

VICE SPEAKER BENJAMIN J.F. CRUZ  
Committee on Appropriations and Adjudication  
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*I Mina'trentai Tres na Liheslaturan Guåhan*  
**THE 33RD GUAM LEGISLATURE**  
155 Hesler Place, Suite 107, Hagåtña, Guam 96910  
T: (671) 477-2520/1 | F: (671) 477-2522

NOV 16 2015

The Honorable Judith T. Won Pat  
Speaker  
*I Mina'trentai Tres na Liheslaturan Guåhan*  
33<sup>rd</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96910

VIA: *Rory J. Respicio*  
The Honorable Rory J. Respicio  
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 133-33 (COR), As Substituted by the Committee**

Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on Appropriations and Adjudication on Bill No. 133-33 (COR), As Substituted by the Committee - D. G. Rodriguez, Jr. - "An act to *add* a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam."

Committee votes are as follows:

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

Sincerely,

*Benjamin J.F. Cruz*  
BENJAMIN J.F. CRUZ  
Chairman

2015 NOV 16 10:00:58

*[Handwritten mark]*



## COMMITTEE REPORT

### **Bill No. 133-33 (COR), As Substituted by the Committee**

***“An act to add a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam.”***

**VICE SPEAKER BENJAMIN J.F. CRUZ**

Committee on Appropriations and Adjudication  
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**MEMORANDUM**

**TO:** All Members  
**FROM:** Vice Speaker Benjamin J.F. Cruz  
*Chairman, Committee on Appropriations and Adjudication*

**SUBJECT:** Committee Report on Bill No. 133-33 (COR), As Substituted by the Committee

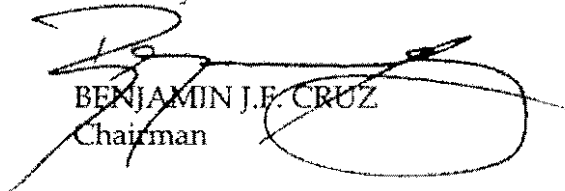
Transmitted herewith for your consideration is the Committee Report on Bill No. 133-33 (COR), As Substituted by the Committee – D. G. Rodriguez, Jr. – “An act to *add* a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 133-33 (COR), As Introduced
- Bill No. 133-33 (COR), As Substituted by the Committee
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 133-33 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- 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.

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairman

**SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER**

Committee on Appropriations and Adjudication  
 senator@senatorbjcruz.com | www.senatorbjcruz.com



*I Mina'trentai Tres na Liheslaturan Guåhan*  
**THE THIRTY-THIRD GUAM LEGISLATURE**

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**COMMITTEE VOTING SHEET**

**Bill No. 133-33 (COR), As Substituted by the Committee - D. G. Rodriguez, Jr. - "An act to add a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam."**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson				✓ 11/12/15		
AGUON, Jr., FRANK B. Vice Chairperson	11/16/15			✓		
WON PAT, Ed.D., JUDITH T. Speaker and Ex-Officio Member						
MUÑA BARNES, TINA ROSE Member		✓				
RODRIGUEZ, Jr., DENNIS G. Member		✓ 11/16/15				
SAN NICOLAS, MICHAEL, F.Q. Member				✓ 11/16/15		
UNDERWOOD, Ph.D., NERISSA B. Member				11/16/15		
ADA, V. ANTHONY Member				11/16/15		
MORRISON, THOMAS A. Member				11/16/15		
TORRES, MARY C. Member						

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**VICE SPEAKER BENJAMIN J.F. CRUZ**

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## COMMITTEE REPORT DIGEST

**Bill No. 133-33 (COR), As Substituted by the Committee** – D. G. Rodriguez, Jr. – “An act to *add* a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam.”

### **I. OVERVIEW**

**Bill No. 133-33 (COR)** was introduced by Senator Dennis G. Rodriguez, Jr. on June 24, 2015, and subsequently referred to the **Committee on Appropriations and Adjudication** on June 25, 2015.

The Committee on Appropriations and Adjudication convened a public hearing on Thursday, September 17, 2015, beginning at 9:30AM in the Guam Legislature Public Hearing Room. The hearing for Bill No. 133-33 (COR) began at 10:01AM and ended at 10:26AM.

#### Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on September 10, 2015, and September 15, 2015, via email. Copies of the hearing notices are appended to the report.

#### Senators Present

**Vice Speaker Benjamin J.F. Cruz**, *Chairperson*  
**Senator Frank B. Aguon, Jr.**, *Vice Chairperson*  
**Senator Dennis G. Rodriguez, Jr.**, *Member*  
**Senator Nerissa B. Underwood, Ph.D.**, *Member*  
**Senator V. Anthony Ada**, *Member*  
**Senator Frank F. Blas, Jr.**, *Member*  
**Senator James V. Espaldon**, *Member*

#### Appeared Before the Committee

**Attorney General Elizabeth Barrett-Anderson**, *Office of the Attorney General*  
**Mr. Jay Fejeran**, *Notary Unit, Office of the Attorney General*

#### Submitted Written Testimony

**Attorney General Elizabeth Barrett-Anderson**, *Office of the Attorney General*  
**Mr. Christopher K. Felix**, *President, Realty Management Company, Inc.*  
**Ms. Elizabeth C. Duenas**; *Associate Broker/Co-Owner; REMAX Diamond Realty, REMAX Micronesia, REMAX Philippines*

## II. TESTIMONY & DISCUSSION

**Chairman Benjamin J.F. Cruz** announced Bill No. 133-33 (COR) and invited the legislation's sponsor to provide a brief statement.

**Senator Dennis G. Rodriguez, Jr.** thanked Chairman Cruz and proceeded with his statement:

"The intent of this bill is to authorize a duly commissioned notary public to perform notarial acts beyond the territory of Guam. It's meant to keep intact the statute that presently authorizes a notary public to act. This act would simply authorize [the notary public] to notarize the same documents [but] in a foreign country. These documents may include documents [that] need to be recorded on Guam—[for example, a] deed by and between a foreign investor and a person here on Guam.

"I know that after the testimony of the Attorney General, we may want to discuss making it very clear what types of documents may be notarized under this bill, but, basically, the intent of this bill is to authorize a duly commissioned notary public to perform notarial acts beyond the territory of Guam because the law states now that [the notary] may only notarize documents within the territory of Guam."

**Chairman Cruz** recognized Attorney General Elizabeth Barrett-Anderson and invited her to proceed with her testimony.

**Attorney General Elizabeth Barrett-Anderson** introduced Mr. Jay Fejeran of the Notary Unit of the Office of the Attorney General (OAG), and provided her testimony:

"I thank the sponsor for a little clarification on the bill. I do not have written testimony because I needed some clarification on the purposes of the bill, and thank you, Senator Rodriguez; that helps a lot. As such, Mr. Chairman, I will be submitting written testimony on the bill. *(AG Barrett-Anderson's written testimony is appended to this report.)*

"There is no doubt in my mind that the bill is far too broad. It does talk about the AG 'authorizing'—I needed to know exactly what I'd be authorizing. It talked about 'occasional' [and] it talked about 'documents'. And, generally, the sponsor is correct: a notary can only notarize a document within the territory of Guam—this is our jurisdiction. I hope it goes without saying that we cannot authorize notarial acts on documents outside of the territory, whether in a state or a foreign country. We have our borders here for the work of the notary.

"Having said that, there has been a movement in the last two (2) years to expand the role of a notary beyond the state but it is extremely limited—very, very limited. It is limited in terms of presence and the type of document. Only two (2) states currently authorize notaries to act beyond the borders of their state via a special commission by their governor or a specialized commissioning agent—

and that's Virginia and Kentucky.

"A notary from Virginia can go to New York to notarize a 'document' — and it is very clear—a 'document' that is intended to be recorded in Kentucky, not just general notarizations. Generally, a 'recorded document' includes deeds, leases, or any document that requires both a notarization and a recording, so there [is a] need to have some clarification.

"I did speak with the author about looking at [using the language] 'any document which shall be used and recorded in Guam'. That limitation prevents notaries from one state from going state-to-state notarizing documents, which they are not allowed to do. Three (3) other states—North Dakota, Montana, and Idaho—allow; Montana and Idaho [allow notaries from the other state] to go back and forth provided the other state recognizes that notarial act, providing a form of reciprocity.

"I have to tell you that both the National Notaries Association (NNA) and the American Notaries Association (ANA) are quite nervous about this. They, along with the American Bar Association, have asked the Uniform Law Commission—that commission [that] drafts model legislation to be adopted by the states—to review this growing expansion of the role of notaries beyond their borders but also video conferencing and [electronic] notarizations (e-notarizations).

"Both the NNA and the ANA oppose e-notarizations because a notary's most fundamental responsibility is to say, 'You are in my presence; you told me who you were; you proved who you were. I look at your demeanor; are you signing this document of your own free will? Is there something you don't understand?' Presence is the foundation of their work.

"Senator Rodriguez said that the intent of his legislation was not to permit e-notarizations, or notarizations by e-conferencing. I recognize that the bill requires a notary to comply with all existing rules and regulations, so I'm assuming—and you said it was—that a Guam notary would go to a foreign country, whether it be Palau, Hong Kong, [or] the Philippines, and perform the notarial act there. I see that as not uncommon that if you were an investor engaging in some type of commercial transaction on Guam, you would want to take your notary with you. A lot of notaries within these organizations are also secretaries. So, your intent is [for] a Guam notary [who can go] to Hong Kong and notarize documents that are intended to be used and recorded on Guam—that's what I think you are trying to do. That is what Virginia and Kentucky have done.

"I think that can be accomplished by authorizing the Attorney General to grant a special commissioning, allowing me to see exactly what will be notarized over there, starting out very gingerly. As you have it here, is this 'occasional'? I don't know what 'occasional' means, but I'd be able to review [the document and determine if] the area is very large or very narrow.

"I understand that it helps in commercial transactions, and I think if you are willing to narrow the document to those documents which are to be used and recorded on Guam, that would make some sense. I make no statement as to whether the Republic of China, the Philippines, or Japan allows for it. I have also heard from the NNA that the United Nations is reviewing this matter as well. This all just came up in the last year or two (2) so there will be a lot more research and review that must be done.

"Senator, you also mentioned—as an offshoot to this—in our previous conversations that if someone is ill at St. Luke's [Medical Center in the Philippines], not realizing that they may need emergency surgery, and wants to execute a Power of Attorney to be recorded on Guam—that may work. However, in an emergency circumstance I can imagine that other documents intended for use in the Philippines may also need to be notarized. Again, what does the Philippine law say about foreign notaries notarizing documents to be used in the Philippines?

"I recognize that a U.S. citizen will have to go to the U.S. embassy to get documents notarized at Roxas [Boulevard in Manila] and that it's very hard to get through there. But, we don't want a cottage industry. With over four hundred (400) notaries on Guam, many of whom have family and business in [the Philippines], we don't want to set up a cottage industry and run afoul of international law with the Philippines.

"With that, I do want to work with [Chairman Cruz] on this issue if we could just start out with commercial transactions, [since] that is something that several states are moving toward."

**Chairman Cruz** thanked Attorney General Barrett-Anderson and asked Senator Rodriguez if he had any questions.

**Senator Rodriguez** thanked the Attorney General for her testimony, as well, and concurred that the proposed language presently reads "a Guam commissioned notary may perform notarial acts on an occasional basis in a foreign country for residents of Guam requiring notarization of documents for use in the territory of Guam compliant with this Chapter."

**Attorney General Barrett-Anderson** interjected:

"'Recorded'—that's a very narrow term, as opposed to 'any such documents'. Virginia and Kentucky use the term 'recorded'."

**Senator Rodriguez** added:

"Okay, I mentioned to you the intent here was for commercial transactions, but an offshoot of that is specific medical situations. At any given time, we have four hundred (400) Guam residents at a particular hospital. I know people very close to me who needed a Power of Attorney but couldn't do it without going to the U.S. embassy. It took time, and they needed to wait for an appointment.



"I know how sensitive it is but maybe a special commission, as you have mentioned, is something we can work on in cases like that. Initially, my intent here is commercial transactions because many foreign investors are forced to come to Guam or travel to a U.S. embassy in another city to execute their deeds or leases. Thank you, and I look forward to working with you."

**Chairman Cruz** suggested that restricting the permitted notarial acts to commercial transactions could prevent the creation of a cottage industry, an industry that, according to the Chairman, would result in the Guam Bar Association challenging all the divorce decrees and Power of Attorney documents notarized in this manner and adding 40 more years of litigation in probate.

**Attorney General Barrett-Anderson** stated that she suggested to Senator Rodriguez that the documents should be in order before they are to be notarized in a foreign jurisdiction.

**Chairman Cruz** noted that the next bill on the Committee's public hearing agenda recognizes that military personnel must have their Power of Attorney documents ready before they go anywhere.

**Attorney General Barrett-Anderson** remarked:

"Prior preparation; I absolutely agree with you, Senator."

**Chairman Cruz** said to the Attorney General:

"Like you, I initially had grave reservations about this, but we've now received favorable testimony from [real estate professionals] Mr. Chris[topher] K. Felix, and Ms. Elizabeth Duenas. I understand that more written testimony may be forthcoming on the bill but I would be open to the three (3) of us meeting and figuring out a way to try and achieve what we are trying to do without making the Guam Bar Association rich off litigation."

**Attorney General Barrett-Anderson** added:

"And, also to make clear in the legislative history that this measure is not intended to expand into e-notarization or video-conferencing notarization because both of those things are still being looked at nationally or internationally."

**Chairman Cruz** asked if the Committee had other questions.

**Senator Rodriguez** posed his last question:

"Initially in drafting this bill, we looked at a special commissioning. If we were to provide for that —[for example] I'm a notary and I come before you and ask for the ability to notarize documents for a few months or a year or however long the commission may last. Is that something you could support?"

**Attorney General Barrett-Anderson** replied:

"Absolutely. If you were to adopt a Kentucky-like special commissioning

process, it could be for sixty (60) to ninety (90) days based on a very quick application to the office. This would allow us to ensure that these types of transactions are regulated and tracked.”

**Senator Rodriguez** thanked the Attorney General.

**Senator James V. Espaldon** thanked the Chairman and the Attorney General and noted that he, too, had reservations about the language of the legislation, one of them being the circumstances under which the Guam commissioned notary would be sent to a foreign country. He asked the Attorney General if this is currently in practice.

**Attorney General Barrett-Anderson** replied:

“No, because [Guam commissioned] notaries have no jurisdiction to act [in places] other than here.”

**Senator Espaldon** added:

“Right, because if there is a case of fraud—and we have all heard the stories [of] how easy it is to get a fake ID here or there—in terms of prosecuting fraud. Would that not fall outside of our jurisdiction?”

**Attorney General Barrett-Anderson** responded:

“Absolutely. That is why my recommendation is that the document must come here. A notary can always be defrauded—you and I could both provide a fake ID. You can’t prevent all of that fraud but at least it is within our jurisdiction. If the fraud occurs in a foreign jurisdiction then the only way to challenge that document is to go to that jurisdiction where the document is recorded. And, that’s why the key is [to specify] documents that return here for recording purposes.

“With the special commissioning process, we could make sure the use was very narrow and track it in case of abuse. So long as the document is recorded here, you could take it into court and challenge the fraud here.”

**Senator Espaldon** posed another question:

“Please forgive my ignorance; is a notary stamp generally restricted to the area of jurisdiction or can it be used as the author desires?”

**Attorney General Barrett-Anderson** responded:

“It generally has to stay here, like lawyers [who] can only practice here. That is why the special commissioning would allow the stamp to say, ‘In and before me in the territory of Guam, the person did appear before me.’ The stamp would be paraphrased to say, ‘Appeared before me in Hong Kong, by virtue of my special commission, to notarize documents to be recorded in Guam.’

“Senator, this is all still very new. It has only been considered in just the last two (2) years by the NNA. The United Nations is looking at this issue, as well. We have Kentucky, Virginia, North Dakota, Idaho and Guam. Senator Rodriguez is

very forward thinking on this one.

"It does scare me a little bit, because there is no case law on it [since] it is so new. But generally notary associations are clearly against e-notary and notary by video conferencing. The key importance of a [notarial act] is [the notarization] was done in [the presence of a notary public], and the document s brought back."

**Chairman Cruz** remarked:

"General, you mentioned that you would be open to a special commission. It would seem to me that it should be very limited, and that with the advent of the internet and the fact that business people know in advance that a deal is going to be done, the initial draft of what will be signed will be scanned and sent to your office for review. On that specific document a commission could be granted. I have great trepidation over the possibility that over the next ninety (90) days you could be back and forth between Guam Hong Kong and Taipei notarizing documents.

**Attorney General Barrett-Anderson** agreed:

"Scary. I would want to tighten it. And, I like the idea that my office reviews any document notarized under a special commission or under my signature. What is the document? Who are the parties? I want to see that document come back and know that it was the document which was notarized. My fear is that in many cases, a boss will say, 'Notarize this one, too.'" And that is their boss. Now hopefully, a notary says, "I can't notarize those documents because we presented to the Attorney General and I am only authorized to notarize this one."

"There are a lot of unanswered questions as to how this can occur. Perhaps the Senator and I can speak with Century 21 to Mr. Felix to tighten it. My druthers is that we authorize notaries to notarize documents on Guam, and that's it. However, I recognize where we are in the world, that we are America in Asia and we are looking at huge investments as the we progress with the [military] buildup.

"I am trying to be cooperative but also I am very, very stringent with who gets my signature and why. If, Senator Rodriguez, I am concerned, I will not hesitate to mention it to you, and then my testimony will not be favorable. I have not said 'yea' or 'nay' in written testimony because I wanted to understand the benefit this might bring to Guam without placing us in the harm of fraud Senator Espaldon mentioned. Thank you."

**Chairman Cruz** thanked the Attorney General and considered Bill No. 133-33 (COR) heard.

### III. FINDINGS AND RECOMMENDATIONS

Prior to the filing of this report, the Committee on Appropriations and Adjudication received a series of proposed amendments offered by the author. These amendments are reflected in the Substitute version of the measure attached here to, and are as follows:

- Section 2 of the measure has been revised to clarify the frequency of the authority granted here, and to ensure that only documents that are to be “recorded in Guam” may be notarized in this manner: The revised Section now reads:

Section 2. A new § 33202.1 is added to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, to read:

**“§ 33202.1. Extended Jurisdiction Authorized.** As authorized by the Attorney General of Guam, a Guam commissioned notary public residing on Guam *shall* be authorized to perform notarial acts ~~on an occasional basis~~ in foreign countries for Guam residents or individuals requiring a document to be notarized for and recorded in Guam in a manner strictly compliant with this Chapter. The accomplishment of all requisite notarial journal entries and the compilation of all other mandatory records *shall* be adhered to, and the journal and all requisite records pertaining to the notarial act *shall* subsequently be maintained on Guam as provided pursuant to this Chapter.”

- Consistent with the revisions above, a new item (a) has been added to Section 2 of the measure limiting the scope of the documents that may be authorized in this manner. The new item (a) reads:

“(a) The only documents authorized to be notarized in a foreign country shall be limited to those relating to real estate transactions and must be recorded at the Guam Department of Land Management or any other government agency as may be required.”

The Committee further notes that the measure as Substituted has not yet been reviewed by the Attorney General of Guam. Moreover, requests made at the measure’s Public Hearing to limit the time period an individual notary may have to excursive this authority through a temporary Special Appointment by the Attorney General are not addressed here.

The Committee on Appropriations and Adjudication to which was referred Bill No. 133-33 (COR) - D. G. Rodriguez, Jr. - “An act to add a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam” hereby submits these findings to I Mina’trentai Tres na Liheslaturan Guåhan and reports out Bill No. 133-33 (COR), As Substituted by the Committee, with a recommendation TO **REPORT OUT ONLY**

**MINA TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2015 (FIRST) Regular Session**

**Bill No. 133 -33 (10P)**

Introduced by:

D.G. RODRIGUEZ, JR. 

**AN ACT TO ADD A NEW § 33202.1 TO PART 1 OF ARTICLE 2, CHAPTER 33, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING A GUAM COMMISSIONED NOTARY PUBLIC TO PERFORM NOTARIAL ACTS IN A FOREIGN COUNTRY FOR DOCUMENTS TO BE USED IN GUAM.**

Y. H. ...

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

**Section 1. Legislative Finding and Intent.** *1 Liheslaturan Guåhan* finds that there is often a need for notarial services for Guam residents while traveling in the western Pacific-Asia region as well as foreign investors for documents or affirmations needed on Guam. It is the intent of *1 Liheslaturan Guåhan* to authorize duly commissioned Notary Public's to perform their notarial acts beyond the Territory of Guam on an occasional basis.

**Section 2.** A new § 33202.1 is *added* to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, to read:

**“§ 33202.1. Extended Jurisdiction Authorized.** As authorized by the Attorney General of Guam, a Guam Commissioned Notary Public residing on Guam *shall* be authorized to perform notarial acts on an occasional basis in foreign countries for Guam residents or individuals requiring a document to be notarized for and in the Territory of Guam in a manner strictly compliant with this Chapter.

1 The accomplishment of all requisite notarial journal entries and compilation of all  
2 other mandatory records *shall* be adhered to and the journal and all requisite  
3 records pertaining to the notarial act *shall* subsequently be maintained on Guam as  
4 provided pursuant to this Chapter.”

5 **Section 2. Severability.** *If* any provision of this Act or its application to  
6 any person or circumstance is found to be invalid or contrary to law, such  
7 invalidity *shall not* affect other provisions or applications of this Act which can be  
8 given effect without the invalid provisions or application, and to this end the  
9 provisions of this Act are severable.

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

**Bill No. 133-33 (COR)**  
**As Substituted by the**  
**Committee on Appropriations & Adjudication**

Introduced by:

Dennis G. Rodriguez, Jr.

**AN ACT TO *ADD* A NEW § 33202.1 TO PART 1 OF  
ARTICLE 2, CHAPTER 33, DIVISION 3, TITLE 5,  
GUAM CODE ANNOTATED, RELATIVE TO  
AUTHORIZING A GUAM COMMISSIONED NOTARY  
PUBLIC TO PERFORM NOTARIAL ACTS IN A  
FOREIGN COUNTRY FOR DOCUMENTS TO BE USED  
IN GUAM.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that there is often a need for notarial services for Guam residents while traveling in  
4 the western Pacific-Asia region, as well as for foreign investors, for documents or  
5 affirmations needed on Guam. It is, therefore, the intent of *I Liheslaturan Guåhan*  
6 to authorize duly commissioned notaries public to perform notarial acts beyond the  
7 island of Guam.

8       **Section 2.** A new § 33202.1 is *added* to Part 1 of Article 2, Chapter 33,  
9 Division 3, Title 5, Guam Code Annotated, to read:

10           “§ 33202.1. **Extended Jurisdiction Authorized.** As authorized by  
11 the Attorney General of Guam, a Guam commissioned notary public  
12 residing on Guam *shall* be authorized to perform notarial acts ~~on an~~  
13 ~~occasional~~ basis in foreign countries for Guam residents or individuals

1 requiring a document to be notarized for and recorded in Guam in a manner  
2 strictly compliant with this Chapter. The accomplishment of all requisite  
3 notarial journal entries and the compilation of all other mandatory records  
4 *shall* be adhered to, and the journal and all requisite records pertaining to the  
5 notarial act *shall* subsequently be maintained on Guam as provided pursuant  
6 to this Chapter.

7 (a) The only documents authorized to be notarized in a foreign  
8 country shall be limited to those relating to real estate transactions and  
9 must be recorded at the Guam Department of Land Management or  
10 any other government agency as may be required.”

11 **Section 3. Severability.** If any provision of this Act or its application to  
12 any person or circumstance is found to be invalid or contrary to law, such  
13 invalidity *shall not* affect other provisions or applications of this Act which can be  
14 given effect without the invalid provisions or application, and to this end the  
15 provisions of this Act are severable.



SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Committee on Appropriations and Adjudication  
 senator@senatorbjcruz.com | www.senatorbjcruz.com



I Mina'trentai Tres na Liheslaturan Guåhan  
 THE THIRTY-THIRD GUAM LEGISLATURE

155 Hester Place, Suite 107, Hagåtña, Guam 96910  
 T: (671) 477-2520/1 | F: (671) 477-2522

**PUBLIC HEARING SIGN-IN SHEET**

9:30AM Thursday, September 17, 2015

Guam Legislature Public Hearing Room • Hagåtña, Guam

Bill No. 133-33 (COR) – D.G. Rodriguez, Jr. – “An act to add a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam.”

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPPOSE	WRITTEN	ORAL		
E. Barrett-Anderon	DAG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	477-3324	law@guamag.org
Jay Fejerang	"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	"	"
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# Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



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**Attorney General**

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Administrator  
**VWAS Unit / Notary Unit**  
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[pcamacho@guamag.org](mailto:pcamacho@guamag.org)

September 22, 2015

Honorable Benjamin J.F. Cruz  
Vice-Speaker  
33<sup>rd</sup> Guam Legislature  
155 Hesler Place Ste.107  
Hagatna, Guam 96910

## Re: Testimony on Bill 133-33(COR)

Hafa Adai Mr. Vice-Speaker and Members of the Committee:

I present this written testimony as a follow-up to my oral testimony on Bill 133-33 (COR) presented at public hearing on September 17<sup>th</sup> relative to authorizing a Guam commissioned Notary Public to perform notarial acts on documents outside the territory to be used in Guam.

At the outset it is important to understand that notarial practice is governed by the jurisdiction in which the act is performed. A few States have authorized their notaries to perform notarial acts in another State upon documents that would be used and recorded in their home State, or where the notarial acts of one State are recognized by another State. I am not aware of any jurisdiction that authorizes notarial acts to be performed in a foreign country. This issue of foreign notarization is currently being reviewed by the Uniform Law Commission at the request of the American Bar Association. It is also an issue that has reached the attention of the international community.

It was clarified by the Bill's Sponsor that the intent of the legislation was to facilitate commercial off-island transactions pertaining to documents to be used and recorded on Guam that are notarized in a foreign jurisdictions. The Bill should be clearly limited to said documents should the Legislature be incline to entertain the Bill's passage. A narrow application is advisable.

The Bill requires that a notary must be present in the foreign country to conduct a notarial act by its strict adherence to the most fundamental of notarial acts, personal presence. We need to be sensitive to the laws of a foreign state. No amount of authorization granted by Guam to a Guam notary public will legitimize such acts if prohibited by a foreign nation.

Because we strongly recommend that the Bill be restricted to notarial acts dealing in commercial documents to be used and recorded on Guam, it is not recommended that it be used for other purposes. It is suggested that notarial acts be authorized for the benefit of residents who are in a foreign country for medical reasons, and who seek a notary for such documents as a power of attorney. Since the power of attorney is a document to be used in the foreign a country in such situations, a notary within the foreign country should be used. Upon returning to Guam the party can re-execute a power of attorney. We do not recommend a law that permits a Guam notary to start a "cottage industry" by setting up shop in a foreign country for residents of Guam who need emergency documents due to medical or other concerns. These situations can be accommodated by in-country notaries. For other documents the current requirement of notarization by US Embassy or military designated officials is intended for the protection of US citizens against fraud and should be maintained.

It is respectfully recommend that we await further work from the Uniform Law Commission in response to the ABA's inquiry before treading further.

Sincerely,

  
**ELIZABETH BARRETT-ANDERSON**  
Attorney General

cc: All Deputies Attorney Generals  
Guam Chamber of Commerce

**Vice Speaker Benjamin J.F. Cruz**

Date: 9/22/15 Time: 3:20 PM

File No.: 33-568

Received By: ELC



**Realty Management Company, Inc.**

701 S. Marine Drive

P.O. Box 7988

Tamuning, Guam 96931

Website: <http://www.guamproperties.com/>

Email: [felix@guam.net](mailto:felix@guam.net)

Business: (671) 647-5003

Fax: (671) 646-6604

Vice Speaker Benjamin J.F. Cruz  
The 33d Guam Legislature  
Committee on Appropriations and Adjudication  
155 Hesler Place, Suite 107  
Hagatna, GU 96910

September 15, 2015

Ref: Testimony on Bill 133-33 (COR)

Dear Vice Speaker,

First of all I would like to thank you for this public hearing and thank Senator Rodriguez for sponsoring and drafting this Bill. I apologize to you and the committee that I am unable to attend the hearing as I will be in Korea the day of the hearing for business related meetings. I am writing you in favor of Bill 133-33. I believe this bill is a very good thing for Guam, its people and our economy. I have been a Notary Public for over 35 years now and have notarized many documents here on Guam. Some of them at peoples bedside because they were unable to reach an office.

Over the term as a Notary Public I have also found that many Guam property owners as well as foreign investors and foreigners doing business in Guam have had to have their documents notarized. This was because it was a Power of attorney, legal contract that called for a notary or a deed or other document that had to be recorded in the Department of Land Management (DLM). DLM requires (and rightfully so) that all documents recorded must be notarized. Therefore all leases, deeds, easements, and other documents that are recorded must be notarized.

I believe this bill will not only help the property owners of land in Guam who are in foreign countries and need to record a document but also foreign investors who want to buy properties or lease them here in Guam. As you may be aware currently only Notaries from the American Consulates of the foreign countries are acceptable as notaries on Guam. This means that people who reside in foreign countries must travel to the city where an American Embassy is located and wait for hours and hours (sometimes as many as 8-10 hours) to get an appointment to have their documents notarized. In some cases where there is no Embassy nearby the person needs to fly or drive many hours to get to the Embassy and spend the night. In large countries like Russia, Philippine or China it could take days for this to be done. This deters investors from buying and hurts the local owners who reside in foreign countries.

For these reasons I ask you to consider voting to have this bill moved to the floor for voting and hopefully passage. Please feel free to call me if you have any questions or need any clarifications.

Sincerely,

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

Christopher Felix CPM, CIPS, CCIIM

President

## **Testimony** **Bill 133-33**

My name is Elizabeth C. Duenas, Associate Broker/Co-Owner of REMAX Diamond Realty, REMAX Micronesia and REMAX Philippines.

I am in full support of Bill 133-33 and would like to see this bill passed by the Legislature.

Making arrangements for a U.S. Notary Public on foreign soil is rather daunting and challenging. An individual would have to make the trip to a American Embassy to get documents notarized for real estate transactions, which may mean traveling hundreds of miles from where they are residing, and in some cases make numerous trips. Some travel all the way to Guam to complete their transactions to make it easier.

Based on personal experience, I had a seller, who was bed ridden and unable to make the trip to the American Embassy. I called the Embassy to see what arrangements could be made to accommodate the client's needs. I was told that an appointment would have to be made on-line with a waiting period before an appointment could be confirmed. The buyer for the property was willing to fly a notary public from the embassy to the seller's residence to complete all the documents, however, we encountered numerous obstacles and could not move forward.

If this bill is passed, a Notary Public from Guam, could fly to a foreign country and complete the necessary documents verifying and certifying the individual's signature, in order to allow the documents to be recorded on Guam.



Elizabeth C. Duenas



Date



# COMMITTEE ON RULES

*I Mimi'trentai Tres na Liheslaturan Guahan* • The 33rd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryfaguam@gmail.com](mailto:roryfaguam@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.P. Won Pat, Ed.D.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Frank Blas Agnon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

July 14, 2015

## Memorandum

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

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

**Subject:** Fiscal Notes and Fiscal Note Waivers

*Hafa Adai!*

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

### FISCAL NOTES:

Bill No. 134-33(COR)  
Bill No. 139-33(COR)

### FISCAL NOTE WAIVERS:

Bill No. 133-33(COR)  
Bill No. 137-33(COR)  
Bill No. 138-33(COR)  
Bill No. 140-33(COR)

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

*St Yu'os ma'ise!*

2015 JUL 14 10 37 AM



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO  
GOVERNOR

RAY TENORIO  
LIEUTENANT GOVERNOR

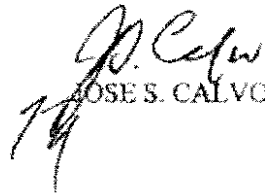
JOSE S. CALVO  
DIRECTOR

LESTER L. CARLSON JR.  
DEPUTY DIRECTOR

**JUL 1 4 2015**

The Bureau requests that Bill No. 133-33(COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The above referenced Bill is administrative in nature and does not have any potential impact upon the revenues or the expenditure of any funds of the Government of Guam.

  
JOSE S. CALVO

Attachment(s)



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryfingercm@gmail.com](mailto:roryfingercm@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

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Member

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Frank Blas Aguon, Jr.  
Member

Senator

Michael F.Q. San Nicolas  
Member

Senator

Nerissa Bretania Underwood  
Member

V. Anthony Ada

MINORITY LEADER

Mary C. Tortes


MINORITY MEMBER

June 25, 2015

### 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. 133-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 133-33(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 Tres 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 Tres 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
133-33 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO ADD A NEW § 33202.1 TO PART 1 OF ARTICLE 2, CHAPTER 33, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING A GUAM COMMISSIONED NOTARY PUBLIC TO PERFORM NOTARIAL ACTS IN A FOREIGN COUNTRY FOR DOCUMENTS TO BE USED IN GUAM.	06/24/15 1:56 p.m.	06/25/15	Committee on Appropriations and Adjudication			



Hermina Certeza <hermina.certeza@senatorbjcruz.com>

## FIRST NOTICE of Public Hearing – September 17, 2015

1 message

Dani Reyes <danireyes@senatorbjcruz.com>

Thu, Sep 10, 2015 at 9:00 AM

To: PH Notice <phnotice@guamlegislature.org>

Cc: "Senator Rory J. Respicio" <cor@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>, Management Information System <mis@guamlegislature.org>, Clerks <clerks@guamlegislature.org>

September 10, 2015

### MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairperson

Re: **FIRST NOTICE of Public Hearing – September 17, 2015**

*Håfa Adai!* The **Committee on Appropriations and Adjudication** will conduct a Public Hearing of Bills on **Thursday, September 17, 2015**, in the **I Liheslatura Public Hearing Room** with the following schedule:

#### 9:30AM

- **Bill No. 117-33 (COR)** – V.A. Ada / J.V. Espaldon – "An act to add a new §77136 to Chapter 77 of 10 GCA, relative to authorizing a continuing annual appropriation for the costs of the Annual Peace Officers' Memorial Ceremony."
- **Bill No. 133-33 (COR)** – D.G. Rodriguez, Jr. – "An act to add a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam."
- **Bill No. 136-33 (COR)** – D.G. Rodriguez, Jr. - "An act to amend Public Law 32-053 and to appropriate funds from Fiscal Year 2014 Guam Territorial Highway Fund un-appropriated fund balance to the Department of Public Works (DPW) for flood mitigation and other capital improvement projects related to improving the roads of Guam."
- **Bill No. 144-33 (COR)** – F.F. Blas, Jr. / J.V. Espaldon – "An act to add a new §4123, Chapter 4, Title 5, Guam Code Annotated, relative to establishing federal receipts reporting requirements."
- **Bill No. 146-33 (COR)** – F.B. Aguon, Jr. – "An act to add a new § 832.1 to Article 1, Chapter 8, Title 1, Guam Code Annotated, relative to the establishment of a War on Terror Fallen Heroes Monument on the Adelup Parade Field in the Ricardo J. Bordallo Governor's Complex at Adelup; and to repeal Public Law 32-046."

#### 2:00PM

- **Bill No. 153-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / R.J. Respicio / F.F. Blas, Jr. – "An act to appropriate the sum of Twenty Five Thousand Dollars (\$25,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Department of Administration for the purpose of funding the Fallen Heroes Monument to be erected by the Fallen Heroes of the Pacific Foundation (GUAM)."
- **Bill No. 154-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – "An act to appropriate the sum of One Hundred Thousand Dollars (\$100,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Yoña Mayor's Office for the purpose of the repair of the Yoña gym facilities."
- **Bill No. 155-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – "An act to appropriate the sum of Thirty Nine Thousand Dollars (\$39,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Talofo'fo' Mayor's Office for the purpose of repair and upgrades to the Talofo'fo' Baseball Field."

- **Bill No. 156-33 (LS)** – F.B. Aguon, Jr. / T.A. Monison / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to appropriate the sum of Seventy Three Thousand Dollars (\$73,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Public Works for the repair of the Umatac Bridge Towers.”
- **Bill No. 157-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Sinajaña Mayor’s Office for the completion of the Open Air Gymnasium, renovations and reconfiguration of the parking lot, building of a playground, and renovation of the baseball field.”
- **Bill No. 158-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. – “An act to appropriate the sum of One Hundred Eighty-Six Thousand, Four Hundred Fifty-Four Dollars and Eighty-Five (\$186,454.85) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Administration for the purposes of Typhoon Halong Overtime Payments.”

*(The links provided above, as shown in the boldfaced and underlined text, direct to the respective PDF documents posted on the Guam Legislature website. For direct access, go to <http://www.guamlegislature.org>; bills are found under Bills > Introduced > 33rd).*

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521 or via e-mail at [carlo.branch@senatorbjcruz.com](mailto:carlo.branch@senatorbjcruz.com).

We look forward to your attendance and participation.

cc: COR  
Sgt-at-Arms  
MIS  
Clerks  
Media

—  
**Dani Reyes**  
*Policy Analyst*

**Vice Speaker Benjamin J.F. Cruz**  
*I Mina'trentai Tres na Lihesiaturan Guåhan*  
T 671-477-2520 | F 671-477-2522  
<http://www.senatorbjcruz.com>

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**2 attachments**

 **FIRST NOTICE PH 09172015.pdf**  
255K

 **FIRST NOTICE PR PH 09172015.pdf**  
226K

**VICE SPEAKER BENJAMIN J.F. CRUZ**

Committee on Appropriations and Adjudication  
senator@senatorbjcruz.com | www.senatorbjcruz.com



*I Mina'trentai Tres na Liheslaturan Guahan*

**THE 33RD GUAM LEGISLATURE**

155 Hesler Place, Suite 107, Hagåtña, Guam 96910  
T: (671) 477-2520/1 | F: (671) 477-2522

September 10, 2015

**MEMORANDUM**

To: All Members/All Senators  
From: Vice Speaker Benjamin J.F. Cruz, Chairperson

**Re: FIRST NOTICE of Public Hearing – September 17, 2015**

*Håfa Adai!* The Committee on Appropriations and Adjudication will conduct a Public Hearing of Bills on **Thursday, September 17, 2015**, in the *I Liheslatura Public Hearing Room* with the following schedule:

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- **Bill No. 158-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. – “An act to *appropriate* the sum of One Hundred Eighty-Six Thousand, Four Hundred Fifty-Four Dollars and Eighty-Five (\$186,454.85) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Administration for the purposes of Typhoon Halong Overtime Payments.”

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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE

September 10, 2015

## FIRST NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as five (5) days' notice for a series of Public Hearings by the **Committee on Appropriations and Adjudication** scheduled on **Thursday, September 17, 2015**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

### 9:30AM - PUBLIC HEARING OF BILLS

- **Bill No. 117-33 (COR)** - V.A. Ada / J.V. Espaldon - "An act to *add* a new §77136 to Chapter 77 of 10 GCA, relative to authorizing a continuing annual appropriation for the costs of the Annual Peace Officers' Memorial Ceremony."
- **Bill No. 133-33 (COR)** - D.G. Rodriguez, Jr. - "An act to *add* a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam."
- **Bill No. 136-33 (COR)** - D.G. Rodriguez, Jr. - "An act to *amend* Public Law 32-053 and to appropriate funds from Fiscal Year 2014 Guam Territorial Highway Fund un-appropriated fund balance to the Department of Public Works (DPW) for flood mitigation and other capital improvement projects related to improving the roads of Guam."
- **Bill No. 144-33 (COR)** - F.F. Blas, Jr. / J.V. Espaldon - "An act to *add* a new § 4123, Chapter 4, Title 5, Guam Code Annotated, relative to establishing federal receipts reporting requirements."
- **Bill No. 146-33 (COR)** - F.B. Aguon, Jr. - "An act to *add* a new § 832.1 to Article 1, Chapter 8, Title 1, Guam Code Annotated, relative to the establishment of a War on Terror Fallen Heroes Monument on the Adelup Parade Field in the Ricardo J. Bordallo Governor's Complex at Adelup; and to repeal Public Law 32-046."

### 2:00PM - PUBLIC HEARING OF BILLS

- **Bill No. 153-33 (LS)** - F.B. Aguon, Jr. / V.A. Ada / R.J. Respicio / F.F. Blas, Jr. - "An act to *appropriate* the sum of Twenty Five Thousand Dollars (\$25,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Department of Administration for the purpose of funding the Fallen Heroes Monument to be erected by the Fallen Heroes of the Pacific Foundation (GUAM)."

FIRST NOTICE OF PUBLIC HEARING – September 17, 2015

Committee on Appropriations and Adjudication

Vice Speaker Benjamin J.F. Cruz, Chairperson

Page 2 of 2

- **Bill No. 154-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of One Hundred Thousand Dollars (\$100,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Yoña Mayor’s Office for the purpose of the repair of the Yoña gym facilities.”
- **Bill No. 155-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of Thirty Nine Thousand Dollars (\$39,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Talofó’fo’ Mayor’s Office for the purpose of repair and upgrades to the Talofó’fo’ Baseball Field.”
- **Bill No. 156-33 (LS)** – F.B. Aguon, Jr. / T.A. Morrison / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of Seventy Three Thousand Dollars (\$73,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Public Works for the repair of the Umatac Bridge Towers. ”
- **Bill No. 157-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Sinajaña Mayor’s Office for the completion of the Open Air Gymnasium, renovations and reconfiguration of the parking lot, building of a playground, and renovation of the baseball field.”
- **Bill No. 158-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. – “An act to *appropriate* the sum of One Hundred Eighty-Six Thousand, Four Hundred Fifty-Four Dollars and Eighty-Five (\$186,454.85) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Administration for the purposes of Typhoon Halong Overtime Payments.”

Testimonies may be submitted in person to the Office of Vice Speaker Benjamin J.F Cruz at the Guam Legislature; by postal mail to 155 Hesler Place, Hagåtña Guam 96910; by facsimile to 477-2522; or by e-mail to senator@senatorbjcruz.com. Copies of written testimonies received at least one day before the scheduled date will be available at the hearing.

Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at carlo.branch@senatorbjcruz.com.

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Hermina Certeza &lt;hermina.certeza@senatorbjcruz.com&gt;

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**SECOND NOTICE of Public Hearing – September 17, 2015**

1 message

**Dani Reyes** <danireyes@senatorbjcruz.com>

Tue, Sep 15, 2015 at 9:08 AM

To: PH Notice &lt;phnotice@guamlegislature.org&gt;

Cc: "Senator Rory J. Respicio" &lt;cor@guamlegislature.org&gt;, "Sergeant-at-Arms (Legislature)" &lt;sgtarms@guamlegislature.org&gt;, Management Information System &lt;mis@guamlegislature.org&gt;, Clerks &lt;clerks@guamlegislature.org&gt;

September 15, 2015

**MEMORANDUM**

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairperson

Re: **SECOND NOTICE of Public Hearing – September 17, 2015**

*Håfa Adai!* The **Committee on Appropriations and Adjudication** will conduct a Public Hearing of Bills on **Thursday, September 17, 2015**, in the **Liheslatura Public Hearing Room** with the following schedule:

**9:30AM**

- **Bill No. 117-33 (COR)** – V.A. Ada / J.V. Espaldon – “An act to add a new §77136 to Chapter 77 of 10 GCA, relative to authorizing a continuing annual appropriation for the costs of the Annual Peace Officers’ Memorial Ceremony.”
- **Bill No. 133-33 (COR)** – D.G. Rodriguez, Jr. – “An act to add a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam.”
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**2:00PM**

- **Bill No. 153-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / R.J. Respicio / F.F. Blas, Jr. – “An act to appropriate the sum of Twenty Five Thousand Dollars (\$25,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Department of Administration for the purpose of funding the Fallen Heroes Monument to be erected by the Fallen Heroes of the Pacific Foundation (GUAM).”
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- **Bill No. 155-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to appropriate



the sum of Thirty Nine Thousand Dollars (\$39,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Talofof'fo' Mayor's Office for the purpose of repair and upgrades to the Talofof'fo' Baseball Field."

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- **Bill No. 157-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / D.G. Rodriguez, Jr. / T.R. Muña Barnes – "An act to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Sinajaña Mayor's Office for the completion of the Open Air Gymnasium, renovations and reconfiguration of the parking lot, building of a playground, and renovation of the baseball field."
- **Bill No. 158-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. – "An act to appropriate the sum of One Hundred Eighty-Six Thousand, Four Hundred Fifty-Four Dollars and Eighty-Five (\$186,454.85) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Administration for the purposes of Typhoon Halong Overtime Payments."

(The links provided above, as shown in the boldfaced and underlined text, direct to the respective PDF documents posted on the Guam Legislature website. For direct access, go to <http://www.guamlegislature.org>; bills are found under Bills > Introduced > 33rd).

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521 or via e-mail at [carlo.branch@senatorbjcruz.com](mailto:carlo.branch@senatorbjcruz.com).

We look forward to your attendance and participation.


cc: COR  
Sgt-at-Arms  
MIS  
Clerks  
Media

–  
**Dani Reyes**  
*Policy Analyst*

**Vice Speaker Benjamin J.F. Cruz**  
*I Mina'trentai Tres na Liheslaturan Guahan*  
T 671-477-2520 | F 671-477-2522  
<http://www.senatorbjcruz.com>

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## 2 attachments

 **SECOND NOTICE PH 09172015.pdf**  
202K

 **SECOND NOTICE PR PH 09172015.pdf**  
191K



September 15, 2015

**MEMORANDUM**

To: All Members/ All Senators  
From: Vice Speaker Benjamin J.F. Cruz, Chairperson  
Re: **SECOND NOTICE of Public Hearing - September 17, 2015**

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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE  
September 15, 2015

## SECOND NOTICE OF PUBLIC HEARING

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Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: August 31, 2015

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Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: August 31, 2015

<a href="mailto:mis@guamlegislature.org">mis@guamlegislature.org</a>	<a href="mailto:sonedera-salas@guamlegislature.org">sonedera-salas@guamlegislature.org</a>
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**VICE SPEAKER BENJAMIN J.F. CRUZ**

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## **PUBLIC HEARING AGENDA**

Thursday, September 17, 2015

Guam Legislature Public Hearing Room • Hagåtña, Guam

### **PUBLIC HEARING OF BILLS**

**9:30AM**

**Bill No. 117-33 (COR)** – V.A. Ada / J.V. Espaldon – “An act to *add* a new §77136 to Chapter 77 of 10 GCA, relative to authorizing a continuing annual appropriation for the costs of the Annual Peace Officers’ Memorial Ceremony.”

**Bill No. 133-33 (COR)** – D.G. Rodriguez, Jr. – “An act to *add* a new § 33202.1 to Part 1 of Article 2, Chapter 33, Division 3, Title 5, Guam Code Annotated, relative to authorizing a Guam commissioned Notary Public to perform notarial acts in a foreign country for documents to be used in Guam.”

**Bill No. 136-33 (COR)** – D.G. Rodriguez, Jr. – “An act to *amend* Public Law 32-053 and to appropriate funds from Fiscal Year 2014 Guam Territorial Highway Fund un-appropriated fund balance to the Department of Public Works (DPW) for flood mitigation and other capital improvement projects related to improving the roads of Guam.”

**Bill No. 144-33 (COR)** – F.F. Blas, Jr. / J.V. Espaldon – “An act to *add* a new §4123, Chapter 4, Title 5, Guam Code Annotated, relative to establishing federal receipts reporting requirements.”

**Bill No. 146-33 (COR)** – F.B. Aguon, Jr. – “An act to *add* a new § 832.1 to Article 1, Chapter 8, Title 1, Guam Code Annotated, relative to the establishment of a War on Terror Fallen Heroes Monument on the Adelup Parade Field in the Ricardo J. Bordallo Governor’s Complex at Adelup; and to repeal Public Law 32- 046.”

**2:00PM**

**Bill No. 153-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / R.J. Respicio / F.F. Blas, Jr. – “An act to *appropriate* the sum of Twenty Five Thousand Dollars (\$25,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Department of Administration for the purpose of funding the Fallen Heroes Monument to be erected by the Fallen Heroes of the Pacific Foundation (GUAM).”



**Bill No. 154-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of One Hundred Thousand Dollars (\$100,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060 to the Yoña Mayor’s Office for the purpose of the repair of the Yoña gym facilities.”

**Bill No. 155-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of Thirty Nine Thousand Dollars (\$39,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Talofófo’ Mayor’s Office for the purpose of repair and upgrades to the Talofófo’ Baseball Field.”

**Bill No. 156-33 (LS)** – F.B. Aguon, Jr. / T.A. Morrison / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of Seventy Three Thousand Dollars (\$73,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Public Works for the repair of the Umatac Bridge Towers. “

**Bill No. 157-33 (LS)** – F.B. Aguon, Jr. / V.A. Ada / D.G. Rodriguez, Jr. / T.R. Muña Barnes – “An act to *appropriate* the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Sinajaña Mayor’s Office for the completion of the Open Air Gymnasium, renovations and reconfiguration of the parking lot, building of a playground, and renovation of the baseball field.”

**Bill No. 158-33 (LS)** – F.B. Aguon, Jr. / D.G. Rodriguez, Jr. – “An act to *appropriate* the sum of One Hundred Eighty-Six Thousand, Four Hundred Fifty-Four Dollars and Eighty-Five (\$186,454.85) from the initial savings realized in Fiscal Year 2015 pursuant to Public Law 33-060, to the Department of Administration for the purposes of Typhoon Halong Overtime Payments.”