

FEB 15 2016

2016 FEB 15 PM 4:12
PT

The Honorable Judith T. Won Pat, Ed.D.

Speaker
I Mina' Trentai Tres Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910






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

RE: Committee Report on Bill No. 229-33 (COR), As Substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 229-33 (COR), *As Substituted by the Committee* - An act to *add* a new Section 38 to Chapter XII of Public Law 33-66, Relative to the temporary employment of retired Conservation Officers and Limited-Term Conservation Officer Recruits within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability.

Committee votes are as follows:

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

Respectfully,

[Signature]
SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

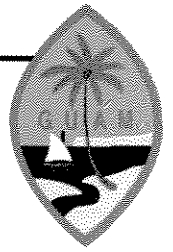
Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



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COMMITTEE

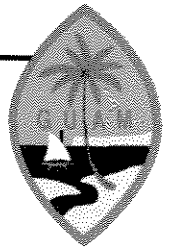
REPORT

ON

BILL NO. 229-33 (COR),

AS SUBSTITUTED BY THE COMMITTEE

"AN ACT TO ADD A NEW SECTION 38 TO CHAPTER XII OF PUBLIC LAW 33-66, RELATIVE TO THE TEMPORARY EMPLOYMENT OF RETIRED CONSERVATION OFFICERS AND LIMITED-TERM CONSERVATION OFFICER RECRUITS WITHIN THE DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF THE DEPARTMENT OF AGRICULTURE SHOULD A CRITICAL NEED ARISE DUE TO MILITARY ACTIVATION OR LONG-TERM DISABILITY."



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MEMORANDUM

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary

From: Senator Frank B. Aguon, Jr. 
Committee Chairperson

Subject: Committee Report on Bill No. 229-33 (COR), As Substituted by the Committee

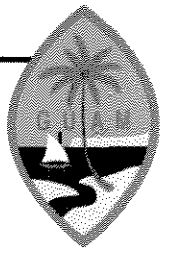
Transmitted herewith for your consideration is the Committee Report on Bill No. 229-33 (COR), As Substituted by the Committee - An act to add a new Section 38 to Chapter XII of Public Law 33-66, Relative to the temporary employment of retired Conservation Officers and Limited-Term Conservation Officer Recruits within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 229-33 (COR), As Introduced
- Copy of Bill No. 229-33 (COR), As Substituted by the Committee
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Fiscal Notes/Waiver
- Referral of the Bill No. 229-33 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Related News Report

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'ase'!



COMMITTEE VOTING SHEET

Bill No. 229-33 (COR), As Substituted by the Committee - "An act to add a new Section 38 to Chapter XII of Public Law 33-66, Relative to the temporary employment of retired Conservation Officers and Limited-Term Conservation Officer Recruits within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability." Sponsored by FRANK B. AGUON, JR.

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Senator Dr. Nerissa B. Underwood, Ph.D. Member

Senator V. Anthony Ada Member

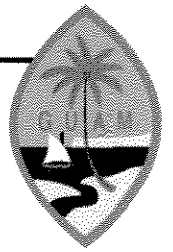
Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat, Ed.D. Ex-Officio

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B., JR. Committee Chairperson		✓				
ADA, THOMAS C. Committee Vice Chairperson		✓				
VICE-SPEAKER CRUZ, BENJAMIN J. F. Committee Member				✓		
RESPICIO, RORY J. Committee Member						
RODRIGUEZ, DENNIS G. JR. Committee Member				✓ 2/15		
UNDERWOOD, NERISSA B. Ph.D. Committee Member						
ADA, V. ANTHONY Committee Member						
BLAS, FRANK F., JR. Committee Member						
ESPALDON, JAMES V. Committee Member				✓		
MCCREADIE, BRANT T. Committee Member						
SPEAKER WON PAT, JUDITH T. Ed. D. Committee Member						



COMMITTEE REPORT DIGEST

Senator
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Chairman

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Vice Chairman

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I. OVERVIEW

Bill No. 229-33 (COR) was introduced on January 6, 2016, by Senator Frank B. Aguon, Jr. and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on January 11, 2016.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 229-33 (COR) on a Wednesday, January, 27 2016 at 4:00PM in I *Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Wednesday, January 20, 2015 (5-Day Notice), and again on Monday, January 25, 2016 (48-Hour Notice).

Senators Present

Senator Frank B. Aguon, Jr., Chairman
Senator V. Anthony Ada, Committee Member
Senator Frank F. Blas, Jr., Committee Member
Senator Mary Torres

The public hearing was Called-to-Order at 4:00 PM.

II. SUMMARY OF TESTIMONY & DISCUSSION

Chairman Aguon:

This public hearing sponsored by the Committee on Guam, excuse me ladies and gentlemen in the audience we just started the public hearing. This public hearing sponsored by the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary is hereby convened and if I can ask everyone in the audience should you have your cellphones on to please ensure that they are either placed in the silent mode or they are turned off for the duration of this hearing and if you do need to take a phone call or make a phone call, please exit the public hearing room. I would like to first of all start off by stating that this particular public hearing will be. We will be discussing two particular legislations.

Chairman Aguon:

Bill No. 229-33, which is relative to the temporary employment of retired conservation officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability. Also the second bill that will be discussed is Bill No.236-33 (LS) relative to the possession of firearms by aliens and introduced by the Honorable Senator V.A. Ada who is to my immediate left. For purposes of public notification, the initial notification was disseminated to all the stakeholders as well as to our media partners on the 20th of January and then the secondary notice was distributed on the 25th of January in compliance with the open government notification act. I would like to also recognize Senator Tony Ada who has joined us this afternoon. Thank you very much Senator for joining us for this particular public hearing.

We will proceed with discussion on the first piece of legislation Bill No. 229-33 and we have the following individuals who have signed up and if there is anyone else in the audience who would like to join us and provide testimony, you are more than welcome to join us upfront. Please ensure that you do sign in. Can I invite Mr. Mark Aguon from the Department of Agriculture, Mr. Matt Sablan, the Director of the Department of Agriculture, and Ms. Toni Santos. Please if you can all join us up front. For purposes of opening comment in regards to Bill No. 229-33, I believe the title is self-explanatory. There is a provision that applies directly to other law enforcement agencies, the Guam Police Department, the Department of Corrections as well as the Guam Fire Department that should there be any military activation or extended illness with any of our law enforcement public safety officers that flexibility is provide for these particular law enforcement agencies to be able to temporarily hire retired personnel, law enforcement personnel respective to their agencies and this flexibility right now, based on 229 could become applicable to the Department of Agriculture as it applies to the conservation officers. I would like to recognize first of all the Director, Mr. Sablan if you can go ahead and identify yourself for the record and be sure the mic is on and provide your testimony. Thank you.

Director Matt Sablan:

Good afternoon Mr. Chairman. Senator Ada. First of all, I want to thank you for giving the opportunity today to testify in support of Bill 229-33 (COR). I did pass out the handouts. I'm just going to make it brief, according to the written statement. With what's stated there in the act, the measure is in the event for deployment or emergency leave of shortage of man power that we are. This bill will authorize us the hiring of retirees. Currently we have ten conservation officers and recently we have one, Lieutenant Mike Reyes that retired. That brings us down to 9 and we have one under administrative duty to down to 8. Out of the 8, in about a couple of months, we are going to lose three to deployment and that of course leaves us with 5. The challenge there is 5 as far as island wide protection of our wildlife and marine natural resources. With that, I know there is a program and I guess Sergeant Mark Aguon will elaborate more on that with GCC the Balea program, but they are already certified POST and that's one avenue we can quickly identify to augment our shortage. To end that again I just want to thank you for giving the opportunity.

Chairman Aguon:

Thank you very much Mr. Director. Can I yield to Mr. Aguon? Please identify yourself for the record and please proceed.

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

Sergeant Mark Aguon:

Sergeant Mark Aguon, I'm the acting YC for the law enforcement section department for the Department of Agriculture. Yes, I support the Bill, although I think it needs to indicate and grant us permission to pick up LTEs or LTAs for the purpose of the pool that we are to choose from, if it just stays this way, we may just have one candidate. The other candidates who have retired may not be willing to or able to comeback and work with us because they have retired several years ago and for other reasons, but if you allow for the department to visit the LTE or LTA area, we have a pool of officers that have been certified through Balea with GCC and are POST certified and can take the POST certification entry level exams with DOA if need be. So that's why. I'm in support of the bill although I believe it needs to be added on. Thank you.

Chairman Aguon:

Thank you very much Sergeant Aguon. Ms. Santos, did you want to provide any comments?

Ms. Antonia Santos:

Thank you Senator. Well I'm only here simply because of the funding situation and right now with the lapse funds due to the retirement of conservation officer three, we do anticipate hiring at least three recruits. I mean I'm looking at recruits because it is a lower entry level and with the lapse funds that we have with the conservation officer three, that would be sufficient to cover through September. I'm looking at April through September because of the processing and all the things that have to happen.

Chairman Aguon:

Thank you very much Ms. Santos. Mr. Director, if I can at least pose a general question and either yourself or Ms. Santos can respond. First and foremost, thank you very much for providing the numbers because I think the numbers are going to justify either providing the agency flexibility or allowing the agency to be able to go out and recruit either trainees or LTAs for these particular positions because you said you presently are authorized 10 positions of which due to a retiree you are down, you are brought down to 9 and you have one individual who is reassigned else where only because of a personnel situation, a disability just so that our people don't get the wrong impression, and then very shortly in a few months will be losing three individuals as a result of military activation. So that would bring you down to an active force of 5. So you are literally going to be at 50% of your man strength or personnel strength with the conservation officers so that first and foremost I think it poses a somewhat a dire situation in terms of making sure that you have the man power and personnel at least at the level that you are authorized with this existing budget. So that's one aspect. Ms. Santos, I know you said that you are looking at hiring three recruits. Is that through the LTA process or is that a permanent recruit.

Ms. Antonia Santos:

LTA process.

Chairman Aguon:

Okay and that's recognizing that's on a temporary basis.

Ms. Antonia Santos:

Exactly.

Chairman Aguon:

During the course of the activation, the funds are going to be offset by virtue of these individuals being deployed elsewhere.

Ms. Antonia Santos:

That's correct Senator.

Chairman Aguon:

Okay. Any other comments. Senator Ada. Senator Torres. Thank you very much Senator for joining us this morning.

Senator Mary Torres:

The question that I had about that the bill is that. The bill, I notice that it contemplates them double dipping right. They come from a retirement status into an active status, but they maintain their retirement benefits and everything right. So it's a double dipping scenario. So I was a little confused about the leave. They can maintain. The bill requires that they are entitled to take the medical insurance plan as an active status as opposed to a retired, but they are not allowed to accrue sick and annual leave and I was unclear of maybe that is better directed to the author or do you have any thoughts on that part of the bill? The status, it was just a little peculiar.

Chairman Aguon:

The way this system is applied in other law enforcement agencies is that very similar to our LCII status personnel where individuals here in the legislature, where individuals are able to be pulled in and only paid specifically on a quasi contractual basis to be able to backfill any needed vacancies and keep in mind this is only based on two particular categories. One is military activation as well as extended long term illness of any law enforcement personnel. So that's more or less so there's no additional benefits whether it be accrue leave, annual leave, or sick leave and there's really no additional benefits with the exception of that individual being brought in with a slight possibility, and I need a clarification in terms of how Department of Administration is administering it, but a slight possibility of contributing to social security. That.. the clarification.

Senator Mary Torres:

Then going back to the other issue, its unclear why we would need to specifically provide in the law that if you're under a retirement status then you can subscribe to the medical government plan and that's one thing because its contemplated that they are going from into this position on a limited term on an as needed basis to fill a void as a result of illness or so. Why wouldn't you then just have them maintain their medical status as is, as retired. Why would you mandate that they switch over to an active status for medical plan? That part just didn't. I didn't understand the logic of that. Did you see that part?

Ms. Antonia Santos:

Well Senator, well this is like for example a military retiree. They come into the Government of Guam as a fulltime employee, but they don't opt for any insurance because they are still covered by military so we don't pay medical or dental insurance for them. So it would be the same things as the retirees coming back. They can still stay within their current retirement status with health insurance and they don't have to offer medical or dental. I'm going to look at the bill because I read it differently.

Chairman Aguon:

Ms. Santos. Line 19 and 20. What the good Senator is referring to is the provision that reads of any employees that are hired under this section shall only be eligible to enroll in the Government of Guam Health Insurance program as an active employee and that's a standard language where this individual will not be necessarily classified as an active employee based on a quasi contractual basis. So if that is a concern we'll seek legal counsel advice if in fact they would recommend that that would be extracted.

Senator Mary Torres:

Yeah because it's a little illogical. That's why I wanted to point that out. Thank you.

Chairman Aguon:

Thank you very much Senator. Senator Frank Blas thank you very much for joining us this afternoon. There will be a, Mr. Director, Ms. Santos, Sergeant Aguon, if there is any final comments you would like to provide with regards to this.

Director Matt Sablan:

I guess like Toni mentioned, I can probably consider the employee's choice.

Chairman Aguon:

Okay. We'll discuss it in terms of how DOA applies it across the board because this language is the same language and template utilized for other law enforcement agencies. So if by any chance these employees would like to enroll in the Gov Guam insurance and it allows them to enroll right now, then I don't know if we want to extract that benefit as a possibility when they are providing direct law enforcement services to our people. Okay, another thing, just for the information of the Director of the Department of Administration unfortunately they were not able to send a representative but they did submit written testimony to the committee. Yes, Sergeant Aguon.

Sergeant Mark Aguon:

Yes, with me closing, I just want to extend my sincere thank you from the bottom of our hearts from our section because we are in dire needs of man power right now. It's a very dangerous situation where we are heading into and we need to avoid that right away.

Chairman Aguon:

Thank you very much Sergeant Aguon. One final comment or question. I know that you're looking at 5 active full time employees within a few months. What is the time-line that you need to be able to have this direct authorization? Only because lets say if in fact this is not placed on the agenda in February, if its not placed in March, then you need the authorization by March. This doesn't make any sense to delay it any further. So what would the time-line that you need this adopted and this flexibility so that in fact the agency can be able to apply it.

Director Matt Sablan:

Yes, Senator, I believe starting February out of the three some of them will be going through primo stages. So that requires them to be on military leave.

Chairman Aguon:

Understood. Thank you for that clarification. Senator Ada or I'm sorry, Senator Frank Blas.

Senator Frank Blas, Jr.:

Thank you Mr. Chair and I apologize for my tardiness to the hearing and I don't know where this question had been asked and answered. I know this here says retired conservation officer. Has there been discussion about maybe expanding that to increase your pool of retirees to include maybe other areas of law enforcement that can possibly fit your requirement, your need?

Sergeant Mark Aguon:

We did not go outside the box as far as conservation officers although we did venture into recruiting POST graduates from GCC. POST certified graduates from GCC ... that have done internship with us already. So they are like a new pool of officers that may potentially come into the government.

Senator Frank Blas, Jr.:

So you're not averse to possibly expanding this pool.

Sergeant Mark Aguon:

Yes, I would like to.

Director Matt Sablan:

Yes, and early we did request addition to the language to avail GCC Balea program.

Senator Frank Blas, Jr.:

I'm also looking at maybe availing to maybe other officers retired from the other services.

Sergeant Mark Aguon:

That is an option right now. There is an option there.

Senator Frank Blas, Jr.:

Well because here it just says retired conservation officers.

Sergeant Mark Aguon:

I have not discussed that at all.

Senator Frank Blas, Jr.:

Thank you.

Chairman Aguon:

Thank you Senator Blas and thank you very much everyone for your testimony this afternoon.

This concludes our discussion and the public hearing on Bill No. 229-33 and Bill No. 236-33. The committee will continue to accept written testimony for the subsequent 10 days following this hearing and then the committee report will be provided and closed out for consideration by the entire legislature. Thank you very much folks and have a good day.

The public hearing adjourned at 4:29 PM.

III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S Military Relocation, Public Safety, and Judiciary before or after the scheduled public hearing on Wednesday, January 27th 2015 at 4:00PM in *I Liheslatura's* Public Hearing Room.

1. Matthew L.G. Sablan, Department of Agriculture, Director
2. Anthony C. Blaz, Department of Administration, Director

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out As *Substituted* Bill No. 229-33(COR) with the recommendation TO DO PHS

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 129-33 (COR)

Introduced by:

FRANK B. AGUON, JR. 

AN ACT TO *ADD* A NEW SECTION 38 TO
CHAPTER XII OF PUBLIC LAW 33-66;
RELATIVE TO THE TEMPORARY
EMPLOYMENT OF RETIRED CONSERVATION
OFFICERS WITHIN THE DIVISION OF AQUATIC
AND WILDLIFE RESOURCES OF THE
DEPARTMENT OF AGRICULTURE SHOULD A
CRITICAL NEED ARISE DUE TO MILITARY
ACTIVATION OR LONG-TERM DISABILITY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that Conservation Officers within the Division of Aquatic and Wildlife Resources
3 (DAWR) of the Department of Agriculture, like many other Peace Officers, are
4 service-minded individuals who often serve their country as reservists in our
5 nation's military reserve programs and/or the Guam National Guard. The
6 activation and deployment of these military forces have an impact on the
7 performance of the DAWR where adequate replacements are unavailable.
8 Therefore, it is the intent of *I Liheslaturan Guåhan* to allow the Chief
9 Conservation Officer to temporarily employ retired Conservation Officers in order
10 to meet the needs of the DAWR.

2016 JAN -6 PM 2:08

1 **Section 2.** A new Section 38, as set forth below, is hereby *added* to Chapter
2 XII of Public Law 33-66:

3 **“Section 38. Temporary Employment of Retired Guam**

4 **Conservation Officers.** The Division of Aquatic and Wildlife Resources
5 (DAWR) of the Department of Agriculture may hire retired Conservation
6 Officers if a critical need arises because of military activation of
7 Conservation Officers or absence due to a long-term disability status, which
8 has been certified by a medical doctor. The DAWR may exercise this hiring
9 authority provided its authorized budget for personnel is *not* exceeded. The
10 retiree hired *shall* fill such a temporarily vacant position and *shall* be
11 terminated when the incumbent returns from military service or long-term
12 disability. Retired officers may be hired *only* at the ranks of Conservation
13 Officer I and below, *only* at Step I, and shall not receive sick and annual
14 leave. Conservation Officers hired under this section *shall* first meet the
15 requirements of the position in question, *except* for written examinations,
16 and the Chief Conservation Officer *shall* certify that every retiree hired is fit
17 for duty. Notwithstanding § 8121(a), Title 4, Guam Code Annotated, retirees
18 hired temporarily pursuant to this Section may continue to receive retirement
19 benefits. Any employee hired under this Section *shall* only be eligible to
20 enroll in the Government of Guam Health Insurance Program as an active

1 employee. The Director of the Department of Agriculture shall report to I
2 Lihsaturan Guahan on July 1, 2016, and again thirty (30) days after the
3 end of the fiscal year, of the number of retired Conservation Officers hired
4 pursuant to this Section, the positions filled, the length of employment, the
5 cost of said hiring, and the nature of the critical need that was filled.”

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 229-33 (COR)

As Substituted by the Committee on
the Guam U.S. Military Relocation,
Public Safety, and Judiciary

Introduced by:

FRANK B. AGUON, JR.

**AN ACT TO *ADD* A NEW SECTION 38 TO CHAPTER XII OF
PUBLIC LAW 33-66, RELATIVE TO THE TEMPORARY
EMPLOYMENT OF RETIRED CONSERVATION OFFICERS
AND LIMITED-TERM CONSERVATION OFFICER
RECRUITS WITHIN THE DIVISION OF AQUATIC AND
WILDLIFE RESOURCES OF THE DEPARTMENT OF
AGRICULTURE SHOULD A CRITICAL NEED ARISE DUE
TO MILITARY ACTIVATION OR LONG-TERM
DISABILITY.**

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Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
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nation's military reserve programs and/or the Guam National Guard. The
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performance of the DAWR where adequate replacements are unavailable.

Therefore, it is the intent of *I Liheslaturan Guåhan* to allow the Chief
Conservation Officer to temporarily employ retired Conservation Officers and
Limited-Term Conservation Officer Recruits in order to meet the needs of the
DAWR.

1 **Section 2.** A new Section 38, as set forth below, is hereby *added* to Chapter
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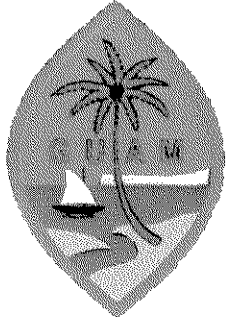
3 “Section 38. Temporary Employment of Retired Guam Conservation
4 Officers. The Division of Aquatic and Wildlife Resources (DAWR) of the
5 Department of Agriculture may hire retired Conservation Officers and Limited-
6 Term Conservation Officer Recruits if a critical need arises because of military
7 activation of Conservation Officers or absence due to a long-term disability status,
8 which has been certified by a medical doctor. The DAWR may exercise this hiring
9 authority provided its authorized budget for personnel is *not* exceeded. The retiree
10 or recruit hired *shall* fill such a temporarily vacant position and *shall* be terminated
11 when the incumbent returns from military service or long-term disability. Retired
12 officers or recruits may be hired *only* at the ranks of Conservation Officer I and
13 below, *only* at Step I, and shall not receive sick and annual leave. Conservation
14 Officers hired under this section *shall* first meet the requirements of the position in
15 question, *except* for written examinations, and the Chief Conservation Officer *shall*
16 certify that every retiree or recruit hired is fit for duty. Notwithstanding § 8121(a),
17 Title 4, Guam Code Annotated, retirees hired temporarily pursuant to this Section
18 may continue to receive retirement benefits. Any employee hired under this
19 Section *shall* only be eligible to enroll in the Government of Guam Health
20 Insurance Program as an active employee. The Director of the Department of
21 Agriculture *shall* report to *I Liheslaturan Guåhan* on July 1, 2016, and again thirty
22 (30) days after the end of the fiscal year, of the number of retired Conservation
23 Officers and Limited-Term Conservation Officer Recruits hired pursuant to this
24 Section, the positions filled, the length of employment, the cost of said hiring, and
25 the nature of the critical need that was filled.”

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR.
CHAIRMAN

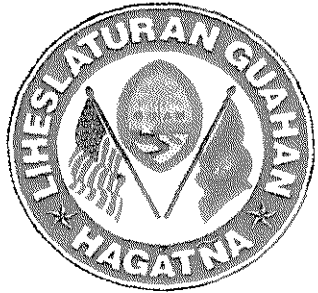


Bill No. 229-33 (COR): - An act to add a new Section 38 to Chapter XII of Public Law 33-66; Relative to the temporary employment of retired conservation officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability.
Sponsored by: Senator Frank B. Aguon, Jr.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Aguon, mark	DOAg Les	888-6847	✓			
MATT SABELAN	DOAg	747.1250	✓	✓		
ANTONIA SANTOS	DOAG	300-7968	✓			

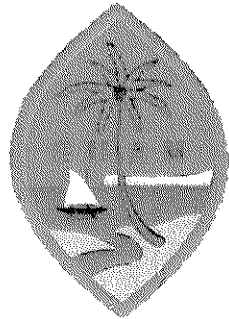
COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR.

CHAIRMAN



Bill No. 229-33 (COR): - An act to add a new Section 38 to Chapter XII of Public Law 33-66; Relative to the temporary employment of retired conservation officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability.
Sponsored by: Senator Frank B. Aguon, Jr.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
JONI KERR	GCC	797-1477				
Daniel Anderson	DOAG	777-1673	NO Testimony		✓	



Eddie Baza Calvo
Governor

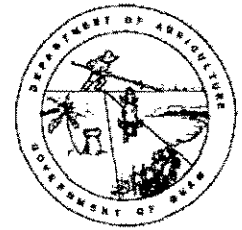
Raymond S. Tenorio
Lieutenant Governor

Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Director's Office	300-7964, 65, 66; Fax 734-6569
Agricultural Development Services	300-7967, 71
Plant Nursery	300-7972
Aquatic & Wildlife Resources	735-0294/0281; Fax: 734-6570
Forestry & Soil Resources	300-7975,76; Fax: 734-0111
Plant Inspection Facility	475-1426/27; FAX: 477-9487

www.guamagriculture.org



Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

TESTIMONY
BEFORE THE
COMMITTEE ON GUAM US MILITARY RELOCATION,
PUBLIC SAFETY, AND JUDICIARY
33RD GUAM LEGISLATURE
PUBLIC HEARING ROOM
WEDNESDAY, JANUARY 27, 2016

Good afternoon, Mr. Chairman and Members of the Committee:

My name is Matthew L.G. Sablan, the Director of the Guam Department of Agriculture. I thank you for this opportunity to come before your Committee to testify in support of Bill No. 229-33 (COR), an act relative to the temporary appointment of retired Conservation Officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long term disability. To date, the department has only three (3) Conservation Officers that retired.

The department is requesting that language be added to the bill to allow for the "Hiring of Limited Term Employees" (LTE) presumably from the Guam Community College (GCC) Basic Law Enforcement Academy (BLEA) with Peace Officer Standardized Testing (POST) Certification. These officers would provide support to the Law Enforcement Section while receiving valuable on-the-job training experience.

In the current FY2016 budget, ten (10) Conservation Officers' positions were approved for the protection of five (5) Marine Preserve Areas (MPA) government-owned forests, wetlands, and grasslands as well as all natural resources of Guam and thirteen mile radius seaward.

Recently one (1) of our Conservation Officers retired leaving the department with eight (8) on duty patrol officers and one (1) officer on administrative duty.

Of the eight (8) on duty patrol officers, three (3) will be on military deployment leaving only five (5) on patrol officers. This shortage of manpower creates a great impact on the protection and vulnerability of our island's wildlife, marine, and natural resources.

Thank you for providing me with the opportunity to offer testimony on Bill No. 229-33 (COR). Si Yu'us Ma'ase!


 MATTHEW L.G. SABLAN

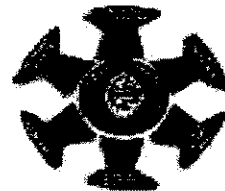


Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

GOVERNMENT OF GUÁHAN
(GUBETNAMENTON GUÁHAN)

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)

DIRECTOR'S OFFICE
(Ufisinan Direktot)
Post Office Box 884 * Hagåtña, Guam 96932
TEL: (671) 475-1101/1250 * FAX: (671) 477-6788



Anthony C. Blaz
Director
Anisia B. Terlaje
Deputy Director

JAN 27 2016

HRD No.: OG16-196

Honorable Frank B. Aguon, Jr.
Chairman, Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary
I Mina'trentai Tres Na Liheslaturan Guahan
Suite 503, DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910

Re: Comments on Bill 229-33 (COR)


Dear Senator Aguon:

Buenas yan Hafa Adai! We thank you for the opportunity to provide comments on Bill 229-33 (COR), an act to add a new Section 38 to Chapter XII of Public Law 33-66, relative to the temporary employment of retired Conservation Officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should the critical need arise due to military activation or long-term disability.

The Department of Administration (DOA) fully supports this bill and understands that it seeks to provide assistance that is already in the budget law where it allows retired Correction Officers and Customs Officers to be employed for similar reasons. We understand the desire to rehire retirees due to the military activation of current Conservation Officers or the latter being away on long-term disability.

We thank you for the opportunity to express our comments on Bill 229-33 (COR) and hope that you consider them. Should you have any questions, please contact the Human Resources Division at 475-1132 or 1288. Dãngkolo na Agradesimiento!

Respectfully,


ANTHONY C. BLAZ, Director
Department of Administration



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guáhan • The 33rd 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

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Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

January 28, 2016

Memorandum

To: Rennae Meno
Clerk of the Legislature

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

Subject: Fiscal Notes

Hafa Adai!

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

FISCAL NOTES:

Bill No. 226-33 (COR)

Bill No. 229-33(COR)

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

Si Yu'os ma'áse'!

2016
01 20
PM 3:58
Rory Respicio

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 229-33(COR)**

AN ACT TO ADD A NEW SECTION 38 TO CHAPTER XII OF PUBLIC LAW 33-66; RELATIVE TO THE TEMPORARY EMPLOYMENT OF RETIRED CONSERVATION OFFICERS WITHIN THE DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF THE DEPARTMENT OF AGRICULTURE SHOULD A CRITICAL NEED ARISE DUE TO MILITARY ACTIVATION OR LONG-TERM DISABILITY.

Department/Agency Appropriation Information

Dept./Agency Affected: Agriculture	Dept./Agency Head: Matthew I.G. Sablan, Director
Department's General Fund (GF) appropriation(s) to date:	3,391,601
Department's Other Fund (Specify) appropriation(s) to date: Guam Plant Inspection and Permit Fund (\$93,131), Tourist Attraction Fund (\$500,000)	593,131
Total Department/Agency Appropriation(s) to date:	\$3,984,732

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66)	\$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 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
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? // Yes //X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? //X/ N/A // Yes // No
If no, what is the additional amount required? \$ //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
//X/ Requested agency comments not received by due date // Other:

Analyst: <u>Raymond Rista, BMA I</u>	Date: <u>1/22/16</u>	Director: <u>Jose S. Calvo, Director</u>	Date: <u>JAN 28 2016</u>
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Footnotes:

// See attached comments.

COMMENTS TO BILL No. 229-33(COR)

The Bill proposes to temporarily employ retired Conservation Officers (CO) within the Division of Aquatic and Wildlife Resources (DAWR) of the Department of Agriculture should a critical need arise due to military activation or long-term disability of current COs.

The fiscal impact of this legislation involves the compensation to be paid to the retired COs while they are filling the temporarily vacant positions, provided that DAWR's authorized budget for personnel is not exceeded. The Bill addresses this issue by hiring retirees only at the ranks of CO I (IL04-01, \$29,944.60 P/A) and below, only at Step I, and not receive sick and annual leave.

Based on the division's current staffing pattern and information from AS400, of the 7 COs within this division, there are only three (3) Reservists, with the lowest Grade/Step being IL04-8, \$41,922 P/A and the highest being IL04-16, \$55,213 P/A. Provided with this information, should any of the Reservists be activated, the compensation to be paid to the retired COs filling their vacancies would be significantly less than the regular compensation owed to the Reservists had they not been activated and remained on duty at their current salary and benefits.

Of the 7 COs within the division, the lowest Grade/Step is currently IL04-5, \$37,430 P/A. With this Grade/Step compensation still being higher than the Bill authorizes, the compensation paid to retired COs filling vacancies left for COs claiming long-term disability should not exceed DAWR's authorized budget for personnel for the fiscal year.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
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Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

January 11, 2016

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 229-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 229-33(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	HEARING DATE	COMMITTEE REPORT FILED	FISCAL NOTES
229-33 (COR)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW SECTION 38 TO CHAPTER XII OF PUBLIC LAW 33-66; RELATIVE TO THE TEMPORARY EMPLOYMENT OF RETIRED CONSERVATION OFFICERS WITHIN THE DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF THE DEPARTMENT OF AGRICULTURE SHOULD A CRITICAL NEED ARISE DUE TO MILITARY ACTIVATION OR LONG-TERM DISABILITY.	01/06/16 2:08 p.m.	01/11/16	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

1st Notice – Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Wed, Jan 20, 2016 at 9:07 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Senator Frank B. Aguon Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Ivan Palacios <communications@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

Bcc: antoniot@guamairport.net, arthur.paulino@gpd.guam.gov, bobcamacho@guamairport.net, chuck.ada@guamairport.net, cimiculka@guam.gannett.com, cme.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, euntalan@fhh.com, faguon@portguam.com, gerry@postguam.com, gerrypartido.mvguam18@gmail.com, governor@guam.gov, guamwardeny2k@yahoo.com, janela@spbguam.com, madeleine.bordallo@mail.house.gov, michael.cura@dpr.guam.gov, michael.uncangco@gfd.guam.gov, philip.taijeron@cqa.guam.gov, phnotice@guamlegislature.org, "Raffaele.sgambelluri@cqa.guam.gov" <raffaele.sgambelluri@cqa.guam.gov>, "<raymond.blas@dpr.guam.gov>" <raymond.blas@dpr.guam.gov>, Carla Borja <carla.borja@doc.guam.gov>, Cathy Gogue <cgogue@guampdsc.net>, "Chief J. I. Cruz" <joseph.i.cruz@gpd.guam.gov>, "chris.duenas" <chris.duenas@guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, "clynt@spbguam.com" <clynt@spbguam.com>, Colonel Maurice Sayama <maurice.sayama@gpd.guam.gov>, Cynthia Ige <cynthia.ige@gpd.guam.gov>, Eric Miller <emiller@guampdsc.net>, Gerry Partido <gerrypartido@gmail.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, John O'Connor <john@mvguam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, "Joseph I. Cruz" <joseph.i.cruz66@gmail.com>, "joseph.duenas" <joseph.duenas@guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, kim santos <kim.santos@gpd.guam.gov>, "Lt. Andrew Quitugua" <andrew.quitugua@gpd.guam.gov>, "Lt. Paul Sayama" <paul.sayama@gpd.guam.gov>, "manuel.babauta" <manuel.babauta@gpd.guam.gov>, Marianas Variety-Guam <editor@mvguam.com>, Mark Calvo <mark.calvo@guam.gov>, Matt Sablan <matt.sablan12@yahoo.com>, "monica.salas" <monica.salas@gpd.guam.gov>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Robert Tupaz <robert@mvguam.com>, "ronald.taitano" <ronald.taitano@gpd.guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Shaina Santos <reporter4@glimpsesofguam.com>, Shawn Raymundo <rraymundo@guam.gannett.com>, "susan. reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>, Tim Rohr <timrohr.guam@gmail.com>, Senator Bob Klitzkie <klitzkie@hotmail.com>, "Anita P. Arriola" <anitaarriola@teleguam.net>, howardtrappinc@hotmail.com, archbishop@archagana.org, matt.sablan@agriculture.guam.gov, Basil O'Mallan <bomallan@guamag.org>, "Deputy A.G. Phil Tydingco" <ptydingco@guamag.org>, jonikerr@gmail.com, antonia_santos75@yahoo.com, aguon_mark@yahoo.com, Anthony Blaz <anthony.blaz@doa.guam.gov>, Shane Ngata <Shane.Ngata@doa.guam.gov>

January 20, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **1st Notice** – Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene an **Public Hearing on Wednesday, January 27, 2016 at 4:00 PM.** Included on the agenda are the following bill(s):

- **BillNo. 229-33 (COR)** - An act to add a new Section 38 to Chapter XII of Public Law 33-66; Relative to the temporary employment of retired conservation officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability. (Sponsor: F.B. Aguon, Jr.)
- **BillNo. 231-33 (LS)** - An act to add chapter 20 to title 9 of the Guam Code Annotated relative to the acts of violence against an unborn child. (Sponsors: F.F. Blas, Jr. / V. A. Ada / J.V. Espaldon / T.A. Morrison / D.G. Rodriguez, Jr. / T. R. Muña Barnes / B.T. McCreadie / T. C. Ada / R. J. Respicio / M.F.Q. San Nicolas / M.C. Torres)
- **BillNo. 236-33 (LS)** - An act to amend §§ 60108(b)(2) and 60109.1(a)(1) of chapter 60 of 10 GCA relative to possession of firearms by aliens. (Sponsors: V.A. Ada / F.B. Aguon, Jr. / F.F. Blas, Jr. / B.T. McCreadie)

(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.com>; bills are found under Bills > Introduced > 33rd).

The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: www.guamlegislature.com.

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahån* 's website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangkolo Na Si Yu'os Ma'ase!

—
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary
SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATÑA, GUAM 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

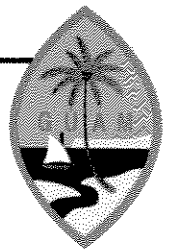
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1st NOTICE public hearing HEARING.pdf

473K



January 20, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

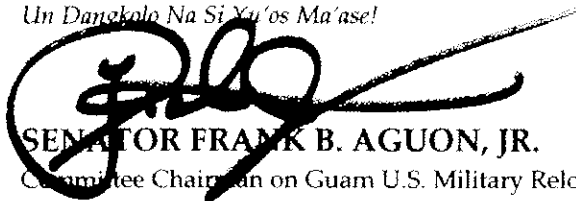
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The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: www.guamlegislature.com. The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahan*'s website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangko Na Si Yu'os Ma'ase!



SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
 I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature
 SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
 PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

- Senator
FRANK B. AGUON, JR.
Chairman
- Senator
Thomas C. Ada
Vice Chairman
- Vice-Speaker
Benjamin J.F. Cruz
Member
- Senator
Rory J. Respicio
Member
- Senator
Dennis G. Rodriguez, Jr.
Member
- Senator
Dr. Nerissa B. Underwood, Ph.D.
Member
- Senator
V. Anthony Ada
Member
- Senator
Frank F. Blas Jr.
Member
- Senator
James V. Espaldon
Member
- Senator
Brant T. McCreadie
Member
- Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio



Lawrence Alcairo <committee@frankaguonjr.com>

2ND Notice – Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Mon, Jan 25, 2016 at 8:09 AM
 To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>
 Cc: "Senator Frank B. Aguon Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Ivan Palacios <communications@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

January 25, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 2ND Notice – Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene an **Public Hearing on Wednesday, January 27, 2016 at 4:00 PM.** Included on the agenda are the following bill(s):

- **Bill No. 229-33 (COR)** - An act to add a new Section 38 to Chapter XII of Public Law 33-66; Relative to the temporary employment of retired conservation officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability. (Sponsor: F.B. Aguon, Jr.)
- **Bill No. 236-33 (LS)** - An act to amend §§ 60108(b)(2) and 60109.1(a)(1) of chapter 60 of 10 GCA relative to possession of firearms by aliens. (Sponsors: V.A. Ada / F.B. Aguon, Jr. / F.F. Blas, Jr. / B.T. McCreadie)

(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.com>; bills are found under Bills > Introduced > 33rd).

The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: www.guamlegislature.com.

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahån* 's website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangkolo Na Si Yu'os Ma'ase!

—

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

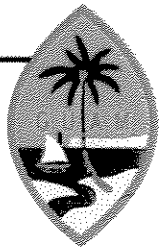
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2ND NOTICE public hearing HEARING.pdf

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January 25, 2016

MEMORANDUM

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FRANK B. AGUON, JR.
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Senator
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Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

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Rory J. Respicio
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Un Dangkolo Na Si Yu'os Ma'ase!

SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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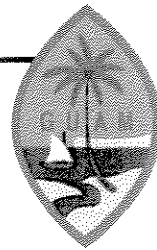
Updated: December 2, 2015

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Updated: December 2, 2015

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January 20, 2016

The Honorable Edward J. Calvo
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to: governor@guam.gov

Subject: **INVITATION** – Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

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The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahan*'s website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns. We look forward to your attendance and participation.

Un Dangkol ta Sa'Yos Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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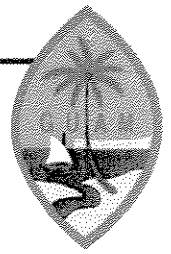
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The Honorable Ray Tenorio
Lieutenant Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to: ray.tenorio@guam.gov

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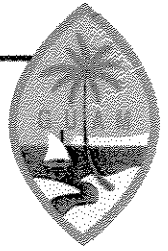
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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



Guam US Military Relocation | Public Safety | Judiciary



I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE

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Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

The Honorable Robert J. Torres, Jr.
Chief Justice of Guam
Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910
Sent via email to: rjtorres@guamsupremecourt.com

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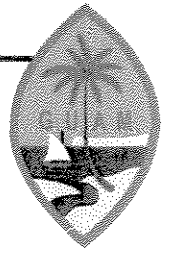
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Ur Dangkol! Gusti Yu as Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina'Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



January 20, 2016

Mr. Joshua Tenorio
Administrator of Courts
Judiciary of Guam
Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910
Sent via email to: jtenorio@guamcourts.org

Subject: **INVITATION** – Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

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Un Dangkol na Sa'nan es Ma'ase!

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V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

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Dr. Judith T. Won Pat, Ed.D
Ex-Officio



January 20, 2016

The Honorable Elizabeth Barrett Anderson
Attorney General of Guam
Office of the Attorney General
590 S. Marine Corps Drive
ITC Bldg., Suite 706
Tamuning, Guam 96913
Sent via email to: ebanderson@guamag.org

Subject: **INVITATION** - Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

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Uy Dangkolon Na Uy Yu Os Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

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Mr. Anthony C. Blaz
Director,
Department of Administration

590 South Marine Corps Drive
Suite 224, ITC Building
Tamuning, Guam 96913

Transmitted via Email to: anthony.blaz@doa.guam.gov

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An Dangkolo Ni Sa Yu be Ma'ase!

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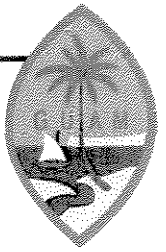
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
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WWW.FRANKAGUONJR.COM



Guam U.S Military Relocation | Public Safety | Judiciary



I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE

January 20, 2016

Director Matthew Sablan
Director,
Department of Agriculture

Sent via email to: matt.sablan@agriculture.guam.gov

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An Dangkolon Na Sa Tinuon Ma'ase!

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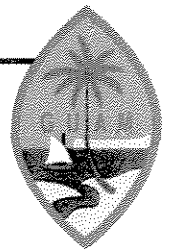
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Ex-Officio



January 20, 2016

Mr. Raffaele Sgambelluri
President and Board Member
Guam National Sport Shooting Federation

Transmitted via Email to: Raffaele.sgambelluri@cqa.guam.gov

Subject: **INVITATION** - Public Hearing on Wednesday, January 27, 2016 at 4:00 PM

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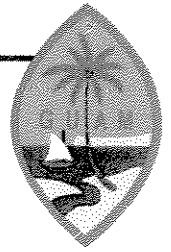
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January 20, 2016

Mr. Darren Alvarez
Firearm Instructor,
National Rifle Association

Transmitted via Email to: mdarren@yahoo.com

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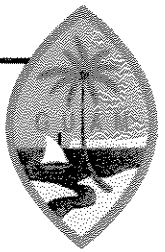
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January 20, 2016

Mr. Tim Rohr
P.O. Box 9001
Agat, GU 96928
Sent via email to: timrohr.guam@gmail.com

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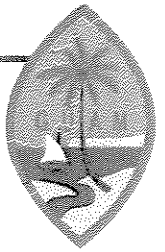
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January 20, 2016

Anita P. Arriola
Attorney at Law
259 Martyr Street, Suite 201
Hagåtña, Guam 96910

Transmitted via Hand delivery and Email to: anitaarriola@arriolacowan.com

Law Offices
ARRIOLA, COWAN, ARRIOLA
JAN 20 2016
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By: *AS* Time: *4:07*

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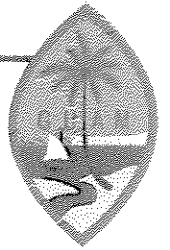
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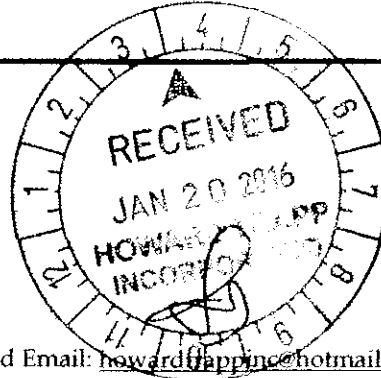


Guam U.S Military Relocation | Public Safety | Judiciary



I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE

January 20, 2016



Howard G. Trapp
Attorney at Law
200 Saylor Bldg.
139 Chalan Santo Papa
Hagåtña, Guam 96910
Sent via Hand Delivery and Email: howardtrappinc@hotmail.com

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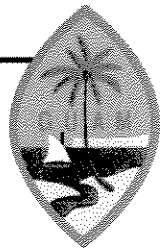
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Un Panglo Nasa' u os Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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Senator Thomas C. Ada Vice Chairman
Vice-Speaker Benjamin J.F. Cruz Member
Senator Rory J. Respicio Member
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Senator James V. Espaldon Member
Senator Brant T. McCreadie Member
Speaker Dr. Judith T. Won Pat. Ed.D Ex-Officio



PUBLIC HEARING AGENDA

Wednesday, January 27, 2016 at 4:00 PM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

AGENDA

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
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Dennis G. Rodriguez, Jr.
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Dr. Nerissa B. Underwood, Ph.D.
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James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

I. Call to Order at 4:00PM

II. Opening remarks/Announcements

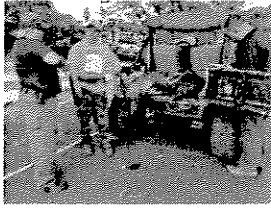
- **Bill No. 229-33 (COR)** - An act to add a new Section 38 to Chapter XII of Public Law 33-66; Relative to the temporary employment of retired conservation officers within the Division of Aquatic and Wildlife Resources of the Department of Agriculture should a critical need arise due to military activation or long-term disability. (Sponsor: F.B. Aguon, Jr.)
- **Bill No. 236-33 (LS)** - An act to amend §§ 60108(b)(2) and 60109.1(a)(1) of chapter 60 of 10 GCA relative to possession of firearms by aliens. (Sponsors: V.A. Ada / F.B. Aguon, Jr. / F.F. Blas, Jr. / B.T. McCreadie)

III. Closing Remarks

IV. Adjournment

Conservation officers important, needed

Joni Quenga Kerr 8:36 p.m. ChST December 26, 2015



(Photo: PDN file)

It appears that, historically, some leaders and agency heads lacked a genuine appreciation of the value of Guam's natural resources, otherwise they would have done all in their power to support enforcement of the laws designed to protect those resources.

I refer to the egregious neglect of the conservation officer unit at the Department of Agriculture. For years the conservation officers have been denied adequate compensation, promotion, manpower, and sufficient funds to do their jobs safely and effectively. An oversight hearing (on Dec. 10) included testimony about why Guam needs more conservation officers, that conservation officers have not received pay raises for decades, no promotions and chronically lack funds for equipment and maintenance. When department vehicles break down, they use their own money to pay for repairs.

These are management issue that should be scrutinized and addressed.

Currently, only 10 conservation officers serve Guam. In the coming months, due to retirement, deployment, and leave, the number of conservation officers will drop to just four. These few officers are charged with protecting all five Marine Preserve Areas and government-owned forests, wetlands and grasslands on Guam. Most alarming is they often face perpetrators without proper body armor and back-up personnel.

Matthew L.G. Sablan, the new director of the Department of Agriculture, stated that he is courting negligence when sending conservation officers to the field. The day will come when, outnumbered and lacking body armor, the conservation officers will confront well-armed poachers and suffer injury or loss of life.

Conservation officers go above and beyond. They provide educational outreach and special training to law enforcement officers in Guam and neighboring islands. For example, I invited Sgt. Mark Aguon and former conservation officer Shlan Aricheta to talk with my marine biology students about MPA laws, field experiences and training required to be a conservation officer.

Aguon stated that a female conservation officer was particularly valuable as not all poachers are male, and female perpetrators were increasing. Unfortunately, Aricheta, a limited-term employee, had to leave the conservation officers for a more stable position.

The practice of hiring conservation officers as limited-term employees is cheap, wasteful and dangerous. While saving money in the short-term, stability and continuity are compromised. Valuable training provided to limited-term employees is wasted when they are forced to seek employment elsewhere.

Conservation officers provide expertise to our community. According to Joachim Roberto, department chair of the criminal justice program at Guam Community College, Aguon, a member of the Criminal Justice Advisory Committee, was highly instrumental in developing the new marine and terrestrial conservation enforcement officer concentration of the Criminal Justice Certification Program at GCC. The program promises to produce well-trained conservation officers, but it remains to be seen if more conservation officer positions will be created in Guam, or in the region, to accommodate graduates.

As Guam's population grows, harvesting pressure is placed on both MPA and non-MPA areas. Enforcement must be prioritized or Guam will suffer the consequences of reef ecosystems destroyed by over-harvesting of fish, sea cucumbers, and other marine organisms. For example, the allowed daily catch limit for sea cucumbers, known locally as balate, is 100 per person per day. In less than a day, a few individuals can remove most of the sea cucumbers from a reef. Balate are vital to the health of reef ecosystems as they help control nutrient levels and seaweed growth. More conservation officers are needed for reef surveillance and to conduct investigations into illegal commercial activity of sea cucumbers.

If our leaders value our natural resources and want them for generations to come, they must do all in their power to ensure that:

- Guam has more conservation officers;
- conservation officers are recognized and compensated, through a timely promotion process;
- conservation officers are safe and have the proper equipment and manpower;
- limited-term employee positions are replaced with full-time positions; and
- management at the Department of Agriculture is held accountable for these improvements.

Joni Quenga Kerr is an associate professor at Guam Community College.