

*I Mina'Trentai Dos 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
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE "FIT TO SERVE AND PROTECT ACT OF 2014".	04/09/14 4:05 p.m.	4/10/14	Committee on General Governmental Operations and Cultural Affairs			<b>Fiscal Note Request 04/15/14</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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

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Member

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

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Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
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Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

May 23, 2014

## Memorandum

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

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

**Subject:** Fiscal Note

*Hafa Adai!*

Attached please find the fiscal note for the bill number listed below.  
Please note that the fiscal note is issued on the bill as introduced.

**FISCAL NOTE:**  
Bill No. 310-32(LS)

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

*Si Yu'os ma'åse'!*

2014 MAY 23 PM 3:13

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

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

**EDDIE BAZA CALVO**  
GOVERNOR

**JOSE S. CALVO**  
ACTING DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**JOHN AB PANGELINAN**  
ACTING DEPUTY DIRECTOR


**MAY 23 2014**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **310-32(LS)**.

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

  
**JOSE S. CALVO**  
Acting Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note for Bill No. 310-32 (LS)**

**AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10 GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE "FIT TO SERVE AND PROTECT ACT OF 2014"**

**Department/Agency Appropriation Information**

Dept./Agency Affected: <b>Guam Police Department</b>		Dept./Agency Head: <b>Fred Bordallo, Police Chief</b>	
Department's General Fund (GF) appropriation(s) to date:		28,074,988	
Department's Other Fund (Specify) appropriation(s) to date:		658,784	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>\$28,733,772</b>	

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance			
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 32-068)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

*9/2/14*

Analyst: Matt Quinata      Date: \_\_\_\_\_      Director: Jose S. Calvo, Acting Director      Date: MAY 23 2014

**Footnotes:**

See attachment to fiscal note.

**Bureau of Budget & Management Research  
Attachment to Fiscal Note No. 310-32 (LS)**

***Comments***

The intent of Bill 310-32 (LS) is to provide for the creation of a task force to establish physical fitness standards and annual assessment policies for uniformed public safety and law enforcement personnel. These standards and policies will be known as the "Fit to Serve And Protect Act of 2014". With the implementation of this Act, certain items will be required. As noted on the bill, items such as health screenings, skilled trainers to direct the fitness standards, proposed gym or gym membership to conduct maintenance programs will be required. There are well over 800 personnel in the public safety and law enforcement field. With the intent for all law enforcement personnel to participate in the program, there will be an annual fiscal impact to provide the supplies, equipment and other necessities to establish this program. To implement such a program, initial funding may require approximately \$100,000, taking into consideration the number of public safety and law enforcement personnel. Because the standards and policies have not been established, additional funding may also be required to implement and enforce the program. The bill does not identify a funding source.



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Member

April 15, 2014

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 309-32 (COR), 310-32(LS), 311-32(LS), 312-32(LS), 313-32(LS), 314-32(LS), 315-32(LS), 316-32(LS), 317-32(LS), 318-32(LS), 319-32(LS), and 320-32(LS)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos 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.	Sponsors	Title
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.
311-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS AVAILABLE IN THE LIMITED GAMING FUND IN FISCAL YEAR 2013-2014 IN ACCORDANCE WITH PUBLIC LAW 32-060.
312-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS IN THE GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY PURSUANT TO PUBLIC LAW 32-060; BY AMENDING SUBSECTION “(B)” OF §97103, CHAPTER 97, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.
313-32 (LS)	Brant T. McCreddie V. Anthony Ada Chris M. Dueñas Michael T. Limtiaco Tommy Morrison Aline A. Yamashita, Ph.D. FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO CREATE A NEW ARTICLE 6 TO CHAPTER 90 TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS “THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2014”.
314-32 (LS)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW CHAPTER 81 TO TITLE 21, GUAM CODE ANNOTATED RELATIVE TO CREATING A STREAMLINED AND EXPEDITED PROCESS FOR REZONING REAL PROPERTY FOR CONSTRUCTING SMALL PROJECTS BY PARTIALLY PRIVATIZING THE PROCESS.
315-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO APPROPRIATE TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$292,800) TO FUND PROGRAMS FOR DRUG AND ALCOHOL TREATMENT SERVICES AND EMERGENCY YOUTH SHELTER FOR HOMELESS, RUNAWAY, AND ABUSED YOUTH, BY ADDING A NEW §11 TO CHAPTER XI OF PUBLIC LAW 32-068.

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>316-32(LS)</b>	Benjamin J.F. Cruz	AN ACT TO REPEAL AND REENACT §3105, CHAPTER 3 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE.
<b>317-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.
<b>318-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER PROTECTION ACT,”
<b>319-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER SPYWARE PROTECTION ACT,”
<b>320-32 (LS)</b>	V.C. Pangelinan	AN ACT TO ADD A NEW CHAPTER 53 TO DIVISION 2, AND TO ADD A NEW SECTION 70134 TO CHAPTER 70, DIVISION 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE THE CREATION OF THE GUAM QUALIFIED RETIREMENT PLAN AND TRUST ACT.





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Aline Yamashita  
Member

April 10, 2014

### MEMORANDUM

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

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

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

**Subject: Referral of Bill No. 310-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 310-32(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 Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN  
2014 (SECOND) REGULAR SESSION**

**Bill No.** 310-32 (LS)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.**

2014 APR 29 PM 4:05

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

2 **Section 1. Fit to Serve and Protect Act of 2014.** §55104 of Chapter 55,  
3 Division 3 of Title 10, Guam Code Annotated is hereby added to read:

4 **“§55104. Legislative Findings and Intent.** I Liheslaturan Guahan finds  
5 that Guam’s public safety and law enforcement uniformed personnel must be  
6 physically fit due to the potential need for these uniformed personnel to be able to  
7 exert maximum efforts. Guam’s public safety and law enforcement uniformed  
8 personnel is sedentary in nature, without sufficient physical activity to maintain  
9 levels of fitness for exertive efforts or general health. The overall average fitness  
10 level of these uniformed personnel suggests that officers achieve an acceptable  
11 measure of physical fitness during academy training. However, without fitness  
12 maintenance standards, these gains achieved in the academy are shortly lost.

13 It has been proven that there is a direct correlation between physical fitness,  
14 good health, and performance productivity. Further, enhanced physical activity

1 and exercise prescription is one of the many variables that maximizes job  
2 effectiveness and lessening risks of non-communicable diseases (e.g.  
3 cardiovascular disease, diabetes, cancer). Thus, a critical aspect of the overall  
4 preparation of well-trained law enforcement personnel include the establishment  
5 and effective implementation of physical fitness standards and annual assessment  
6 policy that will ultimately benefit each uniformed personnel; and just as  
7 importantly ensure physical health for their personal benefit and the benefit of their  
8 families. Each uniformed public safety and law enforcement official should be  
9 encouraged to be both task-trained and physically fit at all times to more  
10 effectively serve and protect the people of Guam.

11 Therefore, it is the intent of I Liheslaturan Guahan to work with government  
12 of Guam public safety and law enforcement entities in the formulation of physical  
13 fitness standard and annual assessment policy that will further enhance the ability  
14 of all uniformed personnel in carrying out their tremendous responsibility to the  
15 public. This provision would require that the law enforcement agencies and  
16 entities of the government of Guam establish internally and collectively a  
17 government-wide physical fitness standard and annual assessment policy necessary  
18 to ensure the health and safety of all uniformed public safety and law enforcement  
19 officials in the conduct of their duties and responsibilities.

20 **§55104.1. Short Title.** This subchapter may be cited as the “Fit to Serve  
21 and Protect Act of 2014.”

22 **§55104.2. Public Safety and Law Enforcement Physical Fitness**  
23 **Standard and Annual Assessment Policy.**

24 (a) The government of Guam public safety and law enforcement entities  
25 shall hereby collectively formulate a government-wide policy on the  
26 establishment of physical fitness standards and annual assessment  
27 policy applicable to men and women serving the community in

1 uniform as a public safety or law enforcement official. For purposes  
2 of this Act, the applicable government of Guam public safety and law  
3 enforcement agencies shall include, but not limited to, the Judiciary of  
4 Guam, Guam Police Department, Guam Fire Department, Department  
5 of Corrections, Customs and Quarantine Agency, Jose D. Leon  
6 Guerrero Commercial Port Authority Police, Office of the Attorney  
7 General, and A.B. Won Pat International Airport Authority Police and  
8 Director of Agriculture.

9 (b) The “Fit to Serve and Protect Task Force” (hereinafter referred to as  
10 the “Task Force”) is hereby created for the establishment of physical  
11 fitness standards and annual assessment policy for government of  
12 Guam uniform public safety and law enforcement officials. Guam  
13 Police Department, through the Chief of Police or his designee, shall  
14 spearhead the formulation of such standards and policies through the  
15 provision of administrative or other support deemed necessary, and  
16 shall work in conjunction with other public safety and law  
17 enforcement entities on island. The Chief of Police or his designee  
18 shall serve as the Chairperson of the Task Force and shall ensure  
19 timely completion of the physical fitness standards and annual  
20 assessment policy.

21 (c) The Chief of Police, the Chiefs, law enforcement administrators, and  
22 administrators identified in subsection (a) of §55104.2, wherever  
23 applicable, shall appoint a uniformed representative who shall serve as  
24 a member of the Task Force. Such appointments shall be made no  
25 later than Thirty (30) days following the enactment of this provision.  
26 The Chief of Police shall be responsible for ensuring the timely  
27 empanelling of Task Force members and the completion of the

1 objectives of the Task Force as outlined in this Act. The Judiciary of  
2 Guam, Guam Fire Department, Department of Corrections, Customs  
3 and Quarantine Agency, Jose D. Leon Guerrero Commercial Port  
4 Authority Police, A.B. Won Pat International Airport Authority  
5 Police, and Director of Agriculture shall forward their appointees for  
6 the Task Force to the Chief of Police in the time required.

7 (d) The standards and annual assessment policy identified herein shall be  
8 accepted and completed by Task Force members no later than One  
9 Hundred Eighty (180) days following the enactment of this Act. Upon  
10 completion, the physical fitness standards and annual assessment  
11 policy shall be presented to I Maga'lahaen Guåhan. Within Thirty(30)  
12 days of receipt, I Maga'lahaen Guåhan shall approve and present to the  
13 *I Liheslaturan Guahan* for consideration and official adoption. The  
14 government-wide fitness standards and annual assessment policy to be  
15 created shall include, but not limited to, the following:

- 16 1) A three-to-five year implementation plan demonstrating long-  
17 term commitment to physical fitness/health for employees; and
- 18 2) A health related orientation, including screening procedures,  
19 individualized exercise programs, and appropriate follow-up  
20 activities; and
- 21 3) Identification of a person skilled in prescribing exercise to  
22 direct the fitness standard.
- 23 4) An approach that will consider key health behavior related to  
24 degenerative disease, including smoking and nutrition.
- 25 5) A modest facility or gym membership benefits that includes  
26 only the essentials necessary to conduct a maintenance program  
27 involving: cardiovascular endurance, anaerobic power,

1 muscular strength, muscular endurance, flexibility, and body  
2 composition.

3 6) Provision for equal opportunities for men and women, and all  
4 employees regardless of grade or step level.

5 (e) The Task Force, upon formal acceptance and adoption of the fitness  
6 standards and annual assessment policy by I Liheslaturan Guahan  
7 shall thereafter dissolve.

8 **§55104.3. Annual Reporting Timeline**

9 The Director of Administration *shall* perform the review and report  
10 described in Title 10 GCA, Chapter 55, Division 3, §55104 on an semi-annual  
11 basis during the month of July, beginning July 1, 2015.”

12 **Section 3. Severability.**

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

17 **Section 4. Effective Date.** This Act shall be immediately effective upon  
18 enactment.