



Sen. Thomas Ada
Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

APR 24 2015

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

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

RE: Committee Report on Bill No. 63-33 (LS), as Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 63-33 (LS) as amended, "An act to *add* a new subsection (yy) to § 1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions, as introduced by the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement."

Committee votes are as follows:

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

Si Yu'os ma'åse',

Thomas C. Ada

2015 APR 23 PM 4:51



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Libeslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT ON

Bill No. 63-33 (LS)

As Amended by the Committee

An act to *add* a new subsection (yy) to §1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions.



Sen. Thomas Ada


Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

April 23, 2015

MEMORANDUM

To: **All Members**
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans'
Affairs and Procurement

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 63-33 (LS), as amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 63-33 (LS), as amended, "An act to *add* a new subsection (yy) to § 1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 63-33 (LS), As Introduced
- Copy of Bill No 63-33 (LS), As Amended
- Public Hearing Sign-in Sheet
- Written testimonies from: Department of Revenue and Taxation, Miki Taxi & Limousine Service and Lam Lam Tours & Transportation
- COR Referral of Bill No. 63-33 (LS)
- Notices of Public Hearing
- Public Hearing Agenda
- Press Release

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



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guahan • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 63-33 (LS), as Amended, "An act to *add* a new subsection (yy) to § 1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions."

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		✓ 4/23/15				
SENATOR RORY J. RESPICIO Vice Chairperson		MR 4-23-15				
VICE SPEAKER BENJAMIN J.F. CRUZ Member				✓ 4/23/15		
SENATOR FRANK B. AGUON, JR. Member		✓				
SENATOR DENNIS RODRIQUEZ, JR. Member				✓ 4/24		
SENATOR NERISSA UNDERWOOD Member						
SENATOR FRANK BLAS, JR. Member				✓		
SENATOR MARY TORRES Member		✓				



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 63-33 (LS) was introduced on March 30, 2015 by Senator Thomas C. Ada and was subsequently referred on March 30, 2015 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on April 6, 2015 at 9:00 am in *I Liheslatura's* Public Hearing Room to receive public testimony on Bill 62-33 (LS).

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on March 30, 2015 (5-Day Notice) and again on April 2, 2015 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada,	<i>Committee Chairperson</i>
Senator Frank B. Aguon, Jr.	<i>Committee Member</i>
Vice Speaker Benjamin J.F. Cruz	<i>Committee Member</i>
Senator Tina Rose Muña Barnes	Legislative Member
Senator Frank Blas, Jr.	Legislative Member
Senator V. Anthony Ada	Legislative Member

The public hearing was Called-to-Order at 9:00am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada: states that Bill 63-33 is an act to *add* a new subsection (yy) to § 1102 of Chapter I, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions. He then says that no one has signed up to give oral testimony but have signed up to submit written testimony.

Chairperson Ada ends the public hearing for Bill No. 63-33 (LS).

III. Findings and Recommendations

The Committee on Transportation, Infrastructure, Land, Border Protection, Veterans' Affairs and Procurement, with recommendations from the Department of Revenue and Taxation, amends the bill by inserting language to clarify that the body type on the Motor Vehicle Registration state

limousine and the Business License be specific to Limousine Services. The Committee hereby reports out **Bill 63-33 (LS) as amended**, with the recommendation to do pass.

Written Testimonies Received:

John Camacho, *Director, Department of Revenue and Taxation*

(see attached written testimony)

Mr. Camacho testifies in support of Bill 63-33.

Hong Soon Im, *President, Miki Taxi & Limousine Service*

(see attached written testimony)

Mr. Im testifies in support of Bill 63-33.

Gerald W. Cruz, *Safety Manager, Lam Lam Tours & Transportation*

(see attached written testimony)

Mr. Cruz testifies in support of Bill 63-33

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

Bill No. 63-33 (LS)

Introduced by:

T.C. Ada *TC*

AN ACT TO ADD A NEW SUBSECTION (yy) TO § 1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED, AND TO AMEND § 26104(c) OF CHAPTER 26, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO ADDING LIMOUSINES TO DEFINITIONS AND EXEMPTIONS.

2015 FEBRUARY 18 2:41 PM

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A *new* Subsection (yy) to § 1102. Definitions of Chapter 1, Title 16 Guam Code Annotated is hereby *added* to read:

“(yy) A limousine is any motorized vehicle, of either standard or extended length, with a seating capacity of not more than ten (10) passengers, including the driver, used for hire in the transportation of passengers on a prearranged basis within the territory and as indicated on the “Motor Vehicle Registration” as issued by the Department of Revenue & Taxation. Additionally, the registered owner must have been issued a Business License for “Transportation Service”.”

Section 2. § 26104. Exemptions, subparagraph (c) of Chapter 26 Passenger Restraint Devices, Title 16 Guam Code Annotated, is hereby *amended* to read:

“(c) The inadequately restrained individual is a passenger of an emergency, passenger transport vehicle, limousine or taxicab. As used in this Section, *unless* the context otherwise requires:

1 (1) *Emergency vehicle* means an on-duty official ambulance,
2 official firefighting vehicle, official rescue vehicle, or official law
3 enforcement vehicle;

4 (2) *Passenger transport vehicle* means any vehicle operated to
5 carry passengers en masse with:

6 (A) gross vehicle weight rating of over ten thousand
7 (10,000) pounds;

8 (B) that is specified on the vehicle's federal
9 certification label by the manufacturer as any type of bus; or

10 (C) that is classified as a bus, or issued a bus license
11 plate, by the Department of Revenue and Taxation;

12 (3) *Taxicab* means any vehicle being licensed, operated *or*
13 maintained for the transportation of persons for hire, compensation or
14 profit, with a gross vehicle rating *under* ten thousand (10,000) pounds.

15 (4) A limousine means any motorized vehicle, of either
16 standard or extended length, with a seating capacity of not more than
17 ten (10) passengers including the driver, used for hire in the
18 transportation of passengers on a prearranged basis within the territory
19 and as indicated on the "Motor Vehicle Registration" as issued by the
20 Department of Revenue & Taxation. Additionally, such companies
21 must have been issued a Business License for "Transportation
22 Service".

23 **Section 3. Severability.** *If* any of the provisions of this law or its application to
24 any person or circumstance is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this law which can be
26 given effect without the invalid provisions or application, and to this end the
27 provisions of this law are severable.

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

Bill No. 63-33 (LS)
As amended by the Committee.

Introduced by:

T.C. Ada

AN ACT TO *ADD* A NEW SUBSECTION (yy) TO § 1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED, AND TO *AMEND* § 26104(c) OF CHAPTER 26, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO ADDING LIMOUSINES TO DEFINITIONS AND EXEMPTIONS.

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

2 **Section 1.** A *new* Subsection (yy) to § 1102. Definitions of Chapter 1,
3 Title 16 Guam Code Annotated is hereby *added* to read:

4 “(yy) A limousine is any motorized vehicle, of either standard or
5 extended length, with a seating capacity of not more than ten (10)
6 passengers, including the driver, used for hire in the transportation of
7 passengers on a prearranged basis within the territory and as indicated on the
8 body type field of the “Motor Vehicle Registration” as issued by the
9 Department of Revenue & Taxation. Additionally, the registered owner
10 must have been issued a Business License for “Limousine Service.”

11 **Section 2.** § 26104. Exemptions, subparagraph (c) of Chapter 26
12 Passenger Restraint Devices, Title 16 Guam Code Annotated, is hereby *amended*
13 to read:

1 “(c) The inadequately restrained individual is a passenger of an
2 emergency, passenger transport vehicle, limousine or taxicab. As used in this
3 Section, *unless* the context otherwise requires:

4 (1) *Emergency vehicle* means an on-duty official ambulance,
5 official firefighting vehicle, official rescue vehicle, or official law
6 enforcement vehicle;

7 (2) *Passenger transport vehicle* means any vehicle operated to
8 carry passengers en masse with:

9 (A) gross vehicle weight rating of over ten thousand
10 (10,000) pounds;

11 (B) that is specified on the vehicle’s federal
12 certification label by the manufacturer as any type of bus; or

13 (C) that is classified as a bus, or issued a bus license
14 plate, by the Department of Revenue and Taxation;

15 (3) *Taxicab* means any vehicle being licensed, operated *or*
16 maintained for the transportation of persons for hire, compensation or
17 profit, with a gross vehicle rating *under* ten thousand (10,000) pounds.

18 (4) A limousine means any motorized vehicle, of either
19 standard or extended length, with a seating capacity of not more than
20 ten (10) passengers including the driver, used for hire in the
21 transportation of passengers on a prearranged basis within the territory
22 and as indicated on the body type field of the “Motor Vehicle
23 Registration” as issued by the Department of Revenue & Taxation.
24 Additionally, such companies must have been issued a Business
25 License for “Limousine Service”.

26 (d) The vehicle being operated was manufactured before January 1,
27 1967.

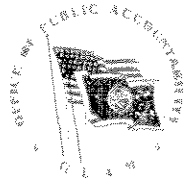
1 **Section 3. Severability.** *If* any of the provisions of this law or its application to
2 any person or circumstance is found to be invalid or contrary to law, such
3 invalidity *shall not* affect other provisions or applications of this law which can be
4 given effect without the invalid provisions or application, and to this end the
5 provisions of this law are severable.

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement
 Public Hearing
 April 06, 2015
 9:00 a.m.
 I Liheslaturan Guåhan, Hagåtña

Bill 63-33 (LS) T.C. Ada

An act to *add* a new subsection (yy) to § 1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
RYTOR N. GONZALEZ JR	NIKI CORP.			✓		888-7143



OFFICE OF PUBLIC ACCOUNTABILITY
 Doris Flores Brooks, CPA, CGFM
 Public Auditor

Handwritten mark resembling a stylized '10' or '10'

RECEIVED
 DATE: 2/6/15
Handwritten signature

February 6, 2015

Honorable Frank F. Blas Jr.
 Senator
 I Mina Trentai Tres Na Liheslaturan Guåhan
 155 Hesler Place
 Hagatna, Guam 96910

Dear Senator Blas:

Hafa Adai! Transmitted herewith is the Guam A.B. Won Pat International Airport Authority's (Airport) Fiscal Year (FY) 2014 Financial Audit. Independent auditors Ernst & Young, LLP expressed an unmodified (clean) opinion for the Airport's financial statements and compliance over major federal programs. The Airport continues to be the first agency to issue its financial audit within four months after the end of the fiscal year.

To recap FY 2014:

- The Airport sustained its trend of 1.7 million (M) total enplanements.
- The Airport ended FY 2014 with an increase in net position of \$11.5M, although this amount was down \$3.6M from \$15.1M in FY 2013.
- The Airport continued to maintain sufficient debt service coverage of 1.52 versus the 1.25 debt service requirement of the former 2003 and new 2013 bond covenants.
- Overall, total revenues of \$85.5M declined by \$1.3M from \$86.8M in FY 2013.
- Operating expenses increased slightly to \$38.6M compared to \$38.4M in the prior year.
- Due to GASB 68, *Financial Reporting for Pensions*, the Airport will be required to report its pro rata share of the government of Guam's (GovGuam) pension liability. In FY 2013, GovGuam's pension liability was \$1.3 billion of which \$30.9M will be reflected in the Airport's financial statements in FY 2015.
- The auditor's identified one significant deficiency in the auditor's report on internal control over financial reporting, five deficiencies in a management letter, and six deficiencies in a separate information technology management letter.

For your convenience and further detail, you may also view and download OPA's two-page highlights and the reports in their entirety at www.opaguam.org.

Senseramente,

Handwritten signature of Doris Flores Brooks

Doris Flores Brooks, CPA, CGFM
 Public Auditor

RECEIPT ACKNOWLEDGED:

By: _____

Date: _____



4/07/15
RECEIVED by the
Office of Senator
Thomas C. Ada
COT T.
2:45 PM
April 2, 2015

Senator Thomas C. Ada
Ste. 207 Ada Plaza Center
173 Aspinall Ave.
Hagatna, GU 96910

Reference: Testimony on Bill 63-33 (LS)

Dear Senator Ada:

We are in support of the intent and purpose of this Bill, but have a few concerns that require clarification from your office to best understand the application of the proposed mandates. The areas of concerns are as follows:

- 1) Section 1. A new Subsection "yy" A limousine is any motorized vehicle, of either standard or extended length, with a seating capacity of not more than ten (10) passengers, including the driver, used for hire in the transportation of passengers on a prearranged basis within the territory and as indicated on the "Motor Vehicle Registration" as issued by the Department of Revenue and Taxation. Additionally, the registered owner must have been issued a Business License for "Transportation Service".

This Section implies that the Department of Revenue and Taxation, Motor Vehicle Division displays the seating capacity, and the intended use of the vehicle on the face of the Vehicle Registration Certificate. Please be advised that this is not our standard business practice. The information displayed on the face of the Certificate is limited to basic information e.g. registrant information, vehicle description (i.e. make/year/model/body type), lien holder, issue & renewal dates, to include applicable fees. However, under the body type field options "limousine" is a recognize vehicle description and is reflected on the Certificates when applicable.

Within this same section, we recommend that you change the Business License description to read "Limousine Service" rather than "Transportation Service". This will prevent confusion with the existing categories of business activity descriptions already in place with our Department. The term, "Transportation Service" applies to bus companies. As written, all major tour and transportation companies will be mandated to amend their existing licenses and pay additional fees for re-issuance of their respective licenses.

- 2) Section 26104. Exemptions, subparagraph (c) of Chapter 26 Passenger Restraint Devices, Title 16 Guam Code Annotated.

The proposed revision omitted Section 26014(d) that covers vehicles manufactured before January 1, 1967. We recommend that this sub-paragraph be maintained to provide continued exemption for vehicle currently licensed and registered with our Department.

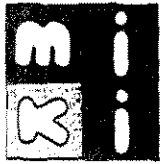
In closing, we thank you for the opportunity to convey our concerns with this Bill and hope you take our recommendation into consideration. Should you have any questions concerning our responses, please don't hesitate to call our office at 635-1815.

Sincerely,



JOHN P. CAMACHO

Director



miki TAXI SERVICE

1475 Pale San Vitores Road • Tamuning, Guam 96913
Tel: 671.646.2444 • Fax: 671.646.2544 • Email: mikitaxi@hotmail.com



April 6, 2015

Sen. Tom Ada
Chairman
Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs, and Procurement
33rd Guam Legislature

RE: Support to Bill 63-33

The undersigned is submitting this written testimony to signify its support on Bill No. 63-33, adding the limousines to the definitions and exemptions of the Child Restraint System.

Miki Limousine Service is primarily using its limousines for wedding services and is usually stationed at the hotels. With our previous experiences, our customers, like the wedding couple and its entourage are actually not happy every time we ask them to wear seatbelts especially when traversing at Tumon area.

We are grateful for this bill because we can now give comfort to our customers. We however, will make sure that along with this, is the safety of all our customers.

Hong Soan Im
President
Miki Taxi & Limousine Service

DATE: 20APR15
TO: 33RD Guam Legislature
FROM: Lam Lam Tours & Transportation
SUBJECT: Bill 63-33 (LS) as introduced by the Honorable Senator T.C. Ada

We recently contested a traffic violation wherein one of our employee's was transporting two customers in a 2010 Cadillac DTS Guam License Plate No. BR 1422. Only one of the two customers was using the "seat belt."

The basis for the contest was that we were under the presumption that based upon Title 16 GCA, Chapter 26 Section 26104 Exemptions under item no. (3) Taxicab means any vehicle being licensed, *operated or maintained for the transportation of persons for hire, compensation or profit, with a gross vehicle rating under ten thousand (10,000) pounds. . . . Not so*, as determined by Traffic Case No. 1C00814676 "Decision and Order" ruled by the Honorable Alberto E. Tolentino, Magistrate Judge Superior Court of Guam dated 27FEB15 (attached).

Lam Lam Tours & Transportation has been providing "transportation" services for our visitor industry since 1975. We currently operate of fleet of 100 vehicles which include buses, trolleys, vans, limousines & sedans. 90 of which are used directly for *"transportation of persons for hire, compensation or profit."* Of the 90, we have eight (8) Lincoln limousines & two Cadillac's used for Wedding Services, V.I.P's & premium charters. We feel that by "adding" this new subsection as referenced in Bill 63-33 it would better serve our visitor industry.

Thanking you in advance for your consideration & cooperation in expediting passage of this bill.

Sincerely,

Gerald W. Cruz
Safety Manager
Lam Lam Tours & Transportation

IN THE SUPERIOR COURT OF GUAM

People of Guam

Traffic Case No. IC00814676

Plaintiff(s)

vs.

Leonardo V. Domingo

Defendant(s)

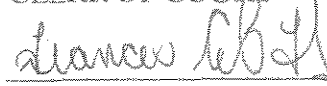
NOTICE OF ENTRY ON DOCKET

TO: Chief of Police, Guam Police Department
Peter Wolford, PD1021
Morgan Reyes, PD0737
Patrick Sanchez, PD0442
Leonardo V Domingo, Defendant

On February 27, 2015, the Decision and Order filed February 27, 2015 was entered on the docket in this matter.

February 27, 2015

DANIELLE T. ROSETE
CLERK OF COURT




By: Frances A.P. Fernandez
Deputy Clerk I

DECLARATION OF MAILING

On February 27, 2015, after I had enclosed a sealed copy of the Notice of Entry on Docket in and envelope addressed to the individual(s) in said notice, I caused the same envelope(s) with postage affixed to be placed in the U.S. mailbox.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: February 27, 2015



By: Frances A.P. Fernandez
Declarant

IN THE SUPERIOR COURT OF GUAM

SUPREME COURT
OF GUAM

TRAFFIC COURT DIVISION

2015 FEB 27 21 9 57

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PEOPLE OF GUAM,)
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vs.)
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)
LEONARDO V. DOMINGO,)
)
Defendant.)
)
_____)

TRAFFIC CASE NO.
IC00814676

DECISION AND ORDER

INTRODUCTION

This matter came for bench trial before the Honorable Alberto E. Tolentino, Magistrate Judge, on February 16, 2015. Defendant Leonardo V. Domingo appeared *Pro Se*. The People were represented by Guam Police Department officers Patrick Sanchez and Peter Wolford. After the bench trial, the Court took the matter under advisement. After having reviewed the evidence and the applicable law, the Court now issues its Decision and Order.

BACKGROUND

On December 30, 2014, around tite area of Route 1 and Two Lover's Point, at approximately 11:00 a.m., Guam Police Department Officers Wolford and Sanchez observed one of the passengers in a white 2010 Cadillac DTS, Guam License Plate No. BR 1421 without a seatbelt fastened to his person. The vehicle was registered to T. P. Micronesia International, the parent company of Lam Lam Tours. The officers issued a citation against the operator of the vehicle, Defendant Leonardo V. Domingo.

1 Defendant is an employee of Lam Lam Tours and testified that he was transporting two tourists
2 in the back of the Cadillac and that one of the passengers was not wearing a seatbelt. As stated above,
3 the vehicle was a white Cadillac with no discernible markings identifying it as a taxi. However, the
4 Defendant and his employer produced a photograph of a similar vehicle they utilize for transport of
5 their customers and while it did display a regular Guam license plate, affixed on the left bumper of the
6 car were markings indicating the registration of the vehicle pursuant to a requirement of the U.S.
7 Department of Transportation (DOT). Testimony of the Defendant and his employer indicated that the
8 vehicle in question was similarly marked and was used for special transport upon request of their
9 patrons. The officers of the Guam Police Department countered that if that was the case, then any
10 person who had unfastened passengers in their vehicle and claimed that they were being paid to
11 transport these passengers would be able to claim the exemption.
12

14 DISCUSSION

15 Defendant was charged with a violation of Guam law which provides:

16 Each driver and all passengers of a motor vehicle, as defined in Title 16, Guam Code
17 Annotated, §1102 (s), excluding a motorcycle, as defined in Title 16, Guam Code
18 Annotated, §1102 (q), and excluding passengers covered under §§ 26101 and 26102
19 of this Chapter, shall be restrained by a seat belt assembly that meets federal motor
vehicle safety standards and is used in accordance with the assembly manufacturer's
operating instructions.

20 Title 16 GCA § 26103. However, he has asserted the exemption provided by statute which states in
21 relevant part: "*No* driver of a motor vehicle, as defined in Title 16, Guam Code Annotated, §1102(s),
22 shall be in violation of §§ 26101, 26102 or 26103 of this Chapter *if*: ... (c) The inadequately restrained
23 individual is a passenger of an emergency, passenger transport vehicle or taxicab. As used in this
24 Section, unless the context otherwise requires: ... (3) *Taxicab* means any vehicle being licensed,
25 operated *or* maintained for the transportation of persons for hire, compensation or profit, with a gross
26 vehicle rating *under* ten thousand (10,000) pounds." 16 GCA § 26104(c)(3)(emphasis in original).
27
28

1 Whether the Defendant is entitled to the exemption is a question of statutory construction. “In
2 cases involving statutory construction, the plain language of a statute must be the starting point.” *Aguon*
3 *v. Gutierrez*, 2002 Guam 14, ¶ 6 (citing *Pangelinan v. Gutierrez*, 2000 Guam 11, ¶ 23; *Am. Tobacco*
4 *Co. v. Patterson*, 456 U.S. 63, 68, 102 S. Ct. 1534, 1537 (1982)). In looking at the statute’s language,
5 the court’s task is to determine whether or not the statutory language is plain and unambiguous.” *Id.*
6 (citation omitted). “The plainness or ambiguity of statutory language is determined by reference to the
7 language itself, the specific context in which that language is used, and the broader context of the
8 statute as a whole.” *Id.* (citation omitted). Furthermore, statutes should be interpreted, if possible, to
9 avoid rendering any portion superfluous. *Bank of Guam v. Del Priore*, 2007 Guam 7 ¶¶ 27, 33. That is,
10 “it is ‘a cardinal principle of statutory construction that a statute ought, upon the whole, to be so
11 construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void or
12 insignificant.’” *Id.* at ¶ 33 (citations omitted)(parentheticals in original).

15 It is undisputed that Defendant was the operator of a vehicle under 10,000 pounds in weight and
16 that a passenger in the vehicle was not wearing a seatbelt. The issue is whether the vehicle was a
17 taxicab for purposes of the exemption to the mandatory seatbelt law. Section 26104 above does not
18 describe a taxicab as being a yellow vehicle with or without checkerboard patterns splashed about the
19 body nor does it require that the vehicle have a sign or other marking saying that it is a taxicab. It
20 merely defines it as *any* vehicle being licensed, operated or maintained for the transportation of persons
21 for hire, compensation or profit. As such, Defendant argues that the vehicle in question is a vehicle
22 being licensed, operated and maintained for the transportation of person for hire, compensation or profit
23 by Lam Lam Tours. It is an alternative form of transportation for tourists wishing to be ferried about in
24 this type of vehicle, as opposed to riding the regular tour bus. Thus, Defendant concludes that the
25 vehicle in question was a taxicab for purposes of the statute.
26
27
28

1 However, consistent with the principles of statutory construction, the argument can be made that
2 the specific use of the word "taxicab" means just that, to wit: only "taxicabs" are exempted from the
3 statute's mandate that all persons in a vehicle must wear a seatbelt. The question then is what is a
4 "taxicab"?

5 A statute, phrase or word is ambiguous when capable of being interpreted by reasonably well-
6 informed persons in either of two or more senses. *See Aguon*, 2002 Guam 14 at ¶ 9 (citation omitted).
7 The language of a statute cannot be read in isolation, and must be examined within its context. *Id.*
8 (citation omitted). A statute's context includes looking at other provisions of the same statute and other
9 related statutes. *Id.* (citation omitted).

10 Section 26104(c) is not the only provision in the Vehicle Code dealing with taxicabs. There is
11 another Chapter of Title 16 which specifically governs Taxicabs. *See* 16 GCA §§ 11101 *et seq.* In
12 addition to the requirement of the possession of and qualifications for a specific kind of driver's
13 license, *see* 16 GCA § 11101, and the mandate of displaying the license, rates and driver identification,
14 *see* 16 GCA § 11102, the statute also provides:

15 Every individual, partnership, company, corporation, or other business association in
16 whose name a taxicab is registered shall prominently display on both sides of the
17 exterior of such taxicab the word "taxi" and the name under which it is registered. In
18 the event that more than one taxicab is registered in the name of any one individual,
19 partnership, corporation, company or other business association, such taxicabs shall
20 be serially numbered and the applicable serial number similarly displayed on both
21 sides of the exterior of each such taxicab in such size and manner as the Director of
22 Department of Revenue and Taxation by uniform regulations shall prescribe.

23 16 GCA § 11103. A violation of the preceding sections or of the insurance requirements for vehicles
24 involved in the transportation of persons for hire is a petty misdemeanor. *See* 16 GCA § 11103.

25 This chapter of Title 16 does not define a taxicab; however, it does describe what the owner of a
26 taxicab is supposed to do to identify it as taxicab. Specifically, only a person having in his immediate
27 possession and valid taxicab driver's license can operate a taxicab. 16 GCA § 11101(a). Permanently
28 displayed within a taxicab must be the following information: (1) a photograph of the operator; (2) the

1 full name of the operator; (3) the taxicab driver's license number; and (4) a schedule of legal taxicab
2 rates. 16 GCA § 11102(a). Finally, the owner of a taxicab must prominently display on both sides of the
3 exterior of such vehicle the word "taxi" and the name under which it is registered. 16 GCA § 11103.

4 At this point, the Court makes the following observation: because Chapter 26 of Title 16 GCA
5 (Passenger Restraint Devices) was promulgated *after* the provisions pertaining to Taxicabs (Chapter 11
6 of Title 16 GCA) one might argue that the latter provision was repealed by the passage of the more
7 recent legislation and that the definition of a taxicab has now become what section 26104(c)(3) has
8 described it to be. *See eg., Topasna v. Superior Court of Guam*, 1996 Guam 5. In other words, the
9 passage of section 26104 repealed by implication the provisions of Chapter 11 of Title 16 in whole or
10 in part. "While repeals by implication are disfavored, such repeal may be found when a later statute,
11 covers the whole situation of an earlier one and is clearly intended as a substitute." *Id.* at ¶¶ 13,14
12 (citations omitted).

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15 However, in the Court's view the argument must be rejected because the later statute here does
16 not cover the whole situation of the earlier one and does not appear to be clearly intended as a
17 substitute. The earlier statute was a comprehensive scheme for the regulation of taxicabs, from the
18 requirement of the possession and qualification for a particular type of license to operate one, to the
19 display of information that must be contained within the interior of a vehicle designated as a taxicab,
20 and to the specific requirement that a vehicle be clearly identified as a "taxi" with that word
21 prominently displayed. Whereas, section 26104(c)(3) is merely one of three particularly described
22 exceptions to the law mandating the use of safety belts and child restraint systems.

23
24 Moreover, "[a] statutory provision should be interpreted consistently and so as not to render
25 another statutory provision, particularly one concerning the same subject, null and void." *Pangelinan v.*
26 *Gutierrez*, 2004 Guam 16 ¶ 21 (citing *Morton v. Mancari*, 417 U.S. 535, 551, 94 S.Ct. 2474, 2483
27
28

1 (1974)(stating that “when two statutes are capable of co-existence, it is the duty of the courts, absent a
2 clearly expressed congressional intention to the contrary, to regard each as effective.”)).

3 Thus, in the Court’s view, a more reasonable construction of section 26104(c)(3) is that it
4 augments or adds specificity to the description of what a taxicab is. In addition to being a vehicle which
5 must display the word “taxi” on its exterior, it must also be licensed, operated *or* maintained for the
6 transportation of persons for hire, compensation or profit, with a gross vehicle rating *under* ten
7 thousand (10,000) pounds.
8

9 The Court is also satisfied that this interpretation of the statute is buttressed by the legislative
10 history of the mandatory seatbelt and child restraint statute. *I Mina’ Trenta na Liheslaturan Guåhan*
11 had passed and the Governor signed into law Public Law 30-122 (Apr. 1, 2010). This amended 16 GCA
12 § 26104(c) and (d) to its current form and was entitled: “AN ACT TO AMEND §26104(c) AND (d) OF
13 CHAPTER 26, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING TAXICABS
14 FROM THE REQUIREMENT FOR A CHILD RESTRAINT SYSTEM, BOOSTER SEAT.” P.L. 30-
15 122. According to the Committee Report, the proposed legislation was aimed towards exempting taxi
16 cabs from the requirement of having a child restraint system in those vehicles. *See* COMMITTEE REPORT
17 DIGEST, BILL NO. 315-30 (LS) *I Mina’ Trenta na Liheslaturan Guåhan* (available on
18 [http://www.guamlegislature.com/Public_Laws_30th/P.L.%2030-122%20SBiil%20No.%20315-
19 30%20\(LS\)%20.pdf](http://www.guamlegislature.com/Public_Laws_30th/P.L.%2030-122%20SBiil%20No.%20315-30%20(LS)%20.pdf)). The record indicated that the mandatory requirement of such devices adversely
20 affected the taxi cab businesses. *Id.* There was written testimony submitted by a representative of the
21 Tarza Water Park which suggested that “passenger vans” be included in the definition of taxi cabs
22 because they operated three 15-passenger vans with gross vehicle ratings under 10,000 pounds and that
23 the restrictions of the statute would affect their ability to service their patrons; however, this
24 recommendation was not included in the final product. *Id.*
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1 Therefore, the Court finds that the exemption provided by 16 GCA § 26104(c) is available only
2 to taxicabs as described therein and being operated in accordance with 16 GCA §§ 11101 *et seq.*

3 Turning to the instant case, Defendant produced a photograph of a vehicle similar to the one in
4 question and which he was operating at the time the citation was given. The police officers had no
5 objection to the photograph. While this vehicle did have some markings indicating some certification or
6 registration in accordance with, assumingly, the Department of Transportation; the court observed that
7 nowhere on the photograph nor in the testimony before the court was it shown or stated that the word
8 "taxi" was displayed on the vehicle. The police officers testified as such and the Defendant similarly
9 admitted that fact. In addition, the Defendant's driver's license had endorsements as an operator,
10 chauffeur and bus driver. He did not possess a valid taxi driver's license. Thus, because the vehicle was
11 not a taxi nor was it being operated by a licensed taxi driver at the time the citation was issued the
12 Court finds the Defendant in violation of the statute prescribing that the operator and the passengers of
13 his vehicle be restrained by a seatbelt assembly.
14
15

16 **CONCLUSION**

17 Based upon the foregoing, the Court finds the Defendant in violation of Title 16 GCA § 26103.
18 Judgment is therefore entered accordingly.
19

20 **SO ORDERED** this 27th day of February, 2015.

21
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24 

25 **ALBERTO E. TOLENTINO, Magistrate Judge**
26 **Superior Court of Guam**
27
28



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

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. 63-33 (LS) – T.C. Ada, “AN ACT TO ADD A NEW SUBSECTION (yy) TO §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED, AND TO AMEND §26104(c) OF CHAPTER 26, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO ADDING LIMOUSINES TO DEFINITIONS AND EXEMPTIONS.”**– on March 31, 2015. COR hereby certifies that BBMR confirmed receipt of this request March 31, 2015 at 1:24 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 63-33 (LS) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

April 28, 2015

Date



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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Senator

Nerissa Bretania Underwood
Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

March 31, 2015

VIA E-MAIL

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. 61-33(COR) through 65-33(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
61-33 (COR)	B. J.F. Cruz	AN ACT TO AMEND §28105 OF ARTICLE 1, §28201 OF ARTICLE 2, § 28301 OF ARTICLE 3, AND §§ 28401 AND 28404 OF ARTICLE 4 OF CHAPTER 28, TITLE 17 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE PARTICIPATION OF QUALIFIED NON-IMMIGRANT ALIENS ADMITTED UNDER THE COMPACTS OF FREE ASSOCIATION ADMITTED IN STUDENT FINANCIAL ASSISTANCE PROGRAMS FOR HIGHER EDUCATION.
62-33 (LS)	T. C. Ada	AN ACT TO AMEND §32113(b) OF CHAPTER 32, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REQUIRED EXPERIENCE FOR PROFESSIONAL ENGINEERS, PROFESSIONAL ARCHITECTS AND PROFESSIONAL LAND SURVEYORS, AND CLARIFYING PROCESSES FOR APPLICANTS.
63-33 (LS)	T. C. Ada	AN ACT TO ADD A NEW SUBSECTION (yy) TO §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED, AND TO AMEND §26104(c) OF CHAPTER 26, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO ADDING LIMOUSINES TO DEFINITIONS AND EXEMPTIONS.
64-33 (COR)	Tommy A. Morrison V. A. Ada T. R. Muña Barnes	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 40 OF 5GCA RELATIVE TO PROVIDING PUBLIC BROADBAND INTERNET SERVICES IN VILLAGE COMMUNITY CENTERS.
65-33 (COR)	B. J.F. Cruz	AN ACT TO AMEND §§ 66102 AND 66104.2 OF CHAPTER 66, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PARTICIPATION OF NON-IMMIGRANT ALIENS ADMITTED UNDER THE COMPACTS OF FREE ASSOCIATION IN THE CIVILIAN VOLUNTEER POLICE RESERVE.



COMMITTEE ON RULES

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Mary C. Torres

MINORITY MEMBER

March 30, 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. 63-33(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 63-33(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
63-33 (LS)	T. C. Ada	AN ACT TO ADD A NEW SUBSECTION (yy) TO §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED, AND TO AMEND §26104(c) OF CHAPTER 26, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO ADDING LIMOUSINES TO DEFINITIONS AND EXEMPTIONS.	3/30/15 8:23 a.m.	03/30/15	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Office of
Senator Tom Ada

Charlene Flores <flores@senatorada.org>

1st Notice of Public Hearing: April 6, 2015 at 9:00am and 1:30pm.

Charlene Flores <flores@senatorada.org>

Mon, Mar 30, 2015 at 11:45 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Eric Palacios <eric.palacios@epa.guam.gov>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, michael.omallan@epa.guam.gov, don.quinata@epa.guam.gov, william.austin@fe.navy.mil, jbenavente@gpagwa.com, mcamacho@gpagwa.com, gbotha@gpagwa.com, rwegand@gpagwa.com, David Leddy <dleddy@guamchamber.com.gu>, ccastro@guamchamber.com.gu, rdelgado@guamchamber.com.gu, info@ghra.org, bill.ada@ipehq.com, catherine.leonguerrero@exxonmobil.com, ddean@sppcorp.com, jbrown@portguam.com, frpangelinan@portguam.com, thomas@guamwaterworks.org, annborja@guamwaterworks.org, staylor@guamwaterworks.net, heidi@guamwaterworks.org, joseph.verga@gmha.org, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, eleanor.borja@dpw.guam.gov, jessie.pelican@dpw.guam.gov, Maria Flores <maria.flores@revtax.guam.gov>, john.camacho@revtax.guam.gov, Simon Sanchez <gdcmgr@ite.net>, Isablan@gpagwa.com, jtduenas@hotmail.com, jeffcharjohnson@hotmail.com, horeckylaw@teleguam.net, horecky@ite.net, ndynvn@yahoo.com, Lou Palomo <lpalomo@guampuc.com>, Marie Villanueva <marie@guam-peals.org>, Tammy Bamba <tammy.bamba@grta.guam.gov>, rick.agustin@grta.guam.gov, teresa.topasna@land.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, michael.borja@land.guam.gov, dlmdir@land.guam.gov, david.camacho@land.guam.gov, dfbrooks@guamopa.org, jngo@ozemail.com.au, raunderwood@uguam.uog.edu, jpeterson@uguam.uog.edu, lmtoves@uguam.uog.edu, raymond.blas@dpr.guam.gov, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, briana.roberto@cqa.guam.gov, benny.m.paulino@us.army.mil, johnny.lizama@ang.af.mil, john.unpingco@gvao.guam.gov, chuck.ada@guamairport.net, peterroy@guamairport.net, rosieb@guamairport.net, Chace Anderson <candersongbb@gmail.com>, Alicia Fejeran <avfejeran@gmail.com>, csr@guamcell.net, Clayton Duvall <clayton4gppc@hotmail.com>, Chris Felix <felix@guam.net>, rjdguzman@hotmail.com, mail@cmlaw.us, claudia.acfalle@gsa.guam.gov, superintendent@gdoe.net, racruz@gtrf.com, djtydingco@gta.net, jkriegel@docomopacific.com, jlai@docomopacific.com, Richard Yu <richard.yu@choicephonellc.com>, Rene Lao <rene.lao@choicephonellc.com>, john.compton@itehq.net, mcogadmin@teleguam.net

March 30, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: April 6, 2015 at 9:00am and 1:30pm.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Monday, April 6, 2015 at 9:00am and 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

9:00 a.m.

Bill No. 33-33(COR) - T.R. Muña Barnes

An act to rezone Lot No. 5228-R4-R2-1, Barrigada, Guam, from Agricultural Zone (A) to Commercial Zone (C).

Bill No. 55-33(COR) -T.R. Muña Barnes

An act to approve the lease between the Government of Guam and the Palauan Community Association of Guam.

Bill No. 57-33(LS) - F.F. Blas, Jr.

An act to add paragraphs (i) and (j) to §40128, Division 4, Chapter 40, Title 5 Guam Code Annotated, and to authorize the Director of the Department of Land Management to include the Mayors in their zoning and construction forms.

Bill No. 62-33 (LS) – T.C. Ada

An act to amend § 32113(b) of Chapter 32, Title 22, Guam Code Annotated, relative to required experience for Professional Engineers, Professional Architects and Professional Land Surveyors, and clarifying processes for applicants.

Bill No. 63-33 (LS) – T.C. Ada

An act to *add* a new subsection (yy) to § 1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions.

1:30 p.m.

The Executive Appointment of Colonel Roderick Leon Guerrero to serve as the Adjutant General of the Department of Military Affairs.

The Executive Appointment of Mr. Tae S. Oh to serve as a member of the Guam Land Use Commission.

Testimony on Bill No. 33-33(COR), Bill No. 55-55(COR), Bill No. 57-33(LS), Bill No. 62-33 (LS), Bill No. 63-33 (LS) and the Executive Appointment of Colonel Roderick Leon Guerrero and Mr. Tae S. Oh should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Monday, April 13, 2015 at 5:00pm**. Individuals

requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--

Charlene Flores

Policy Analyst

Office of Senator Thomas C. Ada

I Mina'trentai Tres na Libeslaturan Guåhan - 33rd Guam Legislature

671-473-3301



1st PH Notice.pdf

598K



Senator Tom Ada

Charlene Flores <flores@senatorada.org>

2nd Notice of Public Hearing: April 6, 2015 at 9:00am and 1:30pm.

Charlene Flores <flores@senatorada.org>

Thu, Apr 2, 2015 at 8:31 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Eric Palacios <eric.palacios@epa.guam.gov>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, michael.omallan@epa.guam.gov, don.quinata@epa.guam.gov, william.austin@fe.navy.mil, jbenavente@gpagwa.com, mcamacho@gpagwa.com, gbotha@gpagwa.com, rwegand@gpagwa.com, David Leddy <dleddy@guamchamber.com.gu>, ccastro@guamchamber.com.gu, rdelgado@guamchamber.com.gu, info@ghra.org, bill.ada@ipehq.com, catherine.leonguerrero@exxonmobil.com, ddean@sppcorp.com, jbrown@portguam.com, frpangelinan@portguam.com, thomas@guamwaterworks.org, annborja@guamwaterworks.org, staylor@guamwaterworks.net, heidi@guamwaterworks.org, joseph.verga@gmha.org, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, eleanor.borja@dpw.guam.gov, jessie.pelican@dpw.guam.gov, Maria Flores <maria.flores@revtax.guam.gov>, john.camacho@revtax.guam.gov, Simon Sanchez <gdcmgr@ite.net>, Isablan@gpagwa.com, jtduenas@hotmail.com, jeffcharjohnson@hotmail.com, horeckylaw@teleguam.net, horecky@ite.net, ndynvn@yahoo.com, Lou Palomo <lpalomo@guampuc.com>, Marie Villanueva <marie@guam-peals.org>, Tammy Bamba <tammy.bamba@grta.guam.gov>, weezierivera@hotmail.com, rick.agustin@grta.guam.gov, teresa.topasna@land.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, michael.borja@land.guam.gov, dlmdir@land.guam.gov, david.camacho@land.guam.gov, dfbrooks@guamopa.org, jngo@ozemail.com.au, raunderwood@uguam.uog.edu, jpeter@uguam.uog.edu, lmtoves@uguam.uog.edu, raymond.blas@dpr.guam.gov, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, briana.roberto@cqa.guam.gov, benny.m.paulino@us.army.mil, johnny.lizama@ang.af.mil, john.unpingco@gvao.guam.gov, chuck.ada@guamairport.net, peterroy@guamairport.net, rosieb@guamairport.net, Chace Anderson <candersongbb@gmail.com>, Alicia Fejeran <avfejeran@gmail.com>, csr@guamcell.net, Clayton Duvall <clayton4gppc@hotmail.com>, Chris Felix <felix@guam.net>, rjdguzman@hotmail.com, mail@cmlaw.us, claudia.acfalle@gsa.guam.gov, superintendent@gdoe.net, racruz@gtrf.com, djtydingco@gta.net, jkriegel@docomopacific.com, jlai@docomopacific.com, Richard Yu <richard.yu@choicephonellc.com>, Rene Lao <rene.lao@choicephonellc.com>, john.compton@itehq.net, mcogadmin@teleguam.net, bmomayor@teleguam.net, MELISSA SAVARES <melissa.savares@gmail.com>, tae@teleguam.net, roderick.leonguerrero.mil@mail.mil, rodericklionwarrior@icloud.com

April 2, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: April 6, 2015 at 9:00am and 1:30pm.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Monday, April 6, 2015 at 9:00am and 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

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The Executive Appointment of Colonel Roderick R. Leon Guerrero to serve as the Adjutant General of the Department of Military Affairs.

The Executive Appointment of Mr. Tae S. Oh to serve as a member of the Guam Land Use Commission.

Testimony on Bill No. 33-33(COR), Bill No. 55-55(COR), Bill No. 57-33(LS), Bill No. 62-33 (LS), Bill No. 63-33 (LS), the Executive Appointment of Colonel Roderick R. Leon Guerrero and the Executive Appointment of Mr. Tae S. Oh should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Monday, April 13, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene

Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

Charlene Flores

Policy Analyst

Office of Senator Thomas C. Ada

I Mina'trentai Tres na Libeslaturan Guåhan - 33rd Guam Legislature

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Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guahan • 33rd Guam Legislature

AGENDA **PUBLIC HEARING** **Monday, April 6, 2015** **Public Hearing Room, *I Liheslaturan Guahan***

The agenda is as follows:

9:00 a.m.

Bill No. 33-33(COR) - T.R. Muña Barnes

An act to rezone Lot No. 5228-R4-R2-1, Barrigada, Guam, from Agricultural Zone (A) to Commercial Zone (C).

Bill No. 55-33(COR) -T.R. Muña Barnes

An act to approve the lease between the Government of Guam and the Palauan Community Association of Guam.

Bill No. 57-33(LS) - F.F. Blas, Jr.

An act to add paragraphs (i) and (j) to §40128, Division 4, Chapter 40, Title 5 Guam Code Annotated, and to authorize the Director of the Department of Land Management to include the Mayors in their zoning and construction forms.

Bill No. 62-33 (LS) – T.C. Ada

An act to amend § 32113(b) of Chapter 32, Title 22, Guam Code Annotated, relative to required experience for Professional Engineers, Professional Architects and Professional Land Surveyors, and clarifying processes for applicants.

Bill No. 63-33 (LS) – T.C. Ada

An act to *add* a new subsection (yy) to § 1102 of Chapter 1, Title 16, Guam Code Annotated, and to *amend* § 26104(c) of Chapter 26, Title 16 Guam Code Annotated, relative to adding limousines to definitions and exemptions.

Testimony on Bill No. 33-33(COR), Bill No. 55-55(COR), Bill No. 57-33(LS), Bill No. 62-33(LS), Bill No. 63-33(LS), Executive Appointment of Colonel Roderick R. Leon Guerrero and Executive Appointment of Mr. Tae S. Oh should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Monday, April 13, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.



Sen. Thomas Ada

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Committee on Transportation, Infrastructure, Lands,
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I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PRESS RELEASE

Contact: Charlene Flores
Phone: 473-3301
Email: flores@senatorada.org

FOR IMMEDIATE RELEASE

Senator Tom Ada Introduces Bill to Exempting Seatbelt for Limousines

Hagåtña, Guam: On Monday, March 30, 2015, Senator Tom Ada, in response to requests from the tourist industry, introduced Bill No. 63-33 (LS), to exempt limousines from passenger seatbelt requirements.

Guam has become a wedding destination and the tourist industry and wedding companies have expanded the limousine business. Wedding tourists are riding in a limousine to the chapels and photo spots. "The practical sense of forcing a bride to somehow manage a seatbelt around her wedding dress, as has been the case, has prompted Bill No. 63-33 (LS)," said Senator Tom Ada. Bill No. 63-33 (LS) corrects this oversight by adding a definition of a limousine and including it in the exemptions on passenger seat belts. This approach mimics existing seatbelt exemption for taxicabs and buses. "To satisfy the tourism industry, ensures that people are employed and the industry and money coming to the island continues to grow," he added.

Guam law currently exempts buses and taxicabs from passenger seat belt requirements. However, because limousines are not expressly exempted in law, they fall under a broadly defined "commercial motor vehicle" designation, and are consequently required to enforce the use of seat belts for all passengers.

The public hearing for Bill No. 63-33 (LS) will be held April 6, 2015 at 9:00 a.m., in the public hearing room of *I Liheslaturan Guahan*. A copy of Bill 63-32 (LS) is attached or may be downloaded from Senator Tom Ada's website (www.senatorada.org) and the Guam Legislature Website. For more information, please contact Senator Tom Ada's office at 473-3301.

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