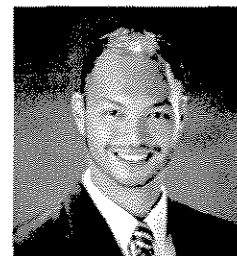




MAR 17 2015

# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature



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

Speaker

*I Mina'trentai Tres na Liheslaturan Guåhan*

155 Hesler Place

Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairman

Committee on Rules, Federal, Foreign & Micronesian Affairs,

Human & Natural Resources, Election Reform, and Capitol District

**RE: Committee Report on Bill No. 38-33 (LS), As Amended by the Committee**

Dear Speaker Won Pat,

*Håfa adai!* Transmitted herewith is the Committee Report on Bill No. 38-33 (LS), as amended by the Committee – “AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.”

Committee votes are as follows:

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

Respectfully,

  
MICHAEL F.Q. SAN NICOLAS

2015 MAR 17 PM 5:03

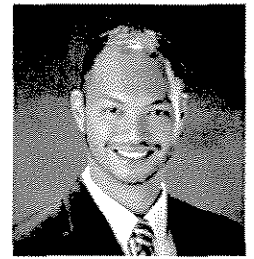
3



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature

---



## COMMITTEE REPORT

### **Bill No. 38-33 (LS)**

**As Amended by the Committee**

**Introduced by Michael F.Q. San Nicolas**

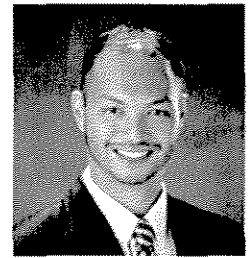
**“AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.*”**



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature

---



**MAR 17 2015**

## MEMORANDUM

**TO:** All Members  
Committee on Finance & Taxation, General  
Government Operations, and Youth Development

**RE:** Committee Report on Bill No. 38-33 (LS), As Amended by the Committee

*Håfa adai!* Transmitted herewith is the Committee Report on Bill No. 38-33 (LS), as amended by the Committee — “AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.”

This report includes the following:

- Vote Sheet
- Report Digest
- Copy of Bill No. 38-33 (LS), as Introduced
- Copy of Bill No. 38-33 (LS), as Amended
- Public Hearing Sign-in Sheet
- Written Testimonies and Supporting Documents
- Fiscal Note Request
- Copy of COR Referral of Bill No. 38-33 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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 my office.

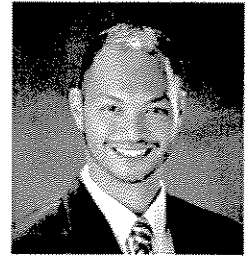
Respectfully,

**MICHAEL F.Q. SAN NICOLAS**



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
I Mina'trentai Tres Na Liheslaturan Guåhan | 33<sup>rd</sup> Guam Legislature



## COMMITTEE VOTE SHEET

**Bill No. 38-33 (LS), As Amended by the Committee – “AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.”**

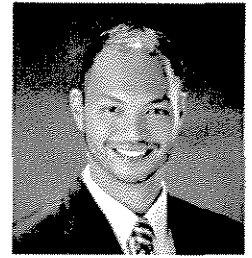
	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman 3/16/2015		✓				
Senator Mary C. Torres Vice Chairman		✓ 3/17/15				
Speaker Judith T. Won Pat, Ed.D. Member						
Vice Speaker Benjamin J.F. Cruz Member				✓ 3/15/18		
Senator Tina R. Muña Barnes Member						
Senator Rory J. Respicio Member						
Senator Thomas C. Ada Member				✓		
Senator Dennis G. Rodriguez, Jr. Member				✓ 3/17/15		
Senator Frank B. Aguon, Jr. Member 3/17/15				✓		
Senator Nerissa B. Underwood, Ph.D. Member		✓ 3/17/2015				
Senator James V. Espaldon Member				✓		



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature

---



## COMMITTEE REPORT DIGEST

### **I. OVERVIEW**

Bill No. 38-33 (LS) was introduced on February 19, 2015, by Senator Michael F.Q. San Nicolas. The bill was subsequently referred by the Committee on Rules to the Committee on Finance & Taxation, General Government Operations, and Youth Development on February 19, 2015.

The Committee on Finance & Taxation, General Government Operations, and Youth Development held a public hearing on March 12, 2015, in *I Liheslatura's* Public Hearing Room. Among the items on the hearing agenda was Bill No. 38-33 (LS). The hearing convened at 10:01 a.m. and was recessed at 11:57 a.m. The hearing reconvened at 2:03 p.m. and was adjourned at 5:35 p.m.

### **Public Notice Requirements**

Public Hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on March 5, 2015, and again on March 9, 2015. Notice was also posted on *I Liheslatura's* website beginning on March 5, 2015.

### **Senators Present**

Senator Michael F.Q. San Nicolas, Committee Chairman  
Senator Mary C. Torres, Committee Vice Chairwoman  
Senator Thomas C. Ada, Committee Member  
Vice Speaker Benjamin J.F. Cruz, Committee Member  
Senator Dennis G. Rodriguez, Jr., Committee Member  
Senator Frank B. Aguon, Jr., Committee Member  
Senator Nerissa B. Underwood, Ph.D., Committee Member  
Senator James V. Espaldon, Committee Member  
Senator V. Anthony Ada  
Senator Tommy A. Morrison  
Senator Frank F. Blas, Jr.

### **Oral Testimony**

None

### **Written Testimony**

Joseph Manibusan, Office of Technology, Department of Administration

## **II. TESTIMONY & DISCUSSION**

**Chairman Michael San Nicolas:** This bill models a law that has been adopted in 47 states, the District of Colombia, Puerto Rico, and the Virgin Islands that sets the framework for us to be able to use electronic

signatures as valid signatures to consenting parties with respect to any kind of contractual arrangements. Just to be clear, this bill does not require that electronic transactions be conducted. It just gives the legal framework for those electronic transactions to be binding as if they were done on paper. Anyone can still use a paper contract or do business paper-based if they would not want to do electronic-based. What this act will do is if you want to do any kind of business transaction electronically, it does provide the legal framework for us to be able to regulate it, enforce it, and adjudicate it in the courts. That is the gist of Bill 38-33. That will conclude the discussion on that bill; I don't think that we have anybody here present to testify. We do have some testimony on the record that has been submitted in writing and the Committee will consider that as we work on the final version that will be reported out. That testimony was submitted by the Office of Technology Data Manager Joey Manibusan. Other than that, we have no testimony of Bill 38-33 so we will conclude the hearing.


### **III. FINDINGS AND RECOMMENDATIONS**

The Committee on Finance & Taxation, General Government Operations, and Youth Development hereby reports out Bill No. 38-33 (LS), as amended by the Committee, with the recommendation TO REPORT OUT.

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

Bill No. 38-33 (LS)

Introduced by:

Michael F.Q. San Nicolas 

**AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.**

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

**2 Section I. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that the Uniform Electronic Transactions Act (UETA), promulgated by the  
4 National Conference of Commissioners on Uniform State Laws, has been adopted  
5 by forty-seven states, the District of Columbia, Puerto Rico, and the Virgin Islands.  
6 UETA was developed by the National Conference of Commissioners on Uniform  
7 State Laws to provide a legal framework for the use of electronic signatures and  
8 records in government and business transactions. UETA makes electronic records  
9 and signatures as legal as paper and manually signed signatures.

10 *I Liheslatura* further finds that with the expanded use of information  
11 technology and, in particular, the internet, in conducting routine business, lacking  
12 such basic legal infrastructure hinders the development of technological services  
13 which would routinely use electronic signatures and add costs unnecessarily to  
14 local businesses which seek to comply with Guam's laws in running their business.

15 It is therefore the intent of *I Liheslaturan Guahan* that the Uniform  
16 Electronic Transactions Act be enacted, providing a legal framework for the use of

1 electronic signatures and records in Guam by adding a new Chapter 91 to Division  
2 3, Title 18 of the Guam Code Annotated.

3 **Section 2. Uniform Electronic Transactions Act.** *A new Chapter 91 is*  
4 *hereby added to Division 3, Title 18, Guam Code Annotated, to read:*

5 **“CHAPTER 91**

6 **UNIFORM ELECTRONIC TRANSACTIONS ACT**

7  
8 § 91101. Short Title.

9 § 91102. Definitions.

10 § 91103. Scope.

11 § 91104. Prospective Application.

12 § 91105. Use of Electronic Records and Electronic Signatures; Variation by  
13 Agreement.

14 § 91106. Construction and Application.

15 § 91107. Legal Recognition of Electronic Records, Electronic Signatures, and  
16 Electronic Contracts.

17 § 91108. Provision of Information in Writing; Presentation of Records.

18 § 91109. Attribution and Effect of Electronic Record and Electronic  
19 Signature.

20 § 91110. Effect of Change or Error.

21 § 91111. Notarization and Acknowledgment.

22 § 91112. Retention of Electronic Records; originals.

23 § 91113. Admissibility in Evidence.

24 § 91114. Automated Transaction.

25 § 91115. Time and Place of Sending and Receipt.

26 § 91116. Transferable Records.



1       § 91117. Creation and Retention of Electronic Records and Conversion of  
2       Written Records by Governmental Agencies.

3       § 91118. Acceptance and Distribution of Electronic Records by  
4       Governmental Agencies.

5       § 91119. Interoperability.

6       § 91120. Severability Clause.

7  
8       **§ 91101. Short Title.**

9               This Division *shall* be cited as the ‘Uniform Electronic Transactions  
10       Act’.

11       **§ 91102. Definitions.**

12               In this Division:

13               (1) ‘Agreement’ means the bargain of the parties in fact, as found in  
14       their language or inferred from other circumstances and from rules,  
15       regulations, and procedures given the effect of agreements under laws  
16       otherwise applicable to a particular transaction.

17               (2) ‘Automated transaction’ means a transaction conducted or  
18       performed, in whole or in part, by electronic means or electronic records, in  
19       which the acts or records of one or both parties are not reviewed by an  
20       individual in the ordinary course in forming a contract, performing under an  
21       existing contract, or fulfilling an obligation required by the transaction.

22               (3) ‘Computer program’ means a set of statements or instructions to  
23       be used directly or indirectly in an information processing system in order to  
24       bring about a certain result.

25               (4) ‘Contract’ means the total legal obligation resulting from the  
26       parties’ agreement as affected by this Division and other applicable law.

1           (5) 'Electronic' means relating to technology having electrical, digital,  
2 magnetic, wireless, optical, electromagnetic, or similar capabilities.

3           (6) 'Electronic agent' means a computer program or an electronic or  
4 other automated means used independently to initiate an action or respond to  
5 electronic records or performances in whole or in part, without review or  
6 action by an individual.

7           (7) 'Electronic record' means a record created, generated, sent,  
8 communicated, received, or stored by electronic means.

9           (8) 'Electronic signature' means an electronic sound, symbol, or  
10 process attached to or logically associated with a record and executed or  
11 adopted by a person with the intent to sign the record.

12           (9) 'Governmental agency' means an executive, legislative, or judicial  
13 agency, department, board, commission, authority, institution, or  
14 instrumentality of the federal government or of a State or of a county,  
15 municipality, or other political subdivision of a State.

16           (10) 'Information' means data, text, images, sounds, codes, computer  
17 programs, software, databases, or the like.

18           (11) 'Information processing system' means an electronic system for  
19 creating, generating, sending, receiving, storing, displaying, or processing  
20 information.

21           (12) 'Person' means an individual, corporation, business trust, estate,  
22 trust, partnership, limited liability company, association, joint venture,  
23 governmental agency, public corporation, or any other legal or commercial  
24 entity.

25           (13) 'Record' means information that is inscribed on a tangible  
26 medium or that is stored in an electronic or other medium and is retrievable  
27 in perceivable form.

1           (14) ‘Security procedure’ means a procedure employed for the  
2           purpose of verifying that an electronic signature, record, or performance is  
3           that of a specific person or for detecting changes or errors in the information  
4           in an electronic record. The term includes a procedure that requires the use  
5           of algorithms or other codes, identifying words or numbers, encryption, or  
6           callback or other acknowledgment procedures.

7           (15) ‘State’ means a State of the United States, the District of  
8           Columbia, Puerto Rico, the United States Virgin Islands, Guam, the  
9           Northern Mariana Islands, American Samoa, or any territory or insular  
10          possession subject to the jurisdiction of the United States. The term includes  
11          an Indian tribe or band, or Alaskan native village, which is recognized by  
12          federal law or formally acknowledged by a State.

13          (16) ‘Transaction’ means an action or set of actions occurring between  
14          two or more persons relating to the conduct of business, commercial, or  
15          governmental affairs.

16          **§ 91103. Scope.**

17          (a) Except as otherwise provided in subsection (b), this Division  
18          applies to electronic records and electronic signatures relating to a  
19          transaction.

20          (b) This Division does not apply to a transaction to the extent it is  
21          governed by:

22                  (1) a law governing the creation and execution of wills,  
23                  codicils, or testamentary trusts;

24                  (2) Title 13 of the Guam Code Annotated [The Uniform  
25                  Commercial Code] other than Division 1 §1107 [Waiver or  
26                  renunciation of claim or right after breach], Division 1 §1210

1 [Presumptions Affect Burden of Producing Evidence], and Division 2  
2 [Sales].

3 (c) This Division applies to an electronic record or electronic  
4 signature otherwise excluded from the application of this Division under  
5 subsection (b) to the extent it is governed by a law other than those specified  
6 in subsection (b).

7 (d) A transaction subject to this Division is also subject to other  
8 applicable substantive law.

9 **§ 91104. Prospective Application.**

10 This Division applies to any electronic record or electronic signature  
11 created, generated, sent, communicated, received, or stored on or after the  
12 effective date of this Division.

13 **§ 91105. Use of Electronic Records and Electronic Signatures; Variation**  
14 **by Agreement.**

15 (a) This Division does not require a record or signature to be created,  
16 generated, sent, communicated, received, stored, or otherwise processed or  
17 used by electronic means or in electronic form.

18 (b) This Division applies only to transactions between parties each of  
19 which has agreed to conduct transactions by electronic means. Whether the  
20 parties agree to conduct a transaction by electronic means is determined  
21 from the context and surrounding circumstances, including the parties'  
22 conduct.

23 (c) A party that agrees to conduct a transaction by electronic means  
24 may refuse to conduct other transactions by electronic means. The right  
25 granted by this subsection may not be waived by agreement.

26 (d) Except as otherwise provided in this Division, the effect of any of  
27 its provisions may be varied by agreement. The presence in certain

1 provisions of this Division of the words 'unless otherwise agreed', or words  
2 of similar import, does not imply that the effect of other provisions may not  
3 be varied by agreement.

4 (e) Whether an electronic record or electronic signature has legal  
5 consequences is determined by this Division and other applicable law.

6 **§ 91106. Construction and Application.**

7 This Division must be construed and applied:

8 (1) to facilitate electronic transactions consistent with other applicable  
9 law;

10 (2) to be consistent with reasonable practices concerning electronic  
11 transactions and with the continued expansion of those practices; and

12 (3) to effectuate its general purpose to make uniform the law with  
13 respect to the subject of this Division among States enacting it.

14 **§ 91107. Legal Recognition of Electronic Records, Electronic**  
15 **Signatures, and Electronic Contracts.**

16 (a) A record or signature may not be denied legal effect or  
17 enforceability solely because it is in electronic form.

18 (b) A contract may not be denied legal effect or enforceability solely  
19 because an electronic record was used in its formation.

20 (c) If a law requires a record to be in writing, an electronic record  
21 satisfies the law.

22 (d) If a law requires a signature, an electronic signature satisfies the  
23 law.

24 **§ 91108. Provision of Information in Writing; Presentation of Records.**

25 (a) If parties have agreed to conduct a transaction by electronic means  
26 and a law requires a person to provide, send, or deliver information in  
27 writing to another person, the requirement is satisfied if the information is

1 provided, sent, or delivered, as the case may be, in an electronic record  
2 capable of retention by the recipient at the time of receipt. An electronic  
3 record is not capable of retention by the recipient if the sender or its  
4 information processing system inhibits the ability of the recipient to print or  
5 store the electronic record.

6 (b) If a law other than this Division requires a record (i) to be posted  
7 or displayed in a certain manner, (ii) to be sent, communicated, or  
8 transmitted by a specified method, or (iii) to contain information that is  
9 formatted in a certain manner, the following rules apply:

10 (1) The record must be posted or displayed in the manner  
11 specified in the other law.

12 (2) Except as otherwise provided in subsection (d)(2), the  
13 record must be sent, communicated, or transmitted by the method  
14 specified in the other law.

15 (3) The record must contain the information formatted in the  
16 manner specified in the other law.

17 (c) If a sender inhibits the ability of a recipient to store or print an  
18 electronic record, the electronic record is not enforceable against the  
19 recipient.

20 (d) The requirements of this section may not be varied by agreement,  
21 but:

22 (1) to the extent a law other than this Division requires  
23 information to be provided, sent, or delivered in writing but permits  
24 that requirement to be varied by agreement, the requirement under  
25 subsection (a) that the information be in the form of an electronic  
26 record capable of retention may also be varied by agreement; and

1 (2) a requirement under a law other than this Division to send,  
2 communicate, or transmit a record by first-class mail, postage prepaid  
3 or regular United States mail, may be varied by agreement to the  
4 extent permitted by the other law.

5 **§ 91109. Attribution and Effect of Electronic Record and Electronic**  
6 **Signature.**

7 (a) An electronic record or electronic signature is attributable to a  
8 person if it was the act of the person. The act of the person may be shown in  
9 any manner, including a showing of the efficacy of any security procedure  
10 applied to determine the person to which the electronic record or electronic  
11 signature was attributable.

12 (b) The effect of an electronic record or electronic signature attributed  
13 to a person under subsection (a) is determined from the context and  
14 surrounding circumstances at the time of its creation, execution, or adoption,  
15 including the parties' agreement, if any, and otherwise as provided by law.

16 **§ 91110. Effect of Change or Error.**

17 If a change or error in an electronic record occurs in a transmission  
18 between parties to a transaction, the following rules apply:

19 (1) If the parties have agreed to use a security procedure to detect  
20 changes or errors and one party has conformed to the procedure, but the  
21 other party has not, and the nonconforming party would have detected the  
22 change or error had that party also conformed, the conforming party may  
23 avoid the effect of the changed or erroneous electronic record.

24 (2) In an automated transaction involving an individual, the individual  
25 may avoid the effect of an electronic record that resulted from an error made  
26 by the individual in dealing with the electronic agent of another person if the  
27 electronic agent did not provide an opportunity for the prevention or

1 correction of the error and, at the time the individual learns of the error, the  
2 individual:

3 (A) promptly notifies the other person of the error and that the  
4 individual did not intend to be bound by the electronic record received  
5 by the other person;

6 (B) takes reasonable steps, including steps that conform to the  
7 other person's reasonable instructions, to return to the other person or,  
8 if instructed by the other person, to destroy the consideration received,  
9 if any, as a result of the erroneous electronic record; and

10 (C) has not used or received any benefit or value from the  
11 consideration, if any, received from the other person.

12 (3) If neither subsection (1) nor subsection (2) applies, the change or  
13 error has the effect provided by other law, including the law of mistake, and  
14 the parties' contract, if any.

15 (4) Subsections (2) and (3) may not be varied by agreement.

16 **§ 91111. Notarization and Acknowledgment.**

17 If a law requires a signature or record to be notarized, acknowledged,  
18 verified, or made under oath, the requirement is satisfied if the electronic  
19 signature of the person authorized to perform those acts, together with all  
20 other information required to be included by other applicable law, is  
21 attached to or logically associated with the signature or record.

22 **§ 91112. Retention of Electronic Records; Originals.**

23 (a) If a law requires that a record be retained, the requirement is  
24 satisfied by retaining an electronic record of the information in the record  
25 which:



1                   (1) accurately reflects the information set forth in the record  
2                   after it was first generated in its final form as an electronic record or  
3                   otherwise; and

4                   (2) remains accessible for later reference.

5                   (b) A requirement to retain a record in accordance with subsection (a)  
6                   does not apply to any information the sole purpose of which is to enable the  
7                   record to be sent, communicated, or received.

8                   (c) A person may satisfy subsection (a) by using the services of  
9                   another person if the requirements of that subsection are satisfied.

10                  (d) If a law requires a record to be presented or retained in its original  
11                  form, or provides consequences if the record is not presented or retained in  
12                  its original form, that law is satisfied by an electronic record retained in  
13                  accordance with subsection (a).

14                  (e) If a law requires retention of a check, that requirement is satisfied  
15                  by retention of an electronic record of the information on the front and back  
16                  of the check in accordance with subsection (a).

17                  (f) A record retained as an electronic record in accordance with  
18                  subsection (a) satisfies a law requiring a person to retain a record for  
19                  evidentiary, audit, or like purposes, unless a law enacted after the effective  
20                  date of this Division specifically prohibits the use of an electronic record for  
21                  the specified purpose.

22                  (g) This section does not preclude a governmental agency of this State  
23                  from specifying additional requirements for the retention of a record subject  
24                  to the agency's jurisdiction.

25                  **§ 91113. Admissibility in Evidence.**

26                  In a proceeding, evidence of a record or signature may not be  
27                  excluded solely because it is in electronic form.

1       **§ 91114. Automated Transaction.**

2               In an automated transaction, the following rules apply:

3               (1) A contract may be formed by the interaction of electronic agents  
4 of the parties, even if no individual was aware of or reviewed the electronic  
5 agents' actions or the resulting terms and agreements.

6               (2) A contract may be formed by the interaction of an electronic agent  
7 and an individual, acting on the individual's own behalf or for another  
8 person, including by an interaction in which the individual performs actions  
9 that the individual is free to refuse to perform and which the individual  
10 knows or has reason to know will cause the electronic agent to complete the  
11 transaction or performance.

12              (3) The terms of the contract are determined by the substantive law  
13 applicable to it.

14       **§ 91115. Time and Place of Sending and Receipt.**

15              (a) Unless otherwise agreed between the sender and the recipient, an  
16 electronic record is sent when it:

17                      (1) is addressed properly or otherwise directed properly to an  
18 information processing system that the recipient has designated or  
19 uses for the purpose of receiving electronic records or information of  
20 the type sent and from which the recipient is able to retrieve the  
21 electronic record;

22                      (2) is in a form capable of being processed by that system; and

23                      (3) enters an information processing system outside the control  
24 of the sender or of a person that sent the electronic record on behalf of  
25 the sender or enters a region of the information processing system  
26 designated or used by the recipient which is under the control of the  
27 recipient.

1 (b) Unless otherwise agreed between a sender and the recipient, an  
2 electronic record is received when:

3 (1) it enters an information processing system that the recipient  
4 has designated or uses for the purpose of receiving electronic records  
5 or information of the type sent and from which the recipient is able to  
6 retrieve the electronic record; and

7 (2) it is in a form capable of being processed by that system.

8 (c) Subsection (b) applies even if the place the information processing  
9 system is located is different from the place the electronic record is deemed  
10 to be received under subsection (d).

11 (d) Unless otherwise expressly provided in the electronic record or  
12 agreed between the sender and the recipient, an electronic record is deemed  
13 to be sent from the sender's place of business and to be received at the  
14 recipient's place of business. For purposes of this subsection, the following  
15 rules apply:

16 (1) If the sender or recipient has more than one place of  
17 business, the place of business of that person is the place having the  
18 closest relationship to the underlying transaction.

19 (2) If the sender or the recipient does not have a place of  
20 business, the place of business is the sender's or recipient's residence,  
21 as the case may be.

22 (e) An electronic record is received under subsection (b) even if no  
23 individual is aware of its receipt.

24 (f) Receipt of an electronic acknowledgment from an information  
25 processing system described in subsection (b) establishes that a record was  
26 received but, by itself, does not establish that the content sent corresponds to  
27 the content received.

1 (g) If a person is aware that an electronic record purportedly sent  
2 under subsection (a), or purportedly received under subsection (b), was not  
3 actually sent or received, the legal effect of the sending or receipt is  
4 determined by other applicable law. Except to the extent permitted by the  
5 other law, the requirements of this subsection may not be varied by  
6 agreement.

7 **§ 91116. Transferable Records.**

8 (a) In this section, “transferable record” means an electronic record  
9 that:

10 (1) would be a note under Division 3 [Commercial Paper] of the  
11 Uniform Commercial Code or a document under Division 7  
12 [Warehouse Receipts, Bills of Lading and Other Documents of Title]  
13 of the Uniform Commercial Code if the electronic record were in  
14 writing; and

15 (2) the issuer of the electronic record expressly has agreed is a  
16 transferable record.

17 (b) A person has control of a transferable record if a system employed  
18 for evidencing the transfer of interests in the transferable record reliably  
19 establishes that person as the person to which the transferable record was  
20 issued or transferred.

21 (c) A system satisfies subsection (b), and a person is deemed to have  
22 control of a transferable record, if the transferable record is created, stored,  
23 and assigned in such a manner that:

24 (1) a single authoritative copy of the transferable record exists  
25 which is unique, identifiable, and, except as otherwise provided in  
26 subsections (4), (5), and (6), unalterable;

1 (2) the authoritative copy identifies the person asserting control  
2 as:

3 (A) the person to which the transferable record was  
4 issued; or

5 (B) if the authoritative copy indicates that the  
6 transferable record has been transferred, the person to which the  
7 transferable record was most recently transferred;

8 (3) the authoritative copy is communicated to and maintained  
9 by the person asserting control or its designated custodian;

10 (4) copies or revisions that add or change an identified assignee  
11 of the authoritative copy can be made only with the consent of the  
12 person asserting control;

13 (5) each copy of the authoritative copy and any copy of a copy  
14 is readily identifiable as a copy that is not the authoritative copy; and

15 (6) any revision of the authoritative copy is readily identifiable  
16 as authorized or unauthorized.

17 (d) Except as otherwise agreed, a person having control of a  
18 transferable record is the holder, as defined in Division 1 §1201(20) of the  
19 Uniform Commercial Code, of the transferable record and has the same  
20 rights and defenses as a holder of an equivalent record or writing under the  
21 Uniform Commercial Code, including, if the applicable statutory  
22 requirements under §§ 3302, 7501, or 9303 of the Uniform Commercial  
23 Code are satisfied, the rights and defenses of a holder in due course, a holder  
24 to which a negotiable document of title has been duly negotiated, or a  
25 purchaser, respectively. Delivery, possession, and endorsement are not  
26 required to obtain or exercise any of the rights under this subsection.

1 (e) Except as otherwise agreed, an obligor under a transferable record  
2 has the same rights and defenses as an equivalent obligor under equivalent  
3 records or writings under the Uniform Commercial Code.

4 (f) If requested by a person against which enforcement is sought, the  
5 person seeking to enforce the transferable record shall provide reasonable  
6 proof that the person is in control of the transferable record. Proof may  
7 include access to the authoritative copy of the transferable record and related  
8 business records sufficient to review the terms of the transferable record and  
9 to establish the identity of the person having control of the transferable  
10 record.

11 **§ 91117. Creation and Retention of Electronic Records and Conversion**  
12 **of Written Records by Governmental Agencies.**

13 Each governmental agency of this State shall determine whether, and  
14 the extent to which, it will create and retain electronic records and convert  
15 written records to electronic records.

16 **§ 91118. Acceptance and Distribution of Electronic Records by**  
17 **Governmental Agencies.**

18 (a) Except as otherwise provided in §11112(f) of this Division, each  
19 governmental agency of this State shall determine whether, and the extent to  
20 which, it will send and accept electronic records and electronic signatures to  
21 and from other persons and otherwise create, generate, communicate, store,  
22 process, use, and rely upon electronic records and electronic signatures.

23 (b) To the extent that a governmental agency uses electronic records  
24 and electronic signatures under subsection (a), the governmental agency,  
25 giving due consideration to security, may specify:

1 (1) the manner and format in which the electronic records must  
2 be created, generated, sent, communicated, received, and stored and  
3 the systems established for those purposes;

4 (2) if electronic records must be signed by electronic means,  
5 the type of electronic signature required, the manner and format in  
6 which the electronic signature must be affixed to the electronic record,  
7 and the identity of, or criteria that must be met by, any third party  
8 used by a person filing a document to facilitate the process;

9 (3) control processes and procedures as appropriate to ensure  
10 adequate preservation, disposition, integrity, security, confidentiality,  
11 and auditability of electronic records; and

12 (4) any other required attributes for electronic records which  
13 are specified for corresponding non-electronic records or reasonably  
14 necessary under the circumstances.

15 (c) Except as otherwise provided in § 11112(f) of this Division, this  
16 Division does not require a governmental agency of this State to use or  
17 permit the use of electronic records or electronic signatures.

18 **§ 91119. Interoperability.**

19 The governmental agency of this State which adopts standards  
20 pursuant to §11118 of this Division may encourage and promote consistency  
21 and interoperability with similar requirements adopted by other  
22 governmental agencies of this and other States and the federal government  
23 and nongovernmental persons interacting with governmental agencies  
24 of this State. If appropriate, those standards may specify differing levels of  
25 standards from which governmental agencies of this State may choose in  
26 implementing the most appropriate standard for a particular application.

27 **§ 91120. Severability Clause.**

1           If any provision of this Division or its application to any person or  
2           circumstance is held invalid, the invalidity does not affect other provisions  
3           or applications of this Division which can be given effect without the invalid  
4           provision or application, and to this end the provisions of this Division are  
5           severable.”  
6



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

**Bill No. 38-33 (COR)**

As Amended by the Committee on Finance & Taxation,  
General Government Operations, and Youth Development.

Introduced by:

Michael F.Q. San Nicolas

---

**AN ACT TO MODERNIZE THE BUSINESS  
ENVIRONMENT BY ADOPTING THE UNIFORM  
ELECTRONIC TRANSACTIONS ACT (UETA); BY  
ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE  
18, GUAM CODE ANNOTATED.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the Uniform Electronic Transactions Act (UETA), promulgated by the National Conference of Commissioners on Uniform State Laws, has been adopted by forty-seven states, the District of Columbia, Puerto Rico, and the Virgin Islands. UETA was developed by the National Conference of Commissioners on Uniform State Laws to provide a legal framework for the use of electronic signatures and records in government and business transactions. UETA makes electronic records and signatures as legal as paper and manually signed signatures.

*I Liheslatura* further finds that with the expanded use of information technology and, in particular, the internet, in conducting routine business, lacking such basic legal infrastructure hinders the development of technological services which would routinely use electronic signatures and add costs unnecessarily to local businesses which seek to comply with Guam's laws in running their business.

It is therefore the intent of *I Liheslaturan Guåhan* that the Uniform Electronic Transactions Act be enacted, providing a legal framework for the use of

1 electronic signatures and records in Guam by adding a new Chapter 91 to Division  
2 3, Title 18 of the Guam Code Annotated.

3 **Section 2. Uniform Electronic Transactions Act.** A *new* Chapter 91 is  
4 hereby *added* to Division 3, Title 18, Guam Code Annotated, to read:

5 **“CHAPTER 91**

6 **UNIFORM ELECTRONIC TRANSACTIONS ACT**

7  
8 § 91101. Short Title.

9 § 91102. Definitions.

10 § 91103. Scope.

11 § 91104. Prospective Application.

12 § 91105. Use of Electronic Records and Electronic Signatures; Variation by  
13 Agreement.

14 § 91106. Construction and Application.

15 § 91107. Legal Recognition of Electronic Records, Electronic Signatures, and  
16 Electronic Contracts.

17 § 91108. Provision of Information in Writing; Presentation of Records.

18 § 91109. Attribution and Effect of Electronic Record and Electronic  
19 Signature.

20 § 91110. Effect of Change or Error.

21 § 91111. Notarization and Acknowledgment.

22 § 91112. Retention of Electronic Records; originals.

23 § 91113. Admissibility in Evidence.

24 § 91114. Automated Transaction.

25 § 91115. Time and Place of Sending and Receipt.

26 § 91116. Transferable Records.

1       § 91117. Creation and Retention of Electronic Records and Conversion of  
2       Written Records by Governmental Agencies.

3       § 91118. Acceptance and Distribution of Electronic Records by  
4       Governmental Agencies.

5       § 91119. Interoperability.

6       § 91120. Severability Clause.

7  
8       **§ 91101. Short Title.**

9           This Chapter Division ~~shall~~ be cited as the ‘Uniform Electronic  
10       Transactions Act’.

11       **§ 91102. Definitions.**

12           In this Chapter Division:

13           (1) ‘Agreement’ means the bargain of the parties in fact, as found in  
14       their language or inferred from other circumstances and from rules,  
15       regulations, and procedures given the effect of agreements under laws  
16       otherwise applicable to a particular transaction.

17           (2) ‘Automated transaction’ means a transaction conducted or  
18       performed, in whole or in part, by electronic means or electronic records, in  
19       which the acts or records of one or both parties are not reviewed by an  
20       individual in the ordinary course in forming a contract, performing under an  
21       existing contract, or fulfilling an obligation required by the transaction.

22           (3) ‘Computer program’ means a set of statements or instructions to  
23       be used directly or indirectly in an information processing system in order to  
24       bring about a certain result.

25           (4) ‘Contract’ means the total legal obligation resulting from the  
26       parties’ agreement as affected by this Chapter Division and other applicable  
27       law.

1           (5) ‘Electronic’ means relating to technology having electrical, digital,  
2 magnetic, wireless, optical, electromagnetic, or similar capabilities.

3           (6) ‘Electronic agent’ means a computer program or an electronic or  
4 other automated means used independently to initiate an action or respond to  
5 electronic records or performances in whole or in part, without review or  
6 action by an individual.

7           (7) ‘Electronic record’ means a record created, generated, sent,  
8 communicated, received, or stored by electronic means.

9           (8) ‘Electronic signature’ means an electronic sound, symbol, or  
10 process attached to or logically associated with a record and executed or  
11 adopted by a person with the intent to sign the record.

12           (9) ‘Governmental agency’ means an executive, legislative, or judicial  
13 agency, department, board, commission, authority, institution, or  
14 instrumentality of the federal government or of a State or of a county,  
15 municipality, or other political subdivision of a State.

16           (10) ‘Information’ means data, text, images, sounds, codes, computer  
17 programs, software, databases, or the like.

18           (11) ‘Information processing system’ means an electronic system for  
19 creating, generating, sending, receiving, storing, displaying, or processing  
20 information.

21           (12) ‘Person’ means an individual, corporation, business trust, estate,  
22 trust, partnership, limited liability company, association, joint venture,  
23 governmental agency, public corporation, or any other legal or commercial  
24 entity.

25           (13) ‘Record’ means information that is inscribed on a tangible  
26 medium or that is stored in an electronic or other medium and is retrievable  
27 in perceivable form.

1           (14) ‘Security procedure’ means a procedure employed for the  
2 purpose of verifying that an electronic signature, record, or performance is  
3 that of a specific person or for detecting changes or errors in the information  
4 in an electronic record. The term includes a procedure that requires the use  
5 of algorithms or other codes, identifying words or numbers, encryption, or  
6 callback or other acknowledgment procedures.

7           (15) ‘State’ means a State of the United States, the District of  
8 Columbia, Puerto Rico, the United States Virgin Islands, Guam, the  
9 Northern Mariana Islands, American Samoa, or any territory or insular  
10 possession subject to the jurisdiction of the United States. The term includes  
11 an Indian tribe or band, or Alaskan native village, which is recognized by  
12 federal law or formally acknowledged by a State.

13           (16) ‘Transaction’ means an action or set of actions occurring between  
14 two or more persons relating to the conduct of business, commercial, or  
15 governmental affairs.

16 **§ 91103. Scope.**

17           (a) Except as otherwise provided in subsection (b), this Chapter  
18 ~~Division~~ applies to electronic records and electronic signatures relating to a  
19 transaction.

20           (b) This Chapter ~~Division~~ does not apply to a transaction to the extent  
21 it is governed by:

22                   (1) a law governing the creation and execution of wills,  
23                   codicils, or testamentary trusts;

24                   (2) Title 13 of the Guam Code Annotated [The Uniform  
25                   Commercial Code] other than Division 1 §1107 [Waiver or  
26                   renunciation of claim or right after breach], Division 1 §1210

1 [Presumptions Affect Burden of Producing Evidence], and Division 2  
2 [Sales].

3 (c) This Chapter Division applies to an electronic record or electronic  
4 signature otherwise excluded from the application of this Chapter Division  
5 under subsection (b) to the extent it is governed by a law other than those  
6 specified in subsection (b).

7 (d) A transaction subject to this Chapter Division is also subject to  
8 other applicable substantive law.

9 **§ 91104. Prospective Application.**

10 This Chapter Division applies to any electronic record or electronic  
11 signature created, generated, sent, communicated, received, or stored on or  
12 after the effective date of this Chapter Division.

13 **§ 91105. Use of Electronic Records and Electronic Signatures; Variation**  
14 **by Agreement.**

15 (a) This Chapter Division does not require a record or signature to be  
16 created, generated, sent, communicated, received, stored, or otherwise  
17 processed or used by electronic means or in electronic form.

18 (b) This Chapter Division applies only to transactions between parties  
19 each of which has agreed to conduct transactions by electronic means.  
20 Whether the parties agree to conduct a transaction by electronic means is  
21 determined from the context and surrounding circumstances, including the  
22 parties' conduct.

23 (c) A party that agrees to conduct a transaction by electronic means  
24 may refuse to conduct other transactions by electronic means. The right  
25 granted by this subsection may not be waived by agreement.

26 (d) Except as otherwise provided in this Chapter Division, the effect  
27 of any of its provisions may be varied by agreement. The presence in certain

1 provisions of this Chapter Division of the words ‘unless otherwise agreed’,  
2 or words of similar import, does not imply that the effect of other provisions  
3 may not be varied by agreement.

4 (e) Whether an electronic record or electronic signature has legal  
5 consequences is determined by this Chapter Division and other applicable  
6 law.

7 **§ 91106. Construction and Application.**

8 This Chapter Division must be construed and applied:

9 (1) to facilitate electronic transactions consistent with other applicable  
10 law;

11 (2) to be consistent with reasonable practices concerning electronic  
12 transactions and with the continued expansion of those practices; and

13 (3) to effectuate its general purpose to make uniform the law with  
14 respect to the subject of this Chapter Division among States enacting it.

15 **§ 91107. Legal Recognition of Electronic Records, Electronic**  
16 **Signatures, and Electronic Contracts.**

17 (a) A record or signature may not be denied legal effect or  
18 enforceability solely because it is in electronic form.

19 (b) A contract may not be denied legal effect or enforceability solely  
20 because an electronic record was used in its formation.

21 (c) If a law requires a record to be in writing, an electronic record  
22 satisfies the law.

23 (d) If a law requires a signature, an electronic signature satisfies the  
24 law.

25 **§ 91108. Provision of Information in Writing; Presentation of Records.**

26 (a) If parties have agreed to conduct a transaction by electronic means  
27 and a law requires a person to provide, send, or deliver information in

1 writing to another person, the requirement is satisfied if the information is  
2 provided, sent, or delivered, as the case may be, in an electronic record  
3 capable of retention by the recipient at the time of receipt. An electronic  
4 record is not capable of retention by the recipient if the sender or its  
5 information processing system inhibits the ability of the recipient to print or  
6 store the electronic record.

7 (b) If a law other than this Chapter ~~Division~~ requires a record (i) to be  
8 posted or displayed in a certain manner, (ii) to be sent, communicated, or  
9 transmitted by a specified method, or (iii) to contain information that is  
10 formatted in a certain manner, the following rules apply:

11 (1) The record must be posted or displayed in the manner  
12 specified in the other law.

13 (2) Except as otherwise provided in subsection (d)(2), the  
14 record must be sent, communicated, or transmitted by the method  
15 specified in the other law.

16 (3) The record must contain the information formatted in the  
17 manner specified in the other law.

18 (c) If a sender inhibits the ability of a recipient to store or print an  
19 electronic record, the electronic record is not enforceable against the  
20 recipient.

21 (d) The requirements of this section may not be varied by agreement,  
22 but:

23 (1) to the extent a law other than this Chapter ~~Division~~ requires  
24 information to be provided, sent, or delivered in writing but permits  
25 that requirement to be varied by agreement, the requirement under  
26 subsection (a) that the information be in the form of an electronic  
27 record capable of retention may also be varied by agreement; and



1 (2) a requirement under a law other than this Chapter Division  
2 to send, communicate, or transmit a record by first-class mail, postage  
3 prepaid or regular United States mail, may be varied by agreement to  
4 the extent permitted by the other law.

5 **§ 91109. Attribution and Effect of Electronic Record and Electronic**  
6 **Signature.**

7 (a) An electronic record or electronic signature is attributable to a  
8 person if it was the act of the person. The act of the person may be shown in  
9 any manner, including a showing of the efficacy of any security procedure  
10 applied to determine the person to which the electronic record or electronic  
11 signature was attributable.

12 (b) The effect of an electronic record or electronic signature attributed  
13 to a person under subsection (a) is determined from the context and  
14 surrounding circumstances at the time of its creation, execution, or adoption,  
15 including the parties' agreement, if any, and otherwise as provided by law.

16 **§ 91110. Effect of Change or Error.**

17 If a change or error in an electronic record occurs in a transmission  
18 between parties to a transaction, the following rules apply:

19 (1) If the parties have agreed to use a security procedure to detect  
20 changes or errors and one party has conformed to the procedure, but the  
21 other party has not, and the nonconforming party would have detected the  
22 change or error had that party also conformed, the conforming party may  
23 avoid the effect of the changed or erroneous electronic record.

24 (2) In an automated transaction involving an individual, the individual  
25 may avoid the effect of an electronic record that resulted from an error made  
26 by the individual in dealing with the electronic agent of another person if the  
27 electronic agent did not provide an opportunity for the prevention or

1 correction of the error and, at the time the individual learns of the error, the  
2 individual:

3 (A) promptly notifies the other person of the error and that the  
4 individual did not intend to be bound by the electronic record received  
5 by the other person;

6 (B) takes reasonable steps, including steps that conform to the  
7 other person's reasonable instructions, to return to the other person or,  
8 if instructed by the other person, to destroy the consideration received,  
9 if any, as a result of the erroneous electronic record; and

10 (C) has not used or received any benefit or value from the  
11 consideration, if any, received from the other person.

12 (3) If neither subsection (1) nor subsection (2) applies, the change or  
13 error has the effect provided by other law, including the law of mistake, and  
14 the parties' contract, if any.

15 (4) Subsections (2) and (3) may not be varied by agreement.

16 **§ 91111. Notarization and Acknowledgment.**

17 If a law requires a signature or record to be notarized, acknowledged,  
18 verified, or made under oath, the requirement is satisfied if the electronic  
19 signature of the person authorized to perform those acts, together with all  
20 other information required to be included by other applicable law, is  
21 attached to or logically associated with the signature or record.

22 **§ 91112. Retention of Electronic Records; Originals.**

23 (a) If a law requires that a record be retained, the requirement is  
24 satisfied by retaining an electronic record of the information in the record  
25 which:

1 (1) accurately reflects the information set forth in the record  
2 after it was first generated in its final form as an electronic record or  
3 otherwise; and

4 (2) remains accessible for later reference.

5 (b) A requirement to retain a record in accordance with subsection (a)  
6 does not apply to any information the sole purpose of which is to enable the  
7 record to be sent, communicated, or received.

8 (c) A person may satisfy subsection (a) by using the services of  
9 another person if the requirements of that subsection are satisfied.

10 (d) If a law requires a record to be presented or retained in its original  
11 form, or provides consequences if the record is not presented or retained in  
12 its original form, that law is satisfied by an electronic record retained in  
13 accordance with subsection (a).

14 (e) If a law requires retention of a check, that requirement is satisfied  
15 by retention of an electronic record of the information on the front and back  
16 of the check in accordance with subsection (a).

17 (f) A record retained as an electronic record in accordance with  
18 subsection (a) satisfies a law requiring a person to retain a record for  
19 evidentiary, audit, or like purposes, unless a law enacted after the effective  
20 date of this Chapter Division specifically prohibits the use of an electronic  
21 record for the specified purpose.

22 (g) This section does not preclude a governmental agency of this State  
23 from specifying additional requirements for the retention of a record subject  
24 to the agency's jurisdiction.

25 **§ 91113. Admissibility in Evidence.**

26 In a proceeding, evidence of a record or signature may not be  
27 excluded solely because it is in electronic form.

1       **§ 91114. Automated Transaction.**

2               In an automated transaction, the following rules apply:

3               (1) A contract may be formed by the interaction of electronic agents  
4 of the parties, even if no individual was aware of or reviewed the electronic  
5 agents' actions or the resulting terms and agreements.

6               (2) A contract may be formed by the interaction of an electronic agent  
7 and an individual, acting on the individual's own behalf or for another  
8 person, including by an interaction in which the individual performs actions  
9 that the individual is free to refuse to perform and which the individual  
10 knows or has reason to know will cause the electronic agent to complete the  
11 transaction or performance.

12              (3) The terms of the contract are determined by the substantive law  
13 applicable to it.

14       **§ 91115. Time and Place of Sending and Receipt.**

15              (a) Unless otherwise agreed between the sender and the recipient, an  
16 electronic record is sent when it:

17              (1) is addressed properly or otherwise directed properly to an  
18 information processing system that the recipient has designated or  
19 uses for the purpose of receiving electronic records or information of  
20 the type sent and from which the recipient is able to retrieve the  
21 electronic record;

22              (2) is in a form capable of being processed by that system; and

23              (3) enters an information processing system outside the control  
24 of the sender or of a person that sent the electronic record on behalf of  
25 the sender or enters a region of the information processing system  
26 designated or used by the recipient which is under the control of the  
27 recipient.

1 (b) Unless otherwise agreed between a sender and the recipient, an  
2 electronic record is received when:

3 (1) it enters an information processing system that the recipient  
4 has designated or uses for the purpose of receiving electronic records  
5 or information of the type sent and from which the recipient is able to  
6 retrieve the electronic record; and

7 (2) it is in a form capable of being processed by that system.

8 (c) Subsection (b) applies even if the place the information processing  
9 system is located is different from the place the electronic record is deemed  
10 to be received under subsection (d).

11 (d) Unless otherwise expressly provided in the electronic record or  
12 agreed between the sender and the recipient, an electronic record is deemed  
13 to be sent from the sender's place of business and to be received at the  
14 recipient's place of business. For purposes of this subsection, the following  
15 rules apply:

16 (1) If the sender or recipient has more than one place of  
17 business, the place of business of that person is the place having the  
18 closest relationship to the underlying transaction.

19 (2) If the sender or the recipient does not have a place of  
20 business, the place of business is the sender's or recipient's residence,  
21 as the case may be.

22 (e) An electronic record is received under subsection (b) even if no  
23 individual is aware of its receipt.

24 (f) Receipt of an electronic acknowledgment from an information  
25 processing system described in subsection (b) establishes that a record was  
26 received but, by itself, does not establish that the content sent corresponds to  
27 the content received.

1 (g) If a person is aware that an electronic record purportedly sent  
2 under subsection (a), or purportedly received under subsection (b), was not  
3 actually sent or received, the legal effect of the sending or receipt is  
4 determined by other applicable law. Except to the extent permitted by the  
5 other law, the requirements of this subsection may not be varied by  
6 agreement.

7 **§ 91116. Transferable Records.**

8 (a) In this section, ‘transferable record’ means an electronic record  
9 that:

10 (1) would be a note under Division 3 [Commercial Paper] of the  
11 Uniform Commercial Code or a document under Division 7  
12 [Warehouse Receipts, Bills of Lading and Other Documents of Title]  
13 of the Uniform Commercial Code if the electronic record were in  
14 writing; and

15 (2) the issuer of the electronic record expressly has agreed is a  
16 transferable record.

17 (b) A person has control of a transferable record if a system employed  
18 for evidencing the transfer of interests in the transferable record reliably  
19 establishes that person as the person to which the transferable record was  
20 issued or transferred.

21 (c) A system satisfies subsection (b), and a person is deemed to have  
22 control of a transferable record, if the transferable record is created, stored,  
23 and assigned in such a manner that:

24 (1) a single authoritative copy of the transferable record exists  
25 which is unique, identifiable, and, except as otherwise provided in  
26 subsections (4), (5), and (6), unalterable;

1                   (2) the authoritative copy identifies the person asserting control  
2           as:

3                   (A) the person to which the transferable record was  
4           issued; or

5                   (B) if the authoritative copy indicates that the  
6           transferable record has been transferred, the person to which the  
7           transferable record was most recently transferred;

8                   (3) the authoritative copy is communicated to and maintained  
9           by the person asserting control or its designated custodian;

10                  (4) copies or revisions that add or change an identified assignee  
11           of the authoritative copy can be made only with the consent of the  
12           person asserting control;

13                  (5) each copy of the authoritative copy and any copy of a copy  
14           is readily identifiable as a copy that is not the authoritative copy; and

15                  (6) any revision of the authoritative copy is readily identifiable  
16           as authorized or unauthorized.

17           (d) Except as otherwise agreed, a person having control of a  
18           transferable record is the holder, as defined in Division 1 §1201(20) of the  
19           Uniform Commercial Code, of the transferable record and has the same  
20           rights and defenses as a holder of an equivalent record or writing under the  
21           Uniform Commercial Code, including, if the applicable statutory  
22           requirements under §§ 3302, 7501, or 9303 of the Uniform Commercial  
23           Code are satisfied, the rights and defenses of a holder in due course, a holder  
24           to which a negotiable document of title has been duly negotiated, or a  
25           purchaser, respectively. Delivery, possession, and endorsement are not  
26           required to obtain or exercise any of the rights under this subsection.

1 (e) Except as otherwise agreed, an obligor under a transferable record  
2 has the same rights and defenses as an equivalent obligor under equivalent  
3 records or writings under the Uniform Commercial Code.

4 (f) If requested by a person against which enforcement is sought, the  
5 person seeking to enforce the transferable record shall provide reasonable  
6 proof that the person is in control of the transferable record. Proof may  
7 include access to the authoritative copy of the transferable record and related  
8 business records sufficient to review the terms of the transferable record and  
9 to establish the identity of the person having control of the transferable  
10 record.

11 **§ 91117. Creation and Retention of Electronic Records and Conversion**  
12 **of Written Records by Governmental Agencies.**

13 Each governmental agency of this State shall determine whether, and  
14 the extent to which, it will create and retain electronic records and convert  
15 written records to electronic records.

16 **§ 91118. Acceptance and Distribution of Electronic Records by**  
17 **Governmental Agencies.**

18 (a) Except as otherwise provided in §91112(f) ~~§11112(f)~~ of this  
19 Chapter Division, each governmental agency of this State shall determine  
20 whether, and the extent to which, it will send and accept electronic records  
21 and electronic signatures to and from other persons and otherwise create,  
22 generate, communicate, store, process, use, and rely upon electronic records  
23 and electronic signatures.

24 (b) To the extent that a governmental agency uses electronic records  
25 and electronic signatures under subsection (a), the governmental agency,  
26 giving due consideration to security, may specify:



1 (1) the manner and format in which the electronic records must  
2 be created, generated, sent, communicated, received, and stored and  
3 the systems established for those purposes;

4 (2) if electronic records must be signed by electronic means,  
5 the type of electronic signature required, the manner and format in  
6 which the electronic signature must be affixed to the electronic record,  
7 and the identity of, or criteria that must be met by, any third party  
8 used by a person filing a document to facilitate the process;

9 (3) control processes and procedures as appropriate to ensure  
10 adequate preservation, disposition, integrity, security, confidentiality,  
11 and auditability of electronic records; and

12 (4) any other required attributes for electronic records which  
13 are specified for corresponding non-electronic records or reasonably  
14 necessary under the circumstances.

15 (c) Except as otherwise provided in §91112(f) ~~§11112(f)~~ of this  
16 ~~Chapter Division~~, this ~~Chapter Division~~ does not require a governmental  
17 agency of this State to use or permit the use of electronic records or  
18 electronic signatures.

19 **§ 91119. Interoperability.**

20 The governmental agency of this State which adopts standards  
21 pursuant to §91118 ~~§11118~~ of this ~~Chapter Division~~ may encourage and  
22 promote consistency and interoperability with similar requirements adopted  
23 by other governmental agencies of this and other States and the federal  
24 government and nongovernmental persons interacting with governmental  
25 agencies

1 of this State. If appropriate, those standards may specify differing levels of  
2 standards from which governmental agencies of this State may choose in  
3 implementing the most appropriate standard for a particular application.


4 **§ 91120. Severability Clause.**

5 If any provision of this Chapter ~~Division~~ or its application to any  
6 person or circumstance is held invalid, the invalidity does not affect other  
7 provisions or applications of this Chapter ~~Division~~ which can be given effect  
8 without the invalid provision or application, and to this end the provisions of  
9 this Chapter ~~Division~~ are severable.”



*I Mina'Trentai Tres na Liheslaturan Guåhan*  
**SENATOR MICHAEL F.Q. SAN NICOLAS**

Committee on Finance & Taxation,  
General Government Operations, and Youth Development

March 12, 2015  


**Bill No. 38-33 (LS), introduced by M.F.Q. San Nicolas:** AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.

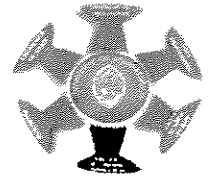
NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
	NONE					



**Eddie Baza Calvo**  
*Governor*  
**Ray Tenorio**  
*Lieutenant Governor*

**Department of Administration**  
**(DIPATTAMENTON ATEMENSTRASION)**  
**OFFICE OF TECHNOLOGY**

Post Office Box 884 Hagatña, Guam 96932  
Tel: (671) 475-1113/1229 - Fax: (671) 472-9508



**Anthony C. Blaz**  
*Director*  
**Alfred Duenas**  
*Deputy Director*

March 10, 2015

Honorable Benjamin J.F. Cruz, Vice Speaker  
Chairman, Committee on Appropriations and Adjudication  
33<sup>rd</sup> Guam Legislature  
155 Hesler St.  
Hagatna, Guam 96910

RE: Bill 38-33 "Uniform Electronic Transaction Act"

Hafa Adai Vice Speaker,

There is a Uniform Electronic Transactions Act (UETA) which was developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) to provide a legal framework for the use of electronic signatures and records in government or business transactions. The UETA makes electronic records and signatures as legal as paper and manually signed signatures.

Forty-seven states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have adopted the UETA promulgated by the NCCUSL. The states of New York, Illinois, and Washington have not adopted the UETA but they have enacted their own statutes pertaining to electronic transactions.

Bill 38-33 intends to establish Guam's UETA and appears to fall in line with the national UETA. There appears to be flexibility in the language of Bill 38 which allows a government of Guam agency to determine whether, and the extent to which it will conduct electronic transactions as per the UETA to send, receive, and process electronic records and electronic signatures.

The proposed Guam UETA will help bring the government of Guam, and possibly the island community as a whole to the next level of electronic commerce.

The type of technology (hardware, software, etc.) that a government of Guam agency will need to conduct electronic transactions will be determined by the requirements and parameters in which the agency desires to conduct electronic business. There is no "one-size-fits-all" formula for this. Furthermore, the cost of the various types of technology needed for electronic transactions will certainly influence an agency's decision on the extent to which they desire to conduct electronic transactions.

Please note that the bill makes the following references:

1. § 91118(a) "Except as otherwise provided in §11112(f) of this Division..."
2. § 91118(c) "Except as otherwise provided in §11112(f) of this Division..."
3. § 91119 "Except as otherwise provided in §11118 of this Division..."

However, subsections 11112 and 11118 do not exist within Division 3, Title 18.

The Office of Technology supports the spirit and intent of Bill 38-33. Thank you for the opportunity to provide testimony on this bill.

Si Yu'os Ma'ase,



Joseph C. Manibusan (Joey)  
Data Processing Manager  
Office of Technology



## 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: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator

Rory J. Respicio

CHAIRPERSON

MAJORITY LEADER

Senator

Thomas C. Ada

VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

Speaker

Judith T.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 Aguon, Jr.

Member

Senator

Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

## Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 38-33 (LS) – Michael F.Q. San Nicolas, "AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY ADDING A NEWCHAPTER 91 TO DIVISION3,TITLE 18, GUAM CODE ANNOTATED."**– on February 25, 2015. COR hereby certifies that BBMR confirmed receipt of this request February 25, 2015 at 1:52 p.m.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 38-33 (LS) to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**

*Chairperson, Committee on Rules*

March 17, 2015

**Date**



## 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: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.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 Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

February 25, 2015

### VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Acting Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

### RE: Request for Fiscal Notes– Bill Nos. 38-33(LS) through 41-33(COR)

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

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

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
38-33 (LS)	Michael F.Q. San Nicolas	AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.
39-33 (LS)	Tommy A. Morrison T. R. Mufia Barnes	AN ACT TO ADD A NEW ARTICLE 4, §§ 9401-9404, TO CHAPTER 9, DIVISION 1, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING THE GUAM PRODUCT ABROAD THROUGH THE ESTABLISHMENT OF A CULTURAL AND SPORTS AMBASSADORSHIP PROGRAM FUND.
40-33 (COR)	FRANK B. AGUON, JR.	AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7 GCA, §5103(d) OF CHAPTER 5, TITLE 17 GCA, AND § 6403 OF ARTICLE 4, CHAPTER 6, TITLE 17 GCA, AND BY ADDING A NEW §55102(h) OF CHAPTER 55, TITLE 10 GCA, RELATIVE TO PROPERLY CLASSIFY LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING “ATTENDANCE OFFICERS” AS “TRUANCY OFFICERS” TO REFLECT PRACTICE THROUGHOUT THE UNITED STATES AND CLASSIFY SUCH OFFICERS AS LAW ENFORCEMENT UNDER THE PROVISIONS OF PUBLIC LAW 29-105; AND TO PROVIDE UNIFORMS AND EQUIPMENT TO TRUANCY OFFICERS.
41-33 (COR)	B. J.F. Cruz	AN ACT TO REPEAL AND REENACT CHAPTER 35 OF DIVISION 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADOPTING REVISIONS TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.





## 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: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.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 Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

February 19, 2015

### MEMORANDUM

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

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

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

**Subject:** **Referral of Bill No. 38-33(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 38-33(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai 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
38-33 (LS)	Michael F.Q. San Nicolas	AN ACT TOMODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA);BY ADDING A NEWCHAPTER 91 TO DIVISION3,TITLE 18, GUAM CODE ANNOTATED.	02/19/15 2:15 p.m.	02/19/15	Committee on Finance & Taxation, General Government Operations and Youth Development			



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

## First Public Notice - March 12, 2015 Legislative Hearings

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Thu, Mar 5, 2015 at 1:53 PM

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

Bcc: mvariety <mvariety@opticom.com>, Sabrina Salas Matanane <hottips@kuam.com>, Sorensen <news@spbgum.com>, aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgum.com, Clynt Ridgell <clynt@spbgum.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, phnotice@guamlegislature.org, jalerta1 <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rolyforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Tom Ada <office@senatorada.org>, Senator Tony Ada <tony@tonyada.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayoremestc@yahoo.com, mtm\_mayors\_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacma@gmail.com>, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, Chuck Ada <chuck.ada@guamairport.net>, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridr@yahoo.com, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, Eric Palacios <eric.palacios@epa.guam.gov>, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, david.camacho@dml.guam.gov, Michael Duenas <mjduenas@ghura.org>, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, Leo Casil <leo.casil@dphss.guam.gov>, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, "John P. Camacho" <john.camacho@revtax.guam.gov>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, Mary Okada <mary.okada@guamcc.edu>, raundenwood@uguam.uog.edu, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, Julian Janssen <julian.c.janssen@gmail.com>, Gerry Partido <gerrypartido@gmail.com>, eddiecalvo@yahoo.com, Ray Tenorio <ray.tenorio@guam.gov>, mstaijeron <mstaijeron@investguam.com>, tsantos <tsantos@investguam.com>, frank <frank@mvguam.com>, T'Nelta Mori <tmori2222@gmail.com>, Joshua Tenorio <jtenorio@guamcourts.org>, Valerie Cruz <vcruz@guamcourts.org>, josh.tyquiengco@visitguam.org, Barrigada MayorsOffice <bmoadmin@teleguam.net>, Cheryl Chargualaf <cherylchargualaf1993@gmail.com>, Rikki Orsini <orsini.rikki@gmail.com>, ambrosio.constantino@ghs.guam.gov, Diana Sojo <yigomayorsoffice@gmail.com>, editor@saipantribune.com, jpsablan@guampdn.com, "Sablan, Jerick P" <jpsablan@guam.gannett.com>, isa <isa@kuam.com>, "Raymundo, Shawn" <sraymundo@guam.gannett.com>, Senator Mary Camacho Torres <marycamachotorres@gmail.com>, Senator Jim Espaldon <jespaldonesq@gmail.com>, "Senator Frank Blas, Jr." <frank.blasjr@gmail.com>, Senator Nerissa Bretania Underwood <senatorunderwood@guamlegislature.org>, Vejoh

Torres <vejohntorres@gmail.com>, Oyaol Ngirairiki <oya@guam.gov>, Julius Santos <julius.santos@guam.gov>, franklin.arriola@guam.gov, sixtoquintanilla <sixtoquintanilla@gmail.com>

## FIRST PUBLIC NOTICE

### FOR IMMEDIATE RELEASE

**March 5, 2015**

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that Senator Michael F.Q. San Nicolas, Chairman of the Committee on Finance & Taxation, General Government Operations, and Youth Development, will be convening legislative hearings on **Thursday, March 12, 2015**, in *I Liheslaturan Guåhan's* Public Hearing Room at the following times and on the following items:

#### 10:00 a.m.

**Bill No. 3-33 (LS), introduced by T.A. Morrison, R.J. Respicio, and B.T. McCreddie, as corrected by the Primary Sponsor:** AN ACT TO AMEND §5204(D) OF ARTICLE 2 OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.

**Bill No. 9-33 (COR), introduced by D.G. Rodriguez, Jr.:** AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY *AMENDING* CHAPTER 2- ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.

**Bill No. 31-33 (COR), introduced by B.J.F. Cruz:** AN ACT TO AMEND § 26120 OF CHAPTER 26 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE INSPECTION OF TAX RETURNS AND OTHER INFORMATION REQUIRED TO BE FILED OR FURNISHED BY THE TAXPAYER.

**Bill No. 38-33 (LS), introduced by M.F.Q. San Nicolas:** AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.

#### 2:00 p.m.

**Bill No. 7-33 (COR) , introduced by D.G. Rodriguez, Jr.:** AN ACT TO PROVIDE FOR A HAZARDOUS PAY DIFFERENTIAL FOR EMPLOYEES OF THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER IN UNSAFE OR DANGEROUS HAZARDOUS DUTY WORKING CONDITIONS, BY ADDING A NEW §86112 TO CHAPTER 86, TITLE 10, GUAM CODE ANNOTATED.

**Bill No. 11-33 (COR), introduced by D.G. Rodriguez, Jr.:** AN ACT TO PROVIDE FOR HEALTHCARE PROFESSIONAL PAY PLAN CATEGORY IN THE GOVERNMENT OF GUAM COMPETITIVE WAGE ACT OF 2014, AND REINSTATE THE PRIOR PAY PLAN RATE FOR THESE POSITIONS, AND MANDATE A REASSESSMENT OF HEALTHCARE PROFESSIONALS SALARY RANGES SO AS TO BE COMPETITIVE BASED UPON NATIONAL STANDARDS.

**Bill No. 27-33 (COR), introduced by F.B. Aguon, Jr.:** AN ACT RELATIVE TO RECOGNIZING THAT PUBLIC EMPLOYEES WITH SUPERIOR RATINGS IN FISCAL YEAR 2002 WERE NOT COMPENSATED FOR MERITORIOUS PERFORMANCE IN ACCORDANCE WITH PROVISIONS CONTAINED IN §6203, TITLE 4, GUAM CODE ANNOTATED; AUTHORIZING THE APPLICATION OF THE MERIT BONUS PROGRAM FOR FISCAL YEAR 2002; AND PROVIDING FOR SUCH PAYMENTS.

**Bill No. 46-33 (COR), introduced by D.G. Rodriguez, Jr.:** AN ACT TO ADD A NEW § 6235 TO ARTICLE 2 OF CHAPTER 6, 4 GCA, RELATIVE TO PROVIDING A PAY INCENTIVE TO GOVERNMENT OF GUAM LINE AGENCY'S, THE OFFICE OF THE PUBLIC ACCOUNTABILITY, AND THE GUAM DEPARTMENT OF EDUCATION EMPLOYEES WHO HAVE OBTAINED CERTIFIED PUBLIC ACCOUNTANT, CERTIFIED GOVERNMENT FINANCIAL MANAGEMENT, CERTIFIED FRAUD EXAMINER, AND CERTIFIED INTERNAL AUDITOR CERTIFICATIONS PURSUANT TO RECOGNIZED NATIONAL STANDARDS TO PRESERVE THE GOVERNMENT OF GUAM'S ABILITY TO RECRUIT AND RETAIN SUCH PROFESSIONALS.

**Nomination of ANTHONY C. BLAZ**

**Position:** Director, Department of Administration

**Nomination of BEN ANTHONY B. REYES**

**Position:** Member, Cockpit License Board

**Nomination of KATHRINE B. KAKIGI**

**Position:** Classified Government of Guam Employee Member, Banking and Insurance Board

If written testimonies are to be presented for the items listed above, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office at the DNA Building, Suite 407, 238 Archbishop Flores Street, Hagatna, Guam; at the mail room at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com). In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com).

###

---









**11 attachments**




**Bill No. 3-33 (LS) TAM corrected.pdf**

12K

**Bill No. 7-33 (COR) - DGR.pdf**

 60K **Bill No. 9-33 (COR) - DGR.pdf**  
433K **Bill No. 11-33 (COR) - DGR.pdf**  
73K **Bill No. 27-33 (COR) - FBA.pdf**  
70K **Bill No. 31-33 (COR) - BJFC.pdf**  
36K **Bill No. 38-33 (LS) - MFQSN.pdf**  
439K **Bill No. 46-33 (COR) - DGR.pdf**  
158K **Anthony Blaz - DOA Dir.pdf**  
299K **Ben Reyes - Cockpit License Board.pdf**  
294K **Kathrine B. Kakigi - Banking and Insurance Board.pdf**  
1053K

 Gmail

**Senator Michael San Nicolas** <senatorsannicolas@gmail.com>

## Second Public Notice - March 12, 2015 Legislative Hearings

**Senator Michael San Nicolas** <senatorsannicolas@gmail.com>

Mon, Mar 9, 2015 at 3:32 PM

To: Senator Michael San Nicolas &lt;senatorsannicolas@gmail.com&gt;

Bcc: mvariety <mvariety@pticom.com>, Sabrina Salas Matanane <hottips@kuam.com>, Sorensen <news@spbgum.com>, aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <lfe@guampdn.com>, mabuhaynews@yahoo.com, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstrides.osd.mil, Pacific Daily News <news@guampdn.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgum.com, Clynt Ridgell <clynt@spbgum.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, phnotice@guamlegislature.org, jalerta1 <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <roryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Tom Ada <office@senatorada.org>, Senator Tony Ada <tony@tonyada.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm\_mayors\_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, kones.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, Chuck Ada <chuck.ada@guamairport.net>, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, Eric Palacios <eric.palacios@epa.guam.gov>, ndenight@visitguam.org, jbrown@portguam.com, david.camacho@dln.guam.gov, Michael Duenas <mjduenas@ghura.org>, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, Leo Casil <leo.casil@dphss.guam.gov>, joseph.verga@gmha.org, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, "John P. Camacho" <john.camacho@revtax.guam.gov>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, Mary Okada <mary.okada@guamcc.edu>, raunderwood@ugum.uog.edu, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, Julian Janssen <julian.c.janssen@gmail.com>, Gerry Partido <gerrypartido@gmail.com>, eddiecalvo@yahoo.com, Ray Tenorio <ray.tenorio@guam.gov>, mstaijeron <mstaijeron@investguam.com>, tsantos <tsantos@investguam.com>, frank <frank@mvguam.com>, T'Nelta Mori <tmori2222@gmail.com>, Joshua Tenorio <jtenorio@guamcourts.org>, Valerie Cruz <vcruz@guamcourts.org>, josh.tyquiengco@visitguam.org, Barrigada MayorsOffice <broadadmin@teleguam.net>, Cheryl Chargualaf <cherylchargualaf1993@gmail.com>, Rikki Orsini <orsini.rikki@gmail.com>, ambrosio.constantino@ghs.guam.gov, Diana Sojo <yigomayorsoffice@gmail.com>, editor@saipantribune.com, jpsablan@guampdn.com, "Sablan, Jerick P" <jpsablan@guam.gannett.com>, isa <isa@kuam.com>, "Raymundo, Shawn"

<sraymundo@guam.gannett.com>, Senator Mary Camacho Torres <marycamachotorres@gmail.com>, Senator Jim Espaldon <jespaldonesq@gmail.com>, "Senator Frank Blas, Jr." <frank.blasjr@gmail.com>, Senator Nerissa Bretania Underwood <senatorunderwood@guamlegislature.org>, Vejohm Torres <vejohntorres@gmail.com>, Oyaol Ngirairiki <oya@guam.gov>, Julius Santos <julius.santos@guam.gov>, franklin.arriola@guam.gov, sixtoquintanilla <sixtoquintanilla@gmail.com>, Anthony Blaz <tblaz58@gmail.com>, Ben Reyes <benr@paylessmarkets.com>, kathrine.kakigi@doa.guam.gov

## SECOND PUBLIC NOTICE

### FOR IMMEDIATE RELEASE

**March 9, 2015**

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that Senator Michael F.Q. San Nicolas, Chairman of the Committee on Finance & Taxation, General Government Operations, and Youth Development, will be convening legislative hearings on **Thursday, March 12, 2015**, in *I Liheslaturan Guåhan's* Public Hearing Room at the following times and on the following items:

#### 10:00 a.m.

**Bill No. 3-33 (LS), introduced by T.A. Morrison, R.J. Respicio, and B.T. McCreddie, as corrected by the Primary Sponsor:** AN ACT TO AMEND §5204(D) OF ARTICLE 2 OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.

**Bill No. 9-33 (COR), introduced by D.G. Rodriguez, Jr.:** AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY *AMENDING* CHAPTER 2- ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.

**Bill No. 31-33 (COR), introduced by B.J.F. Cruz:** AN ACT TO AMEND § 26120 OF CHAPTER 26 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE INSPECTION OF TAX RETURNS AND OTHER INFORMATION REQUIRED TO BE FILED OF FURNISHED BY THE TAXPAYER.

**Bill No. 38-33 (LS), introduced by M.F.Q. San Nicolas:** AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.

#### 2:00 p.m.

**Bill No. 7-33 (COR) , introduced by D.G. Rodriguez, Jr.:** AN ACT TO PROVIDE FOR A HAZARDOUS PAY DIFFERENTIAL FOR EMPLOYEES OF THE GUAM BEHAVIORAL



HEALTH AND WELLNESS CENTER IN UNSAFE OR DANGEROUS HAZARDOUS DUTY WORKING CONDITIONS, BY ADDING A NEW §86112 TO CHAPTER 86, TITLE 10, GUAM CODE ANNOTATED.

**Bill No. 11-33 (COR), introduced by D.G. Rodriguez, Jr.:** AN ACT TO PROVIDE FOR HEALTHCARE PROFESSIONAL PAY PLAN CATEGORY IN THE GOVERNMENT OF GUAM COMPETITIVE WAGE ACT OF 2014, AND REINSTATE THE PRIOR PAY PLAN RATE FOR THESE POSITIONS, AND MANDATE A REASSESSMENT OF HEALTHCARE PROFESSIONALS SALARY RANGES SO AS TO BE COMPETITIVE BASED UPON NATIONAL STANDARDS.

**Bill No. 27-33 (COR), introduced by F.B. Aguon, Jr.:** AN ACT RELATIVE TO RECOGNIZING THAT PUBLIC EMPLOYEES WITH SUPERIOR RATINGS IN FISCAL YEAR 2002 WERE NOT COMPENSATED FOR MERITORIOUS PERFORMANCE IN ACCORDANCE WITH PROVISIONS CONTAINED IN §6203, TITLE 4, GUAM CODE ANNOTATED; AUTHORIZING THE APPLICATION OF THE MERIT BONUS PROGRAM FOR FISCAL YEAR 2002; AND PROVIDING FOR SUCH PAYMENTS.

**Bill No. 46-33 (COR), introduced by D.G. Rodriguez, Jr.:** AN ACT TO ADD A NEW § 6235 TO ARTICLE 2 OF CHAPTER 6, 4 GCA, RELATIVE TO PROVIDING A PAY INCENTIVE TO GOVERNMENT OF GUAM LINE AGENCY'S, THE OFFICE OF THE PUBLIC ACCOUNTABILITY, AND THE GUAM DEPARTMENT OF EDUCATION EMPLOYEES WHO HAVE OBTAINED CERTIFIED PUBLIC ACCOUNTANT, CERTIFIED GOVERNMENT FINANCIAL MANAGEMENT, CERTIFIED FRAUD EXAMINER, AND CERTIFIED INTERNAL AUDITOR CERTIFICATIONS PURSUANT TO RECOGNIZED NATIONAL STANDARDS TO PRESERVE THE GOVERNMENT OF GUAM'S ABILITY TO RECRUIT AND RETAIN SUCH PROFESSIONALS.

**Nomination of ANTHONY C. BLAZ**

**Position:** Director, Department of Administration

**Nomination of BEN ANTHONY B. REYES**

**Position:** Member, Cockpit License Board

**Nomination of KATHRINE B. KAKIGI**












**Position:** Classified Government of Guam Employee Member, Banking and Insurance Board

If written testimonies are to be presented for the items listed above, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office at the DNA Building, Suite 407, 238 Archbishop Flores Street, Hagatna, Guam; at the mail room at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com). In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com).

###

---

**11 attachments**

-  **Bill No. 3-33 (LS) TAM corrected.pdf**  
12K
-  **Bill No. 7-33 (COR) - DGR.pdf**  
60K
-  **Bill No. 9-33 (COR) - DGR.pdf**  
433K
-  **Bill No. 11-33 (COR) - DGR.pdf**  
73K
-  **Bill No. 27-33 (COR) - FBA.pdf**  
70K
-  **Bill No. 31-33 (COR) - BJFC.pdf**  
36K
-  **Bill No. 38-33 (LS) - MFQSN.pdf**  
439K
-  **Bill No. 46-33 (COR) - DGR.pdf**  
158K
-  **Anthony Blaz - DOA Dir.pdf**  
299K
-  **Ben Reyes - Cockpit License Board.pdf**  
294K
-  **Kathrine B. Kakigi - Banking and Insurance Board.pdf**  
1053K

aalladi@guampdn.com
action@weareguahan.com
admin2@guamrealtors.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@weareguahan.com
aguon4guam@gmail.com
agusto.aflague@gmail.com
ahernandez@guamlegislature.org
ajuan@kijifm104.com
alerta.jermaine@gmail.com
aline4families@gmail.com
am800guam@gmail.com
amandalee.shelton@mail.house.gov
amcborja@gmail.com
amier@mvguam.com
ang.duenas@gmail.com
ataligba@gmail.com
av@guamlegislature.org
avon.guam@gmail.com
baza.matthew@gmail.com
bbautista@spbgum.com
bdydasco@senatorada.org
bella@judiwonpat.com
bernice@tinamunabarnes.com
berthaduenas@guamlegislature.org
betsy@spbgum.com
bmkelman@guampdn.com
brantforguam@gmail.com
breanna.lai@mail.house.gov
bruce.lloyd.media@gmail.com
bshringi@moylans.net
carlaborja.73@yahoo.com
carlsanchez@judiwonpat.com
carlsonc@pstripes.osd.mil
ccastro@guamchamber.com.gu
ccharfauros@guamag.org
ccolbert@guamlegislature.org
ccruz.duenas@gmail.com
charlesoncedera@gmail.com
chechsantos@gmail.com
cheerfulcatunao@yahoo.com
christine.quinata@takecareasia.com
cipo@guamlegislature.org
clerks@guamlegislature.org
clynt@spbgum.com
committee@frankaguonjr.com
communications@guam.gov
cor@guamlegislature.org
coy@senatorada.org
cyrus@senatorada.org
danireyes@senatorbjcruz.com
darryl@tinamunabarnes.com

dcrisost@guam.gannett.com
delisleduenas@judiwonpat.com
desori623@hotmail.com
divider_j_jimenez@hotmail.com
dledy@guamchamber.com.gu
dmgeorge@guampdn.com
dtamondong@guampdn.com
duenasenator@gmail.com
ed@tonyada.com
edelynn1130@hotmail.com
editor@mvguam.com
editor@saipantribune.com
edpocague@judiwonpat.com
eflores@senatorbjcruz.com
egg3759@yahoo.com
emqcho@gmail.com
eo@guamrealtors.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
ewinstoni@yahoo.com
fbtorres@judiwonpat.com
fes22744@gmail.com
flores@senatorada.org
frank.blasjr@gmail.com
frank@judiwonpat.com
frank@mvguam.com
gdumat-ol@guampdn.com
gerry@mvguam.com
gerrypartido@gmail.com
gina@mvguam.com
gina.fccg12@yahoo.com
gktv23@hotmail.com
guadalupeignacio@gmail.com
guam.avon@gmail.com
guam@pstripes.osd.mil
guamnativesun@yahoo.com
hana@guam-shinbun.com
hermina.certeza@senatorbjcruz.com
hill.bruce@abc.net.au
hottips@kuam.com
info@chinesetimesguam.com
janela@mvguam.com
jason@kuam.com
jason@senatormorrison.com
jean@tinamunabarnes.com
jennifer.lj.dulla@gmail.com
jennifer@mvguam.com
jespaldonesq@gmail.com
joan@kuam.com
joe@foduguam.com
joesa@guamlegislature.org
john.calvo@noaa.gov
john@kuam.com

<a href="mailto:johnluces@toduguam.com">johnluces@toduguam.com</a>
<a href="mailto:jon.calvo@mail.house.gov">jon.calvo@mail.house.gov</a>
<a href="mailto:jontalk@gmail.com">jontalk@gmail.com</a>
<a href="mailto:jpmanuel@gmail.com">jpmanuel@gmail.com</a>
<a href="mailto:jstedtaotao@gmail.com">jstedtaotao@gmail.com</a>
<a href="mailto:jtenorio@guamcourts.org">jtenorio@guamcourts.org</a>
<a href="mailto:julian.c.janssen@gmail.com">julian.c.janssen@gmail.com</a>
<a href="mailto:juliette@senatorada.org">juliette@senatorada.org</a>
<a href="mailto:kai@spbgum.com">kai@spbgum.com</a>
<a href="mailto:ken.kelly@gmail.com">ken.kelly@gmail.com</a>
<a href="mailto:keepinginformed.671@gmail.com">keepinginformed.671@gmail.com</a>
<a href="mailto:kelly.toves@mail.house.gov">kelly.toves@mail.house.gov</a>
<a href="mailto:kennylg@guamlegislature.org">kennylg@guamlegislature.org</a>
<a href="mailto:kenq@kuam.com">kenq@kuam.com</a>
<a href="mailto:kevin@spbgum.com">kevin@spbgum.com</a>
<a href="mailto:khmg@hbcgum.net">khmg@hbcgum.net</a>
<a href="mailto:koreannews@guam.net">koreannews@guam.net</a>
<a href="mailto:koreatv@kuentos.gum.net">koreatv@kuentos.gum.net</a>
<a href="mailto:kstokish@gmail.com">kstokish@gmail.com</a>
<a href="mailto:kstoneews@ite.net">kstoneews@ite.net</a>
<a href="mailto:law@guamag.org">law@guamag.org</a>
<a href="mailto:legislativecounsel@guamlegislature.org">legislativecounsel@guamlegislature.org</a>
<a href="mailto:leling@judiwonpat.com">leling@judiwonpat.com</a>
<a href="mailto:life@guampdn.com">life@guampdn.com</a>
<a href="mailto:ljalcairo@gmail.com">ljalcairo@gmail.com</a>
<a href="mailto:llmatthews@guampdn.com">llmatthews@guampdn.com</a>
<a href="mailto:louella@mvgum.com">louella@mvgum.com</a>
<a href="mailto:louise@tonyada.com">louise@tonyada.com</a>
<a href="mailto:m.salaila@yahoo.com">m.salaila@yahoo.com</a>
<a href="mailto:mabuhaynews@yahoo.com">mabuhaynews@yahoo.com</a>
<a href="mailto:mahoquinene@guam.net">mahoquinene@guam.net</a>
<a href="mailto:malainse@gmail.com">malainse@gmail.com</a>
<a href="mailto:maria.pangelinan@gec.gum.gov">maria.pangelinan@gec.gum.gov</a>
<a href="mailto:marym@guamlegislature.org">marym@guamlegislature.org</a>
<a href="mailto:marycamachotorres@gmail.com">marycamachotorres@gmail.com</a>
<a href="mailto:maryfejeran@gmail.com">maryfejeran@gmail.com</a>
<a href="mailto:matthew@senatormorrison.com">matthew@senatormorrison.com</a>
<a href="mailto:matthew.santos@senatorbjcruz.com">matthew.santos@senatorbjcruz.com</a>
<a href="mailto:mcarlson@guamlegislature.org">mcarlson@guamlegislature.org</a>
<a href="mailto:mcperson.kathryn@abc.net.au">mcperson.kathryn@abc.net.au</a>
<a href="mailto:media@frankaguonjr.com">media@frankaguonjr.com</a>
<a href="mailto:menchu@toduguam.com">menchu@toduguam.com</a>
<a href="mailto:millie@tinamunabarnes.com">millie@tinamunabarnes.com</a>
<a href="mailto:mindy@kuam.com">mindy@kuam.com</a>
<a href="mailto:mis@guamlegislature.org">mis@guamlegislature.org</a>
<a href="mailto:miseke@mcvgum.com">miseke@mcvgum.com</a>
<a href="mailto:mlwheeler2000@yahoo.com">mlwheeler2000@yahoo.com</a>
<a href="mailto:monty.mcdowell@amigum.com">monty.mcdowell@amigum.com</a>
<a href="mailto:mspeps4873@gmail.com">mspeps4873@gmail.com</a>
<a href="mailto:mvariety@pticom.com">mvariety@pticom.com</a>
<a href="mailto:mwatanabe@guampdn.com">mwatanabe@guampdn.com</a>
<a href="mailto:natasha@toduguam.com">natasha@toduguam.com</a>
<a href="mailto:news@guampdn.com">news@guampdn.com</a>

<a href="mailto:news@spbgum.com">news@spbgum.com</a>
<a href="mailto:nick@kuam.com">nick@kuam.com</a>
<a href="mailto:nicoleramos@toduguam.com">nicoleramos@toduguam.com</a>
<a href="mailto:norman.aguilar@guamcc.edu">norman.aguilar@guamcc.edu</a>
<a href="mailto:nsantos@guamlegislature.org">nsantos@guamlegislature.org</a>
<a href="mailto:odngirairikl@guampdn.com">odngirairikl@guampdn.com</a>
<a href="mailto:office@senatorada.org">office@senatorada.org</a>
<a href="mailto:officeassistant@frankaguonjr.com">officeassistant@frankaguonjr.com</a>
<a href="mailto:oliviampalacios@gmail.com">oliviampalacios@gmail.com</a>
<a href="mailto:onlyongum@acubedink.com">onlyongum@acubedink.com</a>
<a href="mailto:orleen@senatorbjcruz.com">orleen@senatorbjcruz.com</a>
<a href="mailto:pacificjournalist@gmail.com">pacificjournalist@gmail.com</a>
<a href="mailto:parroyo@k57.com">parroyo@k57.com</a>
<a href="mailto:pdkgpr@gmail.com">pdkgpr@gmail.com</a>
<a href="mailto:pete@tonyada.com">pete@tonyada.com</a>
<a href="mailto:phillipsgum@gmail.com">phillipsgum@gmail.com</a>
<a href="mailto:policy@frankaguonjr.com">policy@frankaguonjr.com</a>
<a href="mailto:publisher@glimpsesofgum.com">publisher@glimpsesofgum.com</a>
<a href="mailto:rennae@guamlegislature.org">rennae@guamlegislature.org</a>
<a href="mailto:responsiblegum@gmail.com">responsiblegum@gmail.com</a>
<a href="mailto:rfttehan@yahoo.com">rfttehan@yahoo.com</a>
<a href="mailto:rgibson@k57.com">rgibson@k57.com</a>
<a href="mailto:ricknauta@hitradio100.com">ricknauta@hitradio100.com</a>
<a href="mailto:rlimtiaco@guampdn.com">rlimtiaco@guampdn.com</a>
<a href="mailto:rolly@ktkb.com">rolly@ktkb.com</a>
<a href="mailto:roryforgum@gmail.com">roryforgum@gmail.com</a>
<a href="mailto:rowena@senatormorrison.com">rowena@senatormorrison.com</a>
<a href="mailto:senator@senatorbjcruz.com">senator@senatorbjcruz.com</a>
<a href="mailto:senator@tinamunabarnes.com">senator@tinamunabarnes.com</a>
<a href="mailto:senatorbrantmccreadie@gmail.com">senatorbrantmccreadie@gmail.com</a>
<a href="mailto:senatordrodriguez@gmail.com">senatordrodriguez@gmail.com</a>
<a href="mailto:senjvespaldon@gmail.com">senjvespaldon@gmail.com</a>
<a href="mailto:senatorsannicolas@gmail.com">senatorsannicolas@gmail.com</a>
<a href="mailto:senatortonyada@guamlegislature.org">senatortonyada@guamlegislature.org</a>
<a href="mailto:senatorunderwood@guamlegislature.org">senatorunderwood@guamlegislature.org</a>
<a href="mailto:sgflores@tinamunabarnes.com">sgflores@tinamunabarnes.com</a>
<a href="mailto:sgtarms@guamlegislature.org">sgtarms@guamlegislature.org</a>
<a href="mailto:sitarose2@yahoo.com">sitarose2@yahoo.com</a>
<a href="mailto:sixquintanilla@gmail.com">sixquintanilla@gmail.com</a>
<a href="mailto:slimtiaco@guampdn.com">slimtiaco@guampdn.com</a>
<a href="mailto:smendiola@guamlegislature.org">smendiola@guamlegislature.org</a>
<a href="mailto:sonedera-salas@guamlegislature.org">sonedera-salas@guamlegislature.org</a>
<a href="mailto:speaker@judiwonpat.com">speaker@judiwonpat.com</a>
<a href="mailto:staff@frankaguonjr.com">staff@frankaguonjr.com</a>
<a href="mailto:stephaniemendiola@gmail.com">stephaniemendiola@gmail.com</a>
<a href="mailto:tanya4families@gmail.com">tanya4families@gmail.com</a>
<a href="mailto:tasigirl@gmail.com">tasigirl@gmail.com</a>
<a href="mailto:tcastro@guam.net">tcastro@guam.net</a>
<a href="mailto:telo.taitague@visitgum.org">telo.taitague@visitgum.org</a>
<a href="mailto:tessa@senatorbjcruz.com">tessa@senatorbjcruz.com</a>
<a href="mailto:thebigshow@guamcell.net">thebigshow@guamcell.net</a>
<a href="mailto:thebigshow@k57.com">thebigshow@k57.com</a>
<a href="mailto:therese.hart.writer@gmail.com">therese.hart.writer@gmail.com</a>

**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)**

Updated as of February 27, 2015

<a href="mailto:tina@tinamunabarnes.com">tina@tinamunabarnes.com</a>
<a href="mailto:tina.alicto@yahoo.com">tina.alicto@yahoo.com</a>
<a href="mailto:tinamunabarnes@gmail.com">tinamunabarnes@gmail.com</a>
<a href="mailto:tjtaitano@cs.com">tjtaitano@cs.com</a>
<a href="mailto:tom@senatorada.org">tom@senatorada.org</a>
<a href="mailto:tommy@senatormorrison.com">tommy@senatormorrison.com</a>
<a href="mailto:tony@senatorada.org">tony@senatorada.org</a>
<a href="mailto:tony@tonyada.com">tony@tonyada.com</a>
<a href="mailto:tpocague@judiwonpat.com">tpocague@judiwonpat.com</a>
<a href="mailto:tritten@pstripes.osd.mil">tritten@pstripes.osd.mil</a>

<a href="mailto:tterlaje@guam.net">tterlaje@guam.net</a>
<a href="mailto:vejohntorres@guamlegislature.org">vejohntorres@guamlegislature.org</a>
<a href="mailto:vince@tinamunabarnes.com">vince@tinamunabarnes.com</a>
<a href="mailto:vleonguerrero@judiwonpat.com">vleonguerrero@judiwonpat.com</a>
<a href="mailto:xiosormd@gmail.com">xiosormd@gmail.com</a>
<a href="mailto:xiosormd@yahoo.com">xiosormd@yahoo.com</a>
<a href="mailto:ylee2@guam.gannett.com">ylee2@guam.gannett.com</a>
<a href="mailto:zita@mvguam.com">zita@mvguam.com</a>
<a href="mailto:zpalomo@guamag.org">zpalomo@guamag.org</a>



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature

---



## Legislative Hearing

Thursday, March 12, 2015

10:00 a.m.

Public Hearing Room

*I Liheslaturan Guåhan*

## AGENDA

### I. Call to Order

### II. Opening Remarks/Announcements

### III. Items for Public Consideration

**Bill No. 3-33 (LS), introduced by T.A. Morrison, R.J. Respicio, and B.T. McCreadie, as corrected by the Primary Sponsor:** AN ACT TO AMEND §5204(D) OF ARTICLE 2 OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.

**Bill No. 9-33 (COR), introduced by D.G. Rodríguez, Jr.:** AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY *AMENDING* CHAPTER 2- ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS – BUSINESS REGULATIONS.

**Bill No. 31-33 (COR), introduced by B.J.F. Cruz:** AN ACT TO AMEND § 26120 OF CHAPTER 26 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE INSPECTION OF TAX RETURNS AND OTHER INFORMATION REQUIRED TO BE FILED OF FURNISHED BY THE TAXPAYER.

**Bill No. 38-33 (LS), introduced by M.F.Q. San Nicolas:** AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY *ADDING A NEW* CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.

### IV. Closing Remarks

### V. Adjournment