov, natalie.quinata@guam.gov, troy.torres@guam.gov, phnotice@guamlegislature.org, alerta.jermaine@gmail.com, baza.matthew@gmail.com, delisakloppenburg@gmail.com, geraldine@mvguam.com, joy@mvguam.com, louella@mvguam.com, david@mvguam.com, jmanuel@gmail.com, josh@spbgua.com, speaker@judiwonpat.com, senadotbjcruz@aol.com, senator@tinamunabarnes.com, roryforguam@gmail.com, senatordrodriguez@gmail.com, senbenp@guam.net, office@senatorada.org, aline4families@gmail.com, tony@tonyada.com, duenasenator@gmail.com, brantforguam@gmail.com, aguon4guam@gmail.com, mike@mikelimtiaco.com, tommy@senatormorrison.com, mayormcdonald@hotmail.com, agatmayoroffice@hotmail.com, asanmainamayoroffice@yahoo.com, bmoadmin@teleguam.net, ocp.mayor@gmail.com, melissa.savares@gmail.com, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, mayordorisfloreslujan@gmail.com, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, guammayor@gmail.com, rudyiriarte@gmail.com, talofofomayor@gmail.com, mayorlcrivera.tatuha@gmail.com, vicemayorksantos.tatuha@gmail.com, umatacmo@gmail.com, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, msavares@teleguam.net, anghet@hotmail.com, kenq@kuam.com, raymond.gibson@guam.gov, daleealvarez@gmail.com, responsibleguam@gmail.com, christopherchenay@gmail.com, floterlaje@gmail.com, derickbazahills@gmail.com, regineb.lee@gmail.com, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, george.santos@dol.guam.gov, carl.dominguez@dpw.guam.gov, jay.rojas@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dml.guam.gov, david.camacho@galc.guam.gov, mjduenas@ghura.org, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, cgogue@pbsguam.org, Adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, Benita.manglona@doa.guam.gov, Anthony.blaz@doa.guam.gov, jpcamacho@revtax.gov.gu, mmbenito@revtax.gov.gu, benny.m.paulino@ng.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jflores@gpagwa.com, ed.cruz@bit.guam.gov

Håfa adai,

Please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a hearing on Tuesday, March 19, 2013, 10:00 a.m. The hearing will take place in *I Liheslaturan Guåhan's* Public Hearing Room. See attachments for more information. Thank you for your time and attention on this matter.

Regards,


Jermaine Alerta


Chief Policy Analyst
Office of Senator Michael F.Q. San Nicolas
I Mina' Trentai Dos na Liheslaturan Guahan
32nd Guam Legislature
Tel: (671) 472-6453


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Please consider the environment before printing this message.

4 attachments

 **3.19.13 hearing.pdf**
153K

 **3.19.13 agenda_hearing.pdf**
143K

 **Bill No. 56-32 (COR).pdf**
53K

 **Bill No. 59-32 (COR).pdf**
181K



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

March 11, 2013

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a hearing on **Tuesday, March 19, 2013, 10:00 a.m.** at *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

Public Hearing

Bill No. 56-32 (COR), introduced by Benjamin J.F. Cruz and Thomas C. Ada: AN ACT RELATIVE TO REPEALING AND REENACTING §9108 OF TITLE 16 GUAM CODE ANNOTATED.

Bill No. 59-32 (COR), introduced by Vicente C. Pangelinan: AN ACT TO *ADD* CHAPTER 162 TO TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE COLLECTIVE INVESTMENT FUNDS ACT, AND TO *REPEAL* SECTION 106155 OF CHAPTER 106, TITLE 11, GUAM CODE ANNOTATED.

Confirmation Hearing

Appointment of Donald Taitano, Member, Cockpit License Board
Length of Term: One (1) Year

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Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Second Notice - 3.19.13 Public/Confirmation Hearing

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Fri, Mar 15, 2013 at 9:21 AM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, bmkelman@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, edavis@k57.com, editor@mvguam.com, gerry@mvguam.com, gmmsinc@guam.net, info@chinesetimesguam.com, jason@kuam.com, john@kuam.com, kcn.kelly@gmail.com, koreannews@guam.net, kprg@guam.net, life@guampdn.com, mabuhaynews@yahoo.com, mindy@kuam.com, mwatanabe@guampdn.com, news@k57.com, parroyo@k57.com, radioprod@kuam.com, rgibson@k57.com, sabrina@kuam.com, slimtiaco@guampdn.com, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, publisher@glimpsesofiguam.com, weavert@pstripes.osd.mil, news@guampdn.com, jtyquiengco@spbgum.com, kevin@spbgum.com, hill.bruce@abc.net.au, pacificjournalist@gmail.com, parroyo@spbgum.com, editor@saipantribune.com, clynt@spbgum.com, mcpherson.kathryn@abc.net.au, cimiculka@guampdn.com, arcordoba@guampdn.com, communications@guam.gov, natalie.quinata@guam.gov, troy.torres@guam.gov, phnotice@guamlegislature.org, alerta.jermaine@gmail.com, baza.matthew@gmail.com, delisakloppenburg@gmail.com, geraldine@mvguam.com, joy@mvguam.com, louella@mvguam.com, david@mvguam.com, jpmanuel@gmail.com, josh@spbgum.com, speaker@judiwonpat.com, senadotbjcruz@aol.com, senator@tinamunabarnes.com, roryforguam@gmail.com, senatordrodriguez@gmail.com, senbenp@guam.net, office@senatorada.org, aline4families@gmail.com, tony@tonyada.com, duenasenator@gmail.com, brantforguam@gmail.com, aguon4guam@gmail.com, mike@mikelimtiaco.com, tommy@senatormorrison.com, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmoadmin@teleguam.net, ocp.mayor@gmail.com, melissa.savares@gmail.com, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, mayordorisfloreslujan@gmail.com, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, guammayor@gmail.com, rudyiriarte@gmail.com, talofotomayor@gmail.com, mayorlcrivera.tatuha@gmail.com, vicemayorksantos.tatuha@gmail.com, umatacmo@gmail.com, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, msavares@teleguam.net, anghet@hotmail.com, kenq@kuam.com, raymond.gibson@guam.gov, daleealvarez@gmail.com, responsibleguam@gmail.com, christopherchenay@gmail.com, floterlaje@gmail.com, derickbazahills@gmail.com, regineb.lee@gmail.com, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, george.santos@dol.guam.gov, carl.dominguez@dpw.guam.gov, jay.rojas@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dml.guam.gov, david.camacho@galc.guam.gov, mjduenas@ghura.org, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, cgogue@pbsguam.org, Adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, Benita.manglona@doa.guam.gov, Anthony.blaz@doa.guam.gov, jpcamacho@revtax.gov.gu, mmbenito@revtax.gov.gu, benny.m.paulino@ng.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jflores@gpagwa.com, ed.cruz@bit.guam.gov

Håfa adai,

Please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a hearing on Tuesday, March 19, 2013, 10:00 a.m. The hearing will take place in *I Liheslaturan Guåhan's* Public Hearing Room. See attachments for more information. Thank you for your time and attention on this matter.

Regards,

Jermaine Alerta

Chief Policy Analyst

Office of Senator Michael F.Q. San Nicolas

I Mina' Trentai Dos na Liheslaturan Guahan

32nd Guam Legislature

Tel: (671) 472-6453

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4 attachments



3.19.13 hearing.pdf

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Bill No. 56-32 (COR).pdf

10K



Bill No. 59-32 (COR).pdf

181K



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

March 15, 2013

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a hearing on **Tuesday, March 19, 2013, 10:00 a.m.** at *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

Public Hearing

Bill No. 56-32 (COR), introduced by Benjamin J.F. Cruz and Thomas C. Ada: ~~AN ACT RELATIVE TO REPEALING AND REENACTING §9108 OF TITLE 16 GUAM CODE ANNOTATED.~~

AN ACT TO REPEAL AND REENACT §9108 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE PENALTY FOR VIOLATION OF THE TRAFFIC CODE FROM A PETTY MISDEMEANOR TO A CIVIL VIOLATION PUNISHABLE BY A FINE, AND TO AUTHORIZE THE TRAFFIC COURT OR JUDICIARY TO SET TRAFFIC FINES THAT ARE NOT SET BY LAW. *(title amended by Legal Counsel with the concurrence of the primary sponsor)*

Bill No. 59-32 (COR), introduced by Vicente C. Pangelinan: AN ACT TO ADD CHAPTER 162 TO TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE COLLECTIVE INVESTMENT FUNDS ACT, AND TO REPEAL SECTION 106155 OF CHAPTER 106, TITLE 11, GUAM CODE ANNOTATED.

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Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



PUBLIC HEARING

Tuesday, March 19, 2013

10:00 a.m.

Public Hearing Room
I Liheslaturan Guåhan

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Public Consideration

Bill No. 56-32 (COR), introduced by Benjamin J.F. Cruz and Thomas C. Ada: ~~AN ACT RELATIVE TO REPEALING AND REENACTING §9108 OF TITLE 16 GUAM CODE ANNOTATED.~~

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- IV. Closing Remarks
- V. Adjournment