

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
65-32 (COR)	M.F.Q. San Nicolas	AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS FOR NEW MEMBERS OF BOARDS AND COMMISSIONS BY ADDING A NEW SECTION §43116 TO 5 GCA.	3/12/13 12:31 p.m.	3/13/13	Committee on General Governmental Operations and Cultural Affairs	4/2/13, 10:00am	4/18/13, 2:08pm	Fiscal Note Requested 3/19/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	4/30/2013	AN ACT TO ADD A NEW §43116 TO ARTICLE 1 OF CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR EDUCATIONAL PROGRAMS FOR MEMBERS OF BOARDS AND COMMISSIONS.	4/30/2013	2:00pm	5/10/2013			Fiscal Notes Received 5/14/13 12:06 P.M.



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

May 14, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

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

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

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

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Fiscal Notes**

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

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

Legislative Secretary
Tina Rose Muña Barnes
Member

FISCAL NOTES:

Bill Nos.: 65-32(COR), 77-32(COR), 110-32(COR)

Senator
Frank Blas Aguon, Jr.
Member

WAIVERS:

Bill No. 109-32(COR)

Senator
Michael F.Q. San Nicolas
Member

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

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Aline Yamashita
Member

2013 MAY 14 PM 12:06

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

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

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

MAY 13 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 65-32(COR), 77-32(COR),
110-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 109-32(COR).

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


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 65-32**

AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS FOR NEW MEMBERS OF BOARDS AND COMMISSIONS BY ADDING A NEW SECTION §43116 TO 5 GCA.

Department/Agency Appropriation Information	
Dept./Agency Affected: Administration	Dept./Agency Head: Benita Manglona
Department's General Fund (GF) appropriation(s) to date:	27,958,631
Department's Other Fund (Specify) appropriation(s) to date: GHF, IDCF, TAF, and SLF	8,523,716
Total Department/Agency Appropriation(s) to date:	\$36,482,347

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- 1. Does the bill contain "revenue generating" provisions? // Yes /x / No
If Yes, see attachment
- 2. 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
- 3. Does the Bill establish a new program/agency? // Yes /x / No
If yes, will the program duplicate existing programs/agencies? /x / N/A // Yes // No
Is there a federal mandate to establish the program/agency? // Yes /x / No
- 4. Will the enactment of this Bill require new physical facilities? // Yes /x / No
- 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x / No
/ / Requested agency comments not received as of the due date /x / Other: insufficient time

Analyst: John AB Pangelinan Date: 5/9/13 Director: John A. Rios Date: MAY 13 2013
 John AB Pangelinan, Acting Deputy Director John A. Rios, Director

Footnotes:
Please see attached comment sheet.

Comments on Bill No. 65-32

This proposed legislation is seeking to improve the decision making process of every board member of every established commissions and boards of the Government by mandating an education and development curriculum, under a new proposed Section 43116. Each education program is to be established by the Director of the agency, which is governed by a commission or a board. This proposal is an unfunded mandate. The cost of initiating such training program may be low, provided the training is done in-house or as high if such training is contracted out to professional firms.

Because such training has not been considered in the past, the cost associated with such training would impact the FY 2013 budget as well as the FY 2014 fiscal year appropriation budget upon passage of this Act. Such fiscal requirement would further impact departments' already structurally deficient operating FY 2013 appropriations.

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

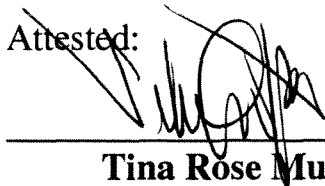
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 65-32 (COR)**, "AN ACT TO ADD A NEW §43116 TO ARTICLE 1 OF CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR EDUCATIONAL PROGRAMS FOR MEMBERS OF BOARDS AND COMMISSIONS", was on the 30th day of April, 2013, duly and regularly passed.



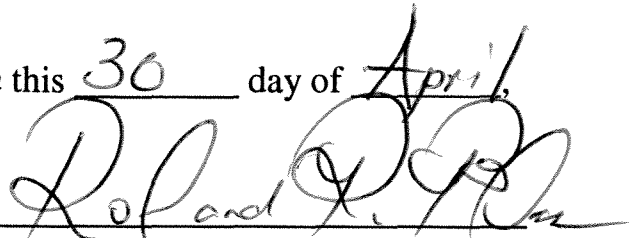
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 30 day of April, 2013, at 2:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 65-32 (COR)

As amended by the Committee
on General Government Operations and
Cultural Affairs.

Introduced by:

Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW §43116 TO ARTICLE 1 OF
CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO PROVIDING FOR
EDUCATIONAL PROGRAMS FOR MEMBERS OF
BOARDS AND COMMISSIONS.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible Boards
3 and Commissions Education Act.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that Public Law 24-191 established a single educational program at the University

1 of Guam to train members of boards and commissions. This educational program
2 was repealed by Public Law 28-76.

3 *I Liheslaturan Guåhan* further finds that, although the existence of training
4 for board members is beneficial to the operations of boards and commissions, each
5 board and commission generally has its own specific statutes and rules and
6 regulations which it must follow. Such a program should be optimized to deal with
7 matters most relevant for each board and commission.

8 Additionally, *I Liheslatura* finds that errors by the members of boards and
9 commissions can result in procurement delays, as well as litigations, which have
10 historically cost the government significant sums.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish training and
12 curriculum to educate members of boards and commissions on the various statutes,
13 rules and regulations which they must follow, and of which they must be aware to
14 accomplish the purposes for which each board or commission is established, by
15 adding a new §43116 to Title 5 GCA.

16 **Section 3. Boards and Commissions Educational Programs.** A new
17 §43116 is hereby *added* to Article 1 of Chapter 43, Division 4 of Title 5, Guam
18 Code Annotated, to read:

19 **“§ 43116. Boards and Commissions Educational Programs.**

20 (a) Development of Training and Curriculum. Each board or
21 commission *shall* have an educational program established to prepare
22 its members for the duties of the board or commission to which they
23 are appointed. Such educational program *shall* cover procurement
24 laws, as applicable, applicable statutes, executive orders, and rules
25 and regulations which govern the board or commission and their
26 respective areas of purview. Each educational program *shall* be
27 established, within ninety (90) days of the enactment of this Section,

1 by the Director of the agency with which the board or commission is
2 associated, or his designee; or, if there is no such agency, then *I*
3 *Maga'lahi* (the Governor), or his designee. Each educational program
4 *shall* be updated, as needed, *no less than* annually, to reflect any
5 changes to procurement laws, applicable statutes, and rules and
6 regulations. The Director of each agency *shall* report to *I Maga'lahi*
7 (the Governor) within thirty (30) days when member(s) of an
8 associated board or commission complete the applicable educational
9 program. The Director, or his designee, *shall* conduct the training
10 sessions at a time and location to be determined by the Director, in
11 compliance with the Americans with Disabilities Act and other
12 relevant statutes.

13 (b) Education of Current Board and Commission Members.
14 Each current member of a board or commission *shall* complete the
15 applicable educational program within thirty (30) days of the
16 establishment of the program.

17 (c) Education of New Board and Commission Members.
18 Each new member of a board or commission *shall* complete the
19 applicable educational program within thirty (30) days of his election
20 and qualification, or his confirmation by *I Liheslatura* to the board or
21 commission.

22 (d) Continuing Education for Board and Commission
23 Members. Each year, the members of each board and commission
24 *shall*, as a form of continuing education, complete the applicable
25 educational program for the board or commission on which they
26 serve.

1 (e) Failure to Complete an Educational Program. Failure to
2 complete an educational program within one hundred eighty (180)
3 days of a board or commission member's appointment *shall* result in
4 the member's removal and the appointment of a new member to fill
5 the vacancy, pursuant to §2101 of Chapter 2, Title 4, Guam Code
6 Annotated. Actions of a board or commission *shall not* be invalidated
7 by the failure of a member to complete the applicable educational
8 program.”

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingo Legislative Session Hall


Bill No: 65-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA		✓			
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS					✓
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO		✓			
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL	12	2			1
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

I = Pass



 Clerk of the Legislature



April 17, 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslaturan Guahan
32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 65-32 (COR) As Amended by the Committee on General Government Operations and Cultural Affairs

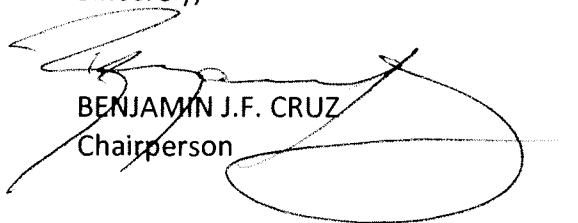
Dear Speaker Won Pat:


Transmitted herewith is the Report of Committee on General Government Operations and Cultural Affairs on Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Committee votes are as follows:

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

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson

2013 APR 18 PM 2:08




COMMITTEE REPORT

ON

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA As Amended by the Committee on General Government Operations and Cultural Affairs



April 17, 2013

MEMORANDUM

TO: All Members

**FROM: Vice Speaker Benjamin J.F. Cruz
Committee on General Government Operations and Cultural Affairs**

SUBJECT: Committee Report on Bill No. 65-32 (COR) As Amended by the Committee on General Government Operations and Cultural Affairs

Transmitted herewith for your consideration is the Committee Report on Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 65-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 65-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

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

Very truly yours,


BENJAMIN J.F. CRUZ
Chairperson



Chairperson

COMMITTEE VOTING SHEET

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 4/17/13				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓ 4/17/13				
WON PAT, JUDITH T. Speaker and Ex-Officio Member		4-17-13				
ADA, THOMAS C. Member		✓ 4/17/13				
PANGELINAN, C. VICENTE Member						
RESPICIO, RORY J. Member		✓ 4/17/13				
RODRIGUEZ, DENNIS G. JR. Member						
SAN NICOLAS, MICHAEL, F.Q. Member		✓ 4/17/13				
AGUON, Jr., FRANK B. Member		✓ 4/17/13				
ADA, V. ANTHONY Member						
Morrison, Thomas Member						
McCreadie, Brant Member		✓ 4/17/13				
YAMASHITA, ALINE Member						



Committee Report Digest

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Tuesday, April 2nd, 2013 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration was Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on March 25, 2013, and March 27, 2013 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz
Senator Rory J. Respicio
Senator Vicente C. Pangelinan
Senator Michael F.Q. San Nicolas
Senator V. Anthony Ada
Senator Christopher M. Duenas
Senator Brant McCreadie
Senator Thomas Morrison

The public hearing was called to order at 10:05 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F Cruz announced Bill No. 65-32 (COR) and deferred to Senator Michael F.Q. San Nicolas as the main sponsor.



Senator San Nicolas stated in drafting Bill No. 65-32 (COR) he hoped to devise a system whereby board members could receive a form of education in the laws that apply to the work that they perform.

Senator San Nicolas stated that he recognizes the public sector has numerous boards and board members made up of honest people attempting to navigate complicated systems of laws. Senator San Nicolas stated that each board and commission has specific statutes and rules and regulations to follow and these programs should be optimized to deal with matters most relevant for each board and commission. Senator San Nicolas stated that the cost of training board members regarding the laws that apply to their work is saved in the long run because it will shrink errors by members of boards and commissions that can and have resulted in procurement delays and litigation that has costed the government of Guam numerous sums.

Senator Cruz stated that his committee received written testimony from Mr. Felixberto Dungca in for Bill No. 65-32 (COR).

Albert San Agustin, resident of Guam, submitted written testimony regarding the public school system.

Ron McNinch, resident of Guam, provided oral testimony in support of Bill No. 65-32 (COR). Mr. McNinch stated that board members on Guam do need training and the training needs to be continuous. Mr. McNinch stated that one example of training is the Guam Election Commission that requires board members to read its enabling statute. Mr. McNinch stated that he is currently working with the University of Guam to train its board. Mr. McNinch stated that the three big things board have problems is in procurement, personnel, and ethics. Mr. McNinch said a set curriculum could be followed whereby the individuals do not have to be at the agency for training and he offered his help to any agency or board via advising.

Ruha Sabeti, student at the University of Guam, provided oral testimony in support of Bill No. 65-32 (COR), but with caution. Ms. Sabeti stated that she knows the “good faith immunity” exists in Allied Health Act as it relates to the Cosmetology Board and the Allied Health Board. Ms. Sabeti stated that she thinks Bill No. 65-32 (COR) may create a dilemma because it does not provide a penalty if a board member makes a mistake after they have been trained. Ms. Sabeti clarified that she does support Bill No. 65-32 (COR), but asserted that it may clash with existing statutes due to “good faith immunity.”

Alberto Lamorena, resident of Guam, stated concern that the Director of an agency will have large



influence for the creation of a training program. Mr. Lamorena stated that many situations arise where a new director is not aware of the statutes and procedures in relation to the agency they are overseeing; therefore, it may be difficult for them to train employees or create a training program for board members. Mr. Lamorena stated it is possible that a director could influence board members based on how a training program is devised and implemented. Mr. Lamorena stated the training program should be specific to rules and procedures, approved through the Triple A process, and laws signed approved by the legislature that are signed by the governor. Mr. Lamorena stated that in addition the rules should be reviewed annually.

Senator Pangelinan agreed with the assertions made by Mr. Lamorena. Senator Pangelinan stated a recent example of this is the controversy at the airport where the board of directors stated they returned gifts that they had received during a recent trip overseas that might influence their voting, but that the director, governor, and other personnel were not held accountable in the same way.

Mr. Lamorena stated that his experiences in the past as a director of various agencies is that the staff often takes several months, due to the complexity, to train him in addition to his regular duties. Mr. Lamorena then restated that in order to ensure that a director does not influence a board the training program should be specific to rules and procedures, approved through the Triple A process, and laws signed approved by the legislature that are signed by the governor.

Senator San Nicolas stated that he spoke to Mr. Chuck Ada, the General Manager of the A.B. Won Pat International Airport Authority and that Mr. Ada is a proponent of Bill No. 65-32 (COR). Senator San Nicolas stated that Mr. Ada noted that if proper training had occurred for its board members the airport controversy may not have occurred. Senator San Nicolas acknowledged the concerns of Mr. Lamorena that a director may influence board members through training, but he asserted that influence of board members occurs constantly through interaction.

Mr. Lamorena stated that he has been a director over many years for many different agencies. Mr. Lamorena stated that they provide advice to board members, but that board members have to take that advice into consideration. Mr. Lamorena stated that the way Bill No. 65-32 (COR) currently reads the rules and regulations that govern a board may be amended several times in a year, which is where a director may effectively influence a board.

Senator Cruz thanked members of the panel for their comments then asserted that the record will be open for ten days so that residents may submit their testimonies.



III. FINDINGS AND RECOMMENDATION

The Committee on General Government Operations and Cultural Affairs has produced an amended version of Bill No. 65-31 (COR). In Section 3, line 16, of the Bill, amendments have been made to clarify the language of the bill.

First, in addition to the inclusion of “procurement law, as applicable, applicable statutes and rules and regulations”, “executive orders” has been added, to recognize additional ways in which the rules and regulations which affect the operations of boards and commissions may be made.

Second, in Section 3, line 16, “or his designee” was added because the educational program is to be established “by the Director of the agency with which the board or commission is associated, or, if there is no such agency, then the Governor or his designee.” It was brought up in testimony before the Committee that some Directors may not be prepared to create an educational program, so he shall be allowed to designate one to create the educational program.

Third, in Section 3, lines 12 and 13, “election and qualification or his confirmation by *Lihe slatura*” was added because the bill was drafted to require new board or commission members to “complete the applicable educational program within thirty (30) days of his appointment to the board or commission”, but the language has been broadened to “his election or qualification or his confirmation by *Lihe slatura*” to both clarify that the educational program is to be conducted after confirmation for those appointed to serve on a board or commission and make a provision that clearly defines when members of an elected board or commission will complete the program.

The Committee on General Government Operations and Cultural Affairs to which was referred “Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA” hereby submits these findings to *Mina' Trentai Unu na Lihe slatura Guåhan* and reports out Bill No. 65-32 (COR) as Amended by the Committee with a recommendation TO *Pass*

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 65-32 (COR)

Introduced by:

Michael F.Q. San Nicolas

2013 MAR 13 PM 12:31

**AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS
FOR NEW MEMBERS OF BOARDS AND COMMISSIONS
BY *ADDING A NEW SECTION* §43116 TO 5 GCA.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Short Title.** This act shall be cited as the “Responsible Board and
3 Commission Education Act”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
5 Public Law 24-191 established a single educational program of the University of
6 Guam to train members of boards and commissions. This educational program was
7 repealed by Public Law 28-76.

8 *I Liheslaturan Guåhan* further finds that, although the existence of training for
9 board members is beneficial to the operation of boards and commissions, each board
10 and commission generally has its own specific statute and rules and regulations which
11 it must follow. Such a program should be optimized to deal with matters most
12 relevant for each board and commission.

13 Additionally, *I Liheslatura* finds that errors by the members of boards and
14 commissions can result in procurement delays as well as litigation which have cost the
15 government significant sums, historically.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish training and
17 curriculum to educate members of boards and commissions on the various statutes,

1 rules and regulations which they must follow and of which they must be aware to
2 accomplish the purposes for which each board or commission is established, by
3 adding a new §43116 to 5 GCA.

4 **Section 3. Boards and Commissions Educational Programs.** A *new* §43116
5 is hereby *added* to 5 GCA, to read:

6 **“§43116. Boards and Commissions Educational Programs.**

7 (a) Development of Training and Curriculum. Each board or commission shall
8 have an educational program established to prepare its members for the duties of the
9 board or commission to which they are appointed. Such educational program shall
10 cover procurement law, as applicable, applicable statutes and rules and regulations
11 which govern the board or commission and their respective areas of purview. Each
12 educational program shall be established, within ninety (90) days of the enactment of
13 this Section, by the Director of the agency with which the board or commission is
14 associated, or, if there is no such agency, then the Governor or his designee. Each
15 educational program shall be updated, as needed, no less than annually, to reflect any
16 changes to procurement law, applicable statutes, and rules and regulations. The
17 Director of each agency shall report to the Governor within thirty (30) days when
18 member(s) of an associated board or commission complete the applicable educational
19 program. The Director or his designee shall conduct the training sessions at a time and
20 location to be determined by the Director, in compliance with the Americans with
21 Disabilities Acts and other relevant statutes.

22 (b) Education of Current Board or Commission Members. Each member of a
23 board or commission shall complete the applicable educational program within thirty
24 (30) days of the establishment of the program.

1 (c) Education of New Board or Commission Members. Each new member of a
2 board or commission shall complete the applicable educational program within thirty
3 (30) days of his appointment to the board or commission.

4 (d) Continuing Education for Board or Commission Members. Each year, the
5 members of each board and commission shall, as a form of continuing education,
6 complete the applicable educational program for the board or commission on which
7 they serve.

8 (e) Failure to Complete an Educational Program. Failure to complete an
9 educational program within one hundred eighty (180) days of a board or commission
10 member's appointment shall result in the member's removal and the appointment of a
11 new member to fill the vacancy, pursuant to 2 GCA §2101. Actions of a board or
12 commission shall not be invalidated by the failure of a member to complete the
13 applicable educational program.”

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 65-32 (COR)

As Amended by the Committee
On General Government and
Cultural Affairs

Introduced by:

Michael F.Q. San Nicolas

**AN ACT TO PROVIDE FOR EDUCATIONAL
PROGRAMS FOR NEW MEMBERS OF BOARDS AND
COMMISSIONS BY *ADDING A NEW SECTION §43116*
TO 5 GCA.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible Board
3 and Commission Education Act”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that Public Law 24-191 established a single educational program of the
6 University of Guam to train members of boards and commissions. This
7 educational program was repealed by Public Law 28-76.

8 *I Liheslaturan Guåhan* further finds that, although the existence of
9 training for board members is beneficial to the operation of boards and
10 commissions, each board and commission generally has its own specific
11 statute and rules and regulations which it must follow. Such a program

1 should be optimized to deal with matters most relevant for each board and
2 commission.

3 Additionally, *I Liheslatura* finds that errors by the members of boards
4 and commissions can result in procurement delays as well as litigation which
5 have cost the government significant sums, historically.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish training
7 and curriculum to educate members of boards and commissions on the
8 various statutes, rules and regulations which they must follow and of which
9 they must be aware to accomplish the purposes for which each board or
10 commission is established, by adding a new §43116 to 5 GCA.

11 **Section 3. Boards and Commissions Educational Programs.** *A new*
12 §43116 is hereby *added* to 5 GCA, to read:

13 **“§43116. Boards and Commissions Educational Programs.**

14 (a) Development of Training and Curriculum. Each board or
15 commission *shall* have an educational program established to prepare its
16 members for the duties of the board or commission to which they are
17 appointed. Such educational program *shall* cover procurement law, as
18 applicable, applicable statutes, executive orders, and rules and regulations
19 which govern the board or commission and their respective areas of purview.
20 Each educational program shall be established, within ninety (90) days of the
21 enactment of this Section, by the Director of the agency with which the board
22 or commission is associated or his designee, or, if there is no such agency, then

1 the Governor or his designee. Each educational program shall be updated, as
2 needed, no less than annually, to reflect any changes to procurement law,
3 applicable statutes, and rules and regulations. The Director of each agency
4 shall report to the Governor within thirty (30) days when member(s) of an
5 associated board or commission complete the applicable educational program.
6 The Director or his designee shall conduct the training sessions at a time and
7 location to be determined by the Director, in compliance with the Americans
8 with Disabilities Acts and other relevant statutes.

9 (b) Education of Current Board or Commission Members. Each member
10 of a board or commission shall complete the applicable educational program
11 within thirty (30) days of the establishment of the program.

12 (c) Education of New Board or Commission Members. Each new
13 member of a board or commission shall complete the applicable educational
14 program within thirty (30) days of his election and qualification or his
15 confirmation by I Liheslatura ~~appointment~~ to the board or commission.

16 (d) Continuing Education for Board or Commission Members. Each
17 year, the members of each board and commission shall, as a form of
18 continuing education, complete the applicable educational program for the
19 board or commission on which they serve.

20 (e) Failure to Complete an Educational Program. Failure to complete an
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22 commission member's appointment shall result in the member's removal and

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3 of a member to complete the applicable educational program.”

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
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PUBLIC HEARING SIGN-IN SHEET

Tuesday, April 2, 2013

I Liheslatura • Public Hearing Room • Hagatña, Guam

Bill No. 65-32 (COR)

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Ruha Sabli	Student-UGA	Support		✓		missruha@gmail.com
NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS

Why We Still Need *Albert San Agustin* Public Schools

Public Education for the Common Good

Pro Vita

The Public Missions of Public Education— and Why They Still Apply

As the brief history above suggests, American public schools have been expected to fulfill certain public missions that go beyond the purely academic purposes of all schools, public and private.

These public missions can be characterized by six main themes:

1. To provide universal access to free education
2. To guarantee equal opportunities for all children
3. To unify a diverse population
4. To prepare people for citizenship in a democratic society
5. To prepare people to become economically self-sufficient
6. To improve social conditions

Most of these missions go back to the early days of public education, although the specific goals and means of accomplishing them have changed over time. Some of them are unique to public schools, while others apply broadly to both public and private schools but place special demands on public schools. Although some private schools are effectively addressing the missions discussed here, they are not required by law or expected by society to carry out these purposes as a primary mission.

1. To provide universal access to free education

[T]he fact remains that the whole country is directly interested in the education of every child that lives within its borders. The ignorance of any part of the American people so deeply concerns all the rest that there can be no doubt of the right to pass laws compelling the attendance of every child at school . . .

—Frederick Douglass, African American writer and abolitionist,
speech at the National Convention of Colored Men, 1883

Public schools were established to make education universally available to all children, free of charge. This mission remains as necessary today as it was two hundred years ago. Public schools educate the vast majority of U.S. students and will continue to do so for the foreseeable future. Public schools are accessible in all parts of the country, including areas where few or no private schools exist. Private schools, though important to many families, were not designed to be a universal system.

- Americans have not abandoned public schools. Public schools serve 88% of the nation's elementary and secondary students, while private schools serve 12%. These relative shares have stayed roughly the same for a few decades and are projected to remain the same for the next several years.

Unlike private schools, which can be selective about whom to enroll, public school systems must serve all who live within their boundaries. By law, public schools must provide free education to students with disabilities and English language learners—two groups with special needs that private schools may choose not to enroll or may not be equipped to serve. Public schools must also educate students whose academic or disciplinary records might keep them from being admitted to a private school.

- Ninety-eight percent of students with disabilities are educated in public schools, while only 1% are educated in private schools. (The remainder are served in residential facilities or hospitals.)

The No Child Left Behind Act has brought a new dimension to the concept of universal public education. Not only must public schools educate all students, but they must also take steps intended to ensure that all students are taught by highly qualified teachers and achieve at high levels.

2. To guarantee equal opportunity for all children

A republican government should be based on free and equal education among the people.

—Susan B. Anthony, women's rights leader, letter to a friend, 1900

Public education has long been recognized as a gateway to opportunity for people from all economic and racial/ethnic backgrounds. Early advocates of public education contended that only public funding would give schools the consistent support needed to educate children from poor families and bring a more standard approach to curriculum, length of the school year, teacher qualifications, and other characteristics. In later years, advocates for the rights of women and minorities saw public schools as the institution with the greatest capacity to improve people's futures and change public attitudes.

Although public schools have become more inclusive, equal access to high-quality education is not yet a reality. Wide differences exist among schools, districts, and states in per pupil funding, the availability of experienced and well-qualified teachers, the effectiveness of leadership and teaching, access to advanced courses, and other factors affecting quality.

- Students in public schools with high poverty or high minority enrollments are more likely than other students to be taught by inexperienced or "out-of-field" teachers (teachers who lack specific certification or a college major in the subject they teach). For example, 16% of students in high-poverty public high schools are taught math

by an out-of-field teacher, compared with 5% of students in low-poverty high schools.

Disparities in education funding and quality continue in part because education in the U.S. remains primarily a state and local function. States and communities vary not only in wealth, but also in their capacity and willingness to tax their citizens. In recent years, government policies have tried to equalize resources among schools in wealthy and poor communities. In addition, major court cases have focused on whether states are fulfilling their constitutional obligation to provide all students with an adequate education.

Ensuring equal opportunity remains an essential mission for public education. Despite improvements over the past 15 years in the average achievement of African American and Latino students, achievement gaps remain between these groups and their white and Asian counterparts, according to the National Assessment of Educational Progress (NAEP). Similar achievement gaps persist between low-income and higher-income students. Under the No Child Left Behind Act, public schools are held accountable for closing these gaps, while private schools are not. Moreover, a higher share of minority and low-income children attend public schools than attend private schools.

- ▶ Forty-three percent of public school students are minority children, compared with 24% of private school students. Although family income information for private school students is sketchy, 44% of public school 4th graders come from families with incomes low enough to qualify for free or reduced-price lunches, compared with just 6% of private school students, according to NAEP.

3. To unify a diverse population

The most effectual, and indeed the only effectual, way to produce this individuality and harmony of national feeling and character is to bring our children into the same schools and have them educated together.

—Calvin Stowe, theology professor and abolitionist, *Transactions of the Fifth Annual Meeting of the Western Literary Institute*, 1836

For two centuries, public schools have been the main institution in American society responsible for transmitting a common American culture to a diverse population. Public schools have been the place where immigrants have learned the English language and absorbed American culture and values. Views have shifted over time about how best to promote unity while respecting diverse cultures. On the whole, however, U.S. public schools have carried out this unifying mission more successfully than schools in many other countries.

Part of building a common culture involves teaching students from different racial, ethnic, religious, and economic backgrounds to respect each other and get along. Early advocates of the common school believed that when children from different backgrounds shared in a common education, class conflict would disappear and people would interact with greater civility.

Public schools continue to be the chief institution that brings together young people from different backgrounds for a major part of the day. Although many private schools enroll a diverse student body, they are less diverse as a group than public schools and do not have the same responsibility to forge a cohesive society.

Today, the mission of promoting cultural unity is more crucial than ever. The U.S. population has become more ethnically and linguistically diverse at the same time the economy has become more international. And in a world torn with ethnic strife, the ability to understand other perspectives and deal with conflict are critical skills.

- More than 10% of public school students are English language learners—students whose first language is not English and who are learning English. About 19% of school-age children are children of immigrant parents. It is not uncommon for a single school district to enroll students from more than two dozen language groups. In some very diverse districts, more than 90 different languages are spoken by the English language learner population.

Not all schools live up to the goal of bringing together children from different backgrounds. Because of neighborhood housing patterns and patterns of private school attendance, some public schools enroll students who come mostly from the same racial/ethnic or socioeconomic background—whether a largely Latino inner-city school or a primarily white rural school. The existence of these schools makes it all the more important for the nation to recommit to the goal of using public education to promote tolerance while building a shared culture.

4. To prepare people for citizenship in a democratic society

Above all things I hope the education of the common people will be attended to, convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty.

—Thomas Jefferson, U.S. president, letter to James Madison, 1787

Our nation's founders believed strongly that the success of American democracy depended on the competency of its citizens. A chief reason for public education cited by Jefferson and other early leaders was the need to produce citizens who would understand political and social issues, participate in civic life, vote wisely, protect their rights and freedoms, and keep the nation secure from inside and outside threats.

Developing good citizens includes more than preparing students for their roles as voters. The founders considered strong character and high morals to be essential to good citizenship, and toward that end, the public schools of the 19th century offered moral instruction. Today, some schools offer character education, encourage students to volunteer or participate in community life, or teach them how to evaluate information critically and engage in dialogue and debate.

The need to transmit the knowledge, skills, and habits necessary for a democratic way of life remains an important mission for public education. The more education one has, the more likely one is to vote.

- In the 2004 Presidential election, just 40% of citizens with less than a high school education voted, compared with 56% of high school graduates and 78% of college graduates.

Preparing students for citizenship is also critical because studies suggest that young people have an inadequate degree of basic civics knowledge.

- According to an international study of civics knowledge among students in 27 democratic nations, young people in the U.S. scored consistently better than students in the other countries in interpreting political information, such as a leaflet about election issues or a political cartoon. But U.S. students showed only an average understanding of the basic concepts and institutions of democracy.

Although all schools, public and private, play a role in preparing young people to be good citizens, public schools fill several unique roles. Public school classrooms are one of the first places where children form a community that mirrors the larger society. By associating with children from diverse backgrounds, students learn the skills of making group decisions, establishing and enforcing rules, and handling disagreement—skills that they will use later in civic life.

In addition, supporting public education is itself an exercise in citizenship. People contribute tax dollars, time, and effort toward an activity that benefits the whole society. Citizens, whether or not they have children, also have a sense of ownership and oversight of public education. Through school boards, state associations, stakeholder groups, and more informal involvement with their local public schools, citizens can influence policies and practices affecting public education.

5. To prepare people to become economically self-sufficient

Education, then, beyond all other devices of human origin, is the great equalizer of the conditions of men—the balance-wheel of the social machinery . . . It does better than disarm the poor of their hostility towards the rich; it prevents being poor.

—Horace Mann, “father of the common school,”
Report no. 12 of the Massachusetts School Board, 1848.

To justify the creation of public schools, early advocates often emphasized the economic benefits of education. Providing education for children of the poor and middle class would prepare them to obtain good jobs, which in turn would reduce disparities in wealth and strengthen the nation’s economic growth. Without question, public education has been the engine of upward economic mobility for millions of Americans.

Economic arguments continue to be a persuasive reason for maintaining and improving American public education, and one that enjoys strong public support. As people know from their own experience, individual earnings are strongly linked to educational attainment.

- Adults 18 and older who completed high school earned an average of \$28,645 in 2004—about 1.5 times as much as the average of \$19,169 earned by adults who lacked a high diploma. Adults with a bachelor's degree earned almost 1.8 times as much as those with just a high school diploma.

Of course, teaching students the knowledge and skills necessary to succeed in their careers is a major goal of all schools, private as well as public. But public schools have a special responsibility to help all students to become economically self-sufficient, including students with disabilities or academic problems. In addition, public high schools, unlike the vast majority of private schools, offer vocational and technical education for students who learn best through hands-on, work-oriented instruction.

Since most U.S. students attend public schools, the quality of the public education system not only affects an individual's ability to get a good job but also shapes the nation's ability to compete in a global economy. As many developing nations understand quite well, investing in public education is one of the surest means to improving a nation's economic standing.

6. To improve social conditions

Fewer pillories and whipping posts and smaller gaols [jails], with their usual expenses and taxes, will be necessary when our youth are properly educated, than at present. I believe it could be proved that the expenses of confining, trying, and executing criminals amount every year, in most of the counties, to more money than would be sufficient to maintain the schools.

—Benjamin Rush, physician and statesman,
Essays, Literary, Moral, and Philosophical, 1786

Many early advocates of the common school put great store in the power of public education to eliminate poverty, crime, and a host of other social problems. Although education has not done away with all of society's ills, it has clearly improved people's lives according to a variety of social indicators. People with more education are less likely than undereducated adults to commit crimes, be homeless, or abuse drugs, to cite just a few examples. Those with more education enjoy better health and more stable families.

- Most prison inmates are high school dropouts. Seventy-five percent of state prison inmates, 59% of federal inmates, and 69% of jail inmates did not complete high school.

Maintaining Public Education While Improving Its Quality

What the best and wisest parent wants for his own child, that must the community want for all of its children. Any other ideal for our schools is narrow and unlovely; acted upon, it destroys our democracy.

—John Dewey, educational philosopher, *The School and Society*, 1907

Although the missions listed above remain viable ones for public education, not all public schools are fulfilling them well. Some schools are not effectively teaching students the knowledge and skills needed to succeed in the workforce or participate fully in civic life. Schools with high dropout rates are not improving the economic well-being of their young people or the social conditions of their community. Schools that serve a homogenous neighborhood may have difficulty teaching students how to get along with others from different backgrounds.

Schools fall short for various reasons. Some of these reasons are factors inside the school, such as poor leadership, ineffective teaching, or misplaced priorities. Others are factors beyond the school, such as inadequate funding, lack of community support, or communities strained by poverty and social dysfunction.

Just because individual public schools are not living up to these ideals, however, is no reason to abandon the ideals or the institution of public education. Some citizens point to the poor performance of some public schools as a reason to shift responsibility for education to the private sector. That was tried before, in the years preceding universal public education, and many children were left out.

In a democracy, certain functions, including education, are intended to promote the public good as much as private interests. Without public schools, education would become a private interest, much to the detriment of society. Private schools would accept the higher-achieving students whose families could afford to pay, or would give scholarships to the best students, but what about the rest? What institution could be counted on to educate all students whose families could not afford tuition? What institution could be counted on to enroll children with disabilities or English language learners? What about children whose parents lack the skills or motivation to navigate the array of educational options likely to spring up in the absence of a public education system?

In a world without public schools, responsibility for education would be dispersed across a jumble of providers, with no coordinating role from any level of government. Citizens would lack clear channels to influence state or national education policy. There would be no guarantees that any of the public missions of public education would remain a priority. Children from more privileged families would suffer, too, by being isolated from other segments of American society. The nation would lose the one institution that routinely brings together children from different walks of life.

Both public and private schools contribute to the nation's well-being. But Americans expect public schools to do more than private schools to address social problems. Unlike private schools, public schools are expected to have programs to feed low-income children, provide before- and after-school care, prevent substance abuse and violence, and address health issues. In addition, some public schools serve as community centers, where families can meet, learn, play, and access a range of services.

At a time when a significant number of children live in poverty and many communities suffer from a range of social problems, the need is as great as ever for a strong public education system. Not only does education offer a way out of poverty, but good public schools can also help turn around neighborhoods in distress.

- Sixteen percent of school-age children in the U.S. are from families with incomes below the federal poverty level.

Perspectives About the Purposes of Education

According to public opinion polls, many Americans agree that the missions cited above are important reasons for having public schools.

- When asked to choose which reason for public schools seemed most important to them, 25% of Americans participating in a 2006 national poll cited as their top reason "to give all children a chance to get ahead and level the playing field"; 22% said "to keep America strong and competitive in the global economy"; 19% said "to help strengthen our democracy so children will have the skills to participate as adults"; and 16% said "because today's children are tomorrow's workforce." (Other reasons were cited by 10% or less of those polled.)

Still, the six public missions listed above are not the only reasons why education is essential. Education serves a variety of purposes that are not discussed in this publication, either because they are not unique to public schools or because they relate to individual benefits rather than collective goals. For example, education enriches individuals' lives by developing their capacities to think critically, appreciate culture, and maintain a sense of curiosity about the world. Education exposes children to new ways of thinking. Perhaps most importantly, a good elementary and secondary education can spur young people to go on to higher education and pursue learning all their lives.

Citizens today might take a lesson from the idealism of the founders of public education. Although public schools sometimes fall short of expectations, holding a set of ideals gives these schools something to work toward. The answer is not to do away with public schools or give up on the ideals that have guided them for two centuries. Nor is the answer to accept public schools as they are. The answer is to encourage reforms that will help *all* schools live up to these ideals.

Public schools must be accountable to citizens, but citizens must also be accountable to public schools. Americans can provide a model for their children of the virtues of a well-educated citizenry by supporting public education, engaging with their local schools, showing wisdom and compassion in decisions affecting schools, and advocating for better and more equitable public education.

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March 29, 2013

Honorable Benjamin J.F. Cruz
Vice-Speaker
Committee on General Government Operations and Cultural Affairs
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32nd GUAM LEGISLATURE
155 Hesler St.
Hagátña, Guam 96910
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Re: Written Testimony on Bill No. 65-32 (COR)

Buenas Yan Hafa Adai !

I would like to go on record as submitting written testimony in support of Bill No. 65-32 (COR) and commend the sponsor of the bill, Senator Michael F.Q. San Nicolas for introducing it. During my over twenty five years of government services I have been fortunate to be the director of three different departments or agencies. In that capacity I also served as the advisor to those respective Boards or Commissions (i.e. Guam Mass Transit Authority, Department of Land Management, Chamorro Land Trust Commission). One of the first items on the agenda that I did with any new board or commission was to conduct a workshop for the members.

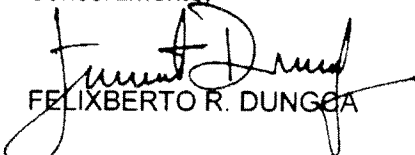
Considering all the mandates, laws, rules and regulations and executive orders that existed at the time, I felt it extremely important that any sitting and newly appointed member to a board or commission should at a minimum undergo initial and ongoing training to ensure that any policy and final decisions they render in their capacity should be consistent with local statute and the rule of law.

It is important that when a new board or commission is appointed and confirmed to serve in that decision making capacity that they be equipped with the necessary training and background information of the agency they are appointed to.

I would also like to recommend that a course in ethics be a requirement and incorporated into this bill if not already required in any other legislation. To that end I again commend Senator San Nicolas on introducing this bill and encourage the committee members and the full Legislature to support Bill No. 65-32 (COR).

I am submitting this testimony as a private citizen.

Senseramente,


FELIXBERTO R. DUNGCA

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 MAR 13 PM 12:31

Bill No. 65-32 (COR)

Introduced by:

Michael F.Q. San Nicolas

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13 applicable educational program."



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 06 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guáhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By Janie Hernandez

Time 2:15 p.m.


Date 5-7-98

Dear Speaker Unpingco:

Enclosed please find Bill No. 563 (LS), "AN ACT TO ADD §§43116, 43117 AND 43118 TO CHAPTER 43, DIVISION 4, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT AND IMPLEMENTATION OF A TRAINING PROGRAM FOR MEMBERS OF BOARDS AND COMMISSIONS, AND THE CREATION OF A BOARDS AND COMMISSION APPRECIATION DAY.", which I have signed into law today as Public Law No. 24-191.

This legislation allows the University of Guam to offer a course for members of boards and commissions who may wish to sharpen their skills for participating in board and commission meetings and decisions. Of course, a day of appreciation is in order for our board and commission members, as they are the government's "volunteers", who spend much of their personal time trying to make a difference in our community.

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahaen Guáhan
Governor of Guam

00000

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 5/7/98
Time: 10:45 AM
Rec'd by: [Signature]
Print Name: Janie Hernandez

Attachment: copy attached for signed bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

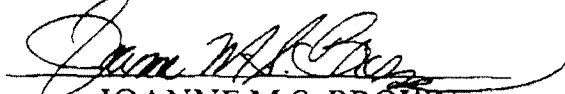
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 563 (LS), "AN ACT TO ADD §§43116, 43117 AND 43118 TO CHAPTER 43, DIVISION 4, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT AND IMPLEMENTATION OF A TRAINING PROGRAM FOR MEMBERS OF BOARDS AND COMMISSIONS, AND THE CREATION OF A BOARDS AND COMMISSION APPRECIATION DAY," was on the 27th day of April, 1998, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



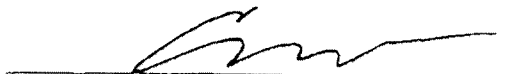
JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahen Guahan* this 30th day of April, 1998,
at 10:40 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 5-6-98

Public Law No. 24-191

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 563 (LS)

As amended on the Floor.

Introduced by:

L. F. Kasperbauer
J. C. Salas
E. J. Cruz
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO ADD §§43116, 43117 AND 43118 TO
CHAPTER 43, DIVISION 4, PART 1 OF TITLE 5 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
THE DEVELOPMENT AND IMPLEMENTATION
OF A TRAINING PROGRAM FOR MEMBERS OF
BOARDS AND COMMISSIONS, AND THE
CREATION OF A BOARDS AND COMMISSION
APPRECIATION DAY.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that there are no uniform training or briefing programs for members of
4 government of Guam boards and commissions. Without training, new board
5 and commission members may find it difficult to function effectively in the
6 capacity of their appointments until such time that they acquire, through
7 experience, the skills necessary to carry out their responsibilities. *I*
8 *Liheslaturan Guahan* further finds that the University of Guam, under the
9 "Service" and "Instruction" components of its Land-grant university status, is
10 the most practical place for the development and implementation of such a
11 training program.

12 It is the intent of *I Liheslaturan Guahan* to make training available for
13 members of government of Guam boards and commissions so that they can
14 more effectively serve and fulfill their fiduciary responsibilities to the
15 agencies they represent. It is also the intent of *I Liheslaturan Guahan* that these
16 civic-minded individuals be accorded their rightful recognition for their
17 service to the people of Guam by officially setting aside one (1) day per year
18 for such recognition.

19 **Section 2.** Section 43116 is hereby added to Chapter 43 of Division 4,
20 Part 1 of Title 5 of the Guam Code Annotated to read as follows:

21 **"Section 43116. Development of the Boards and Commissions**
22 **Training Program.** The University of Guam shall, within six (6)
23 months of the receipt of funding for this Section, develop a training
24 program for members of government of Guam boards and

1 commissions. Such training programs shall include, but not be limited
2 to, parliamentary procedures, ethics, fiduciary responsibilities,
3 leadership and direction, personnel policy and government finance.”

4 **Section 3.** Section 43117 is hereby added to Chapter 43 of Division 4,
5 Part 1 of Title 5 of the Guam Code Annotated to read as follows:

6 **“Section 43117. Boards and Commissions Training.** The
7 University of Guam shall, beginning with calendar year 1999, conduct a
8 training program for members of government of Guam boards and
9 commissions developed under the provisions of §43116 of this Chapter.
10 Such training program shall be conducted at least twice per year. If
11 there are fewer than five (5) board members who wish to take a
12 scheduled course, the two-year requirement may be waived. The cost of
13 tuition for such training shall be the responsibility of the agency whose
14 board or commission, the member serves on.”

15 **Section 4.** Section 43118 is hereby added to Chapter 43 of Division 4,
16 Part 1 of Title 5 of the Guam Code Annotated to read as follows:

17 **“Section 43118. Boards and Commissions Appreciation Day.** *I*
18 *Maga'lahaen Guahan* shall designate, preferably during the month or week
19 in which volunteers are recognized, one (1) day per year for recognition
20 and appreciation of individuals serving on all boards and
21 commissions.”

22 **Section 5. Appropriation for Board Member Training Program.**

23 The sum of Twelve Thousand Dollars (\$12,000.00) is appropriated from
24 the General Fund to the University of Guam for the development of a Board

- 1 and Commission Members Training Program to include, but not limited to:
- 2 parliamentary procedures, ethics, fiduciary responsibilities, leadership and
- 3 direction, personnel policy and government finance.



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Office of the Speaker
MARK FORBES
Date: 11/28/05
Time: 4:30
Rec'd by:
Print Name: B12
28-05-0462

Dear Mr. Speaker:

Transmitted herewith is Bill No. 96 (EC), "AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH" which I signed into law on November 25, 2005, as Public Law 28-76.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

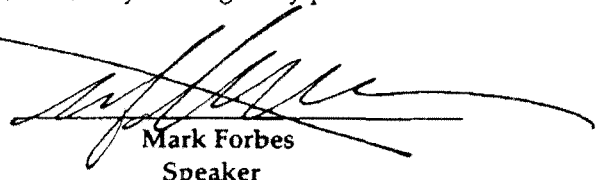
Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 96 (EC) "AN ACT TO REPEAL AND REENACT SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO ADD NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO REPEAL SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH," was on the 11th day of November, 2005, duly and regularly passed.



Mark Forbes
Speaker

Attested:



Edward J.B. Calvo


Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 17th day of November, 2005,
at 11 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 11/25/05

Public Law No. 28-76

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 96 (EC)

As amended on the Floor.

Introduced by:

J. T. Won Pat

B. J.F. Cruz

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

Mike Cruz

Mark Forbes

L. F. Kasperbauer

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

A. B. Palacios

R. J. Respicio

Ray Tenorio

A. R. Unpingco

AN ACT TO *REPEAL* AND *REENACT* SECTIONS 15409, 15410 AND 15411 OF ARTICLE 4, CHAPTER 15, OF TITLE 4, GUAM CODE ANNOTATED, TO *ADD* NEW SECTIONS 15412 AND 15413 OF ARTICLE 4, CHAPTER 15 OF TITLE 4, GUAM CODE ANNOTATED AND TO *REPEAL* SECTIONS 43116 AND 43117 OF ARTICLE 1, CHAPTER 43, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ETHICS IN GOVERNMENT PROGRAM FOR ELECTED OFFICIALS AND ANY PERSON WHO IS APPOINTED TO A POSITION AS BOARD OR COMMISSION MEMBER, DIRECTOR, DEPUTY DIRECTOR, OR BY WHATEVER TITLE DENOTES THE HEAD AND FIRST ASSISTANT OF A GOVERNMENT OF GUAM AGENCY, DEPARTMENT, PUBLIC CORPORATION, AUTHORITY, OR ANY OTHER ENTITY OF THE EXECUTIVE BRANCH.

10/10/10



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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 elected officials, executive department heads and deputies, and members of
4 government boards and commissions are entrusted with great responsibility to run the
5 affairs of our government with honesty and integrity, and must ensure that decisions
6 be made for the greater good of the community rather than self interest. *I Liheslaturan*
7 *Guåhan* also finds that elected officials, executive department heads and deputies, and
8 members of government, including autonomous agencies, boards and commissions
9 may need training to ensure conscientious decisions that, when absent, result in
10 unconscionable acts against the government, the negligent abuse of power and
11 authority, and ultimately, the loss of trust and confidence of the community.

12 It is the intent of *I Liheslaturan Guåhan* for elected officials, executive
13 department heads and deputies, and members of government boards and commissions
14 to attend ethics training to raise the official's awareness of the greater scope of
15 responsibilities his or her position holds. It is also the intent of *I Liheslaturan Guåhan*,
16 that the ethics training for elected officials, executive department heads and deputies
17 and members of government boards and commissions should encourage greater
18 accountability and the judicious use of authority for the greater good of the
19 community.

20 **Section 2.** §15409 of Article 4, Chapter 15 of Title 4, Guam Code Annotated,
21 is hereby *repealed* and *reenacted* to read:

22 **“§15409. Applicability of Ethics in Government Program.**

23 (a) Any person who is an elected official of the government of Guam shall
24 attend an ethics in government program within ninety (90) days of taking office.
25 Additionally, elected officials shall undergo refresher ethics in government program at
26 least once every four (4) years. The Guam Ethics Commission (“Commission”) may
27 grant permission for an elected official to attend a later program for good cause

1 shown. The Commission shall award a certificate of completion to those completing
2 the program.

3 (b) Any person who is appointed to a position as board or commission member,
4 including autonomous agencies, director, deputy director, or by whatever title denotes
5 the head and first assistant of a government of Guam agency, department, public
6 corporation, authority, or any other entity of the executive branch, shall attend an
7 ethics in government program within the first six (6) months of his or her
8 appointment. Additionally, appointed officials shall undergo refresher ethics in
9 government program at least once every four (4) years. The Commission may grant
10 permission for an appointed official to attend a later program for good cause shown.
11 The Commission shall award a certificate of completion to those completing the
12 program.”

13 **Section 3.** §15410 of Article 4, Chapter 15 of Title 4, Guam Code Annotated,
14 is hereby *repealed* and *reenacted* to read:

15 “§15410. **Ethics in Government Program Guidelines.** The ethics in
16 government program shall be provided by the University of Guam (“UOG”) or other
17 providers. The Public Auditor shall develop standards for the ethics program until the
18 Guam Ethics Commission is appointed and functioning, at which time the
19 Commission shall assume authority to develop the standards. The providers shall
20 repeat the course as necessary to accommodate those who are required to attend. The
21 course shall not exceed four (4) hours and shall be available in a single day and its
22 scheduling shall accommodate the different work schedules of the persons affected by
23 this Act.

24 (a) The program topics shall include, but not be limited to:

- 25 (1) Guam statutes concerning ethics;
26 (2) Guam statutes concerning lobbying;

- 1 (3) Group participation in discussing, analyzing, and solving general
- 2 ethics-related dilemmas;
- 3 (4) Guam procurement laws and regulations;
- 4 (5) Guam contracting laws and regulations;
- 5 (6) Parliamentary procedure;
- 6 (7) Fiduciary responsibility;
- 7 (8) Personnel policy;
- 8 (9) Government finance; and
- 9 (10) Open Government Law and Sunshine Reform Act of 1999.

10 (b) The cost of tuition, books and training materials for the ethics in government
11 program of the officials specified in §15409(b) of this Chapter, shall be paid by the
12 agency that employs the official.”

13 **Section 4.** §15411 of Article 4, Chapter 15 of Title 4, Guam Code Annotated,
14 is hereby *repealed* and *reenacted* to read:

15 “§15411. **Judicial Branch.** The Chief Justice of the Supreme Court shall have
16 jurisdiction and governance over all justices and judges of the judicial branch in
17 matters of ethics as covered in this Chapter 15.”

18 **Section 5.** A new §15412 is hereby *added* to Article 4, Chapter 15 of Title 4,
19 Guam Code Annotated, to read as follows:

20 “§15412. **Repeal.** Those portions of the Guam Code Annotated and the
21 Government Code of Guam, which are in conflict with any section of this Chapter, are
22 hereby *repealed*.”

23 **Section 6.** A new §15413 is hereby *added* to Article 4, Chapter 15 of Title 4,
24 Guam Code Annotated, to read as follows:

25 “§15413. **Severability.** If any part of this Chapter 15 shall, for any reason, be
26 adjudged by a court of competent jurisdiction to be invalid, or invalid as applied to a
27 class of cases, such judgment shall not affect, impair, or invalidate the remainder

1 thereof, and shall be confined in its operation to the part thereof directly involved in
2 the controversy in which such judgment shall have been rendered”.

3 **Section 7.** §43116 of Article 1, Chapter 43, Division 4 of Title 5 of Guam Code
4 Annotated, is hereby *repealed* in its entirety.

5 **Section 8.** §43117 of Article 1, Chapter 43, Division 4 of Title 5 of Guam Code
6 Annotated, is hereby *repealed* in its entirety.

7 **Section 9. Effective Date.** The provisions contained in this Act shall take effect
8 January 1, 2007.



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
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. 65-32 (COR) – “AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS FOR NEW MEMBERS OF BOARDS AND COMMISSIONS BY ADDING A NEW SECTION §43116 TO 5 GCA.”** –on March 19, 2013. COR hereby certifies that BBMR confirmed receipt of this request on March 19, 2013 at 2:10 PM.

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 65-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

April 18, 2013

Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

March 19, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

VIA FACSIMILE
(671) 472-2825

Senator
Vicente (Ben) C. Pangelinan
Member

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

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

RE: Request for Fiscal Note – Bill Nos. 65-32(COR) through 69-32(COR)

Senator
Dennis G. Rodriguez, Jr.
Member

Hafa Adai Mr. Rios:

Vice-Speaker
Benjamin J.F. Cruz
Member

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

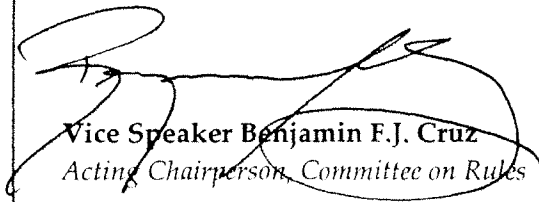
Legislative Secretary
Tina Rose Muña Barnes
Member

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

Senator
Frank Blas Aguon, Jr.
Member

Very Truly Yours,

Senator
Michael F.Q. San Nicolas
Member



Vice Speaker Benjamin F.J. Cruz
Acting Chairperson, Committee on Rules

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachments

Senator
Aline Yamashita
Member

Cc: Clerk of the Legislature

2013 MAR 19 PM 2:41


Request for Fiscal Note – Bill Nos. 65 through 69-32 (COR)

Bill No. 65-32 (COR) - *M.F.Q. San Nicolas*- AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS FOR NEW MEMBERS OF BOARDS AND COMMISSIONS BY ADDING A NEW SECTION §43116 TO 5 GCA.

Bill No. 66-32 (COR) - *Judith T. Won Pat, Ed.D. B. J.F. Cruz*- AN ACT RELATIVE TO AUTHORIZING THE GUAM POLICE DEPARTMENT TO PROCURE POLICE VEHICLES.

Bill No. 67-32 (COR) - *V.C. Pangelinan*- AN ACT TO AMEND SECTION 2(a) AND SECTION 3(b) AND TO ADD A NEW SECTION 4 OF PUBLIC LAW 24-33 RELATIVE TO AMENDING THE LICENSE AGREEMENT BETWEEN THE GUAM FOOTBALL (SOCCER) ASSOCIATION AND THE GOVERNMENT OF GUAM.

Bill No. 68-32 (COR) - *V.C. Pangelinan* - AN ACT TO AUTHORIZE I MAGA'LAHEN GUÅHAN TO EXCHANGE A PORTION OF TRACT 11405 (FORMERLY LOT NUMBER 10120-20), MUNICIPALITY OF DEDEDO, WITH A PORTION OF LOT NUMBER 3255-6-R4, MUNICIPALITY OF ORDOT-CHALAN PAGO.

Bill No. 69-32 (COR) - *T.C. Ada* - AN ACT TO ADD A NEW SECTION §5351 TO CHAPTER 5 OF 5 GCA, RELATIVE TO THE DURATION OF COMMERCIAL LEASES FOR PUBLIC AREA



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryfonguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

March 13, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM


Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: Senator Thomas C. Ada 
Acting Chairperson, Committee on Rules

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Referral of Bill No. 65-32(COR)

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 65-32(COR)**.

Senator
Frank Blas Aguon, Jr.
Member

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*.

Senator
Michael F.Q. San Nicolas
Member

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

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os Ma'åse!

Senator
Aline Yamashita
Member

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
65-32 (COR)	M.F.Q. San Nicolas	AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS FOR NEW MEMBERS OF BOARDS AND COMMISSIONS BY ADDING A NEW SECTION §43116 TO 5 GCA.	3/12/13 12:31 p.m.	3/13/2013	Committee on General Governmental Operations and Cultural Affairs			



March 25, 2013

MEMORANDUM

To: All Members/All Senators
From: Chairman, Committee on General Government Operations and Cultural Affairs
Re: First Notice of Public Hearing – Five Day Notice – April 2, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Tuesday, April 2, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Reappointment of Mr. John A. Smith to the Civil Service Commission

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Bill No. 69-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to add a new Section §5351 to Chapter 5 of Title 5 GCA, relative to the duration of commercial leases for public real property and related facilities.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F. Cruz, 155 Hesler Place, Hagatña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520



Mike Lidia <mike.lidia@senatorbjcruz.com>

Re: FW: First Notice of Public Hearing - Five Day Notice - April 2, 2013

1 message

Adam Bearce <adam@guamlegislature.org>

Mon, Mar 25, 2013 at 5:10 PM

To: Yong Pak <yong@guamlegislature.org>, Mike Lidia <mike.lidia@senatorbjcruz.com>

Hi. This is now posted.

On Mon, Mar 25, 2013 at 5:08 PM, Yong Pak <yong@guamlegislature.org> wrote:

From: Mike Lidia [mailto:mike.lidia@senatorbjcruz.com]

Sent: Monday, March 25, 2013 5:03 PM

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Subject: First Notice of Public Hearing – Five Day Notice – April 2, 2013

March 25, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: First Notice of Public Hearing – Five Day Notice – April 2, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Tuesday, April 2, 2013, beginning at 10:00AM in / Liheslatura's Public Hearing Room** with the following agenda:

Reappointment of Mr. John A. Smith to the Civil Service Commission

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Bill No. 69-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to add a new Section §5351 to Chapter 5 of Title 5 GCA, relative to the duration of commercial leases for public real property and related facilities.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia

Research Analyst

Office of Vice Speaker Cruz

477-2520

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March 27, 2013

MEMORANDUM

To: All Members/All Senators
From: Chairman, Committee on General Government Operations and Cultural Affairs
Re: Second Notice of Public Hearing – Two Day Notice – April 2, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Tuesday, April 2, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Reappointment of Mr. John A. Smith to the Civil Service Commission

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Bill No. 69-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to add a new Section §5351 to Chapter 5 of Title 5 GCA, relative to the duration of commercial leases for public real property and related facilities.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
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Mike Lidia <mike.lidia@senatorbjcruz.com>

Second Notice of Public Hearing for April 2, 2013

39 messages

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Wed, Mar 27, 2013 at 9:24 AM

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March 27, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: Second Notice of Public Hearing – Two Day Notice – April 2, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Tuesday, April 2, 2013, beginning at 10:00AM in / Liheslatura's Public Hearing Room** with the following agenda:

Reappointment of Mr. John A. Smith to the Civil Service Commission

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Bill No. 69-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to add a new Section §5351 to Chapter 5 of Title 5 GCA, relative to the duration of commercial leases for public real property and related facilities.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia

Research Analyst

Office of Vice Speaker Cruz
477-2520

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: mike.lidia@senatorbjcruz.com

Wed, Mar 27, 2013 at 9:24 AM

Delivery to the following recipient failed permanently:

alawson@visitguam.org

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain visitguam.org by aspmx.l.google.com. [2a00:1450:4010:c03::1b].

The error that the other server returned was:

- 550-5.1.1 The email account that you tried to reach does not exist. Please try
- 550-5.1.1 double-checking the recipient's email address for typos or
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- 550 5.1.1 <http://support.google.com/mail/bin/answer.py?answer=6596> sk7si6965652lab.230 - gsmtip

----- Original message -----

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=google.com; s=20120113;
h=mime-version:x-received:x-originating-ip:date:message-id:subject
:from:to:content-type:x-gm-message-state;
bh=eFOI3xQ6kzEDu3akwtmfQTJN5/Yy/YA29osgd7rWOe0=;
b=ZEKBoDI4vbB+5Ji5+RlyLrUHd+WZewRskPBUsq/zMEUJmeRyZoUXH5bWQ55EWfDAtK
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SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Chairman, Committee on Youth, Cultural Affairs, Procurement,

General Government Operations, and Public Broadcasting.

Web Address: www.senatorbjcruz.com



I MINA'TRENTAI UNU NA LIHESLATURA GUAM

The 31st Guam Legislature • senator@senatorbjcruz.com

155 Hesler Place, Hagatna, Guam 96910

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PUBLIC HEARING AGENDA

Tuesday, April 2, 2013 – 10:00AM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Reappointment of Mr. John A. Smith to the Civil Service Commission

Bill No. 65-32 (COR) - M.F.Q. San Nicolas - An act to provide for educational programs for new Members of Boards and Commissions by adding a new section §43116 to 5 GCA.

Bill No. 69-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to add a new Section §5351 to Chapter 5 of Title 5 GCA, relative to the duration of commercial leases for public real property and related facilities.



COMMITTEE ON RULES

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

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

March 13, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Thomas C. Ada 
Acting Chairperson, Committee on Rules

Subject: Referral of Bill No. 65-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 65-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai 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 GUÅHAN
2013 (FIRST) Regular Session

2013 MAR 13 PM 12:31

Bill No. 65-32 (COR)

Introduced by:

Michael F.Q. San Nicolas

**AN ACT TO PROVIDE FOR EDUCATIONAL PROGRAMS
FOR NEW MEMBERS OF BOARDS AND COMMISSIONS
BY *ADDING A NEW SECTION* §43116 TO 5 GCA.**

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

2 **Section 1. Short Title.** This act shall be cited as the “Responsible Board and
3 Commission Education Act”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
5 Public Law 24-191 established a single educational program of the University of
6 Guam to train members of boards and commissions. This educational program was
7 repealed by Public Law 28-76.

8 *I Liheslaturan Guåhan* further finds that, although the existence of training for
9 board members is beneficial to the operation of boards and commissions, each board
10 and commission generally has its own specific statute and rules and regulations which
11 it must follow. Such a program should be optimized to deal with matters most
12 relevant for each board and commission.

13 Additionally, *I Liheslatura* finds that errors by the members of boards and
14 commissions can result in procurement delays as well as litigation which have cost the
15 government significant sums, historically.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish training and
17 curriculum to educate members of boards and commissions on the various statutes,

1 rules and regulations which they must follow and of which they must be aware to
2 accomplish the purposes for which each board or commission is established, by
3 adding a new §43116 to 5 GCA.

4 **Section 3. Boards and Commissions Educational Programs.** A *new* §43116
5 is hereby *added* to 5 GCA, to read:

6 **“§43116. Boards and Commissions Educational Programs.**

7 (a) Development of Training and Curriculum. Each board or commission shall
8 have an educational program established to prepare its members for the duties of the
9 board or commission to which they are appointed. Such educational program shall
10 cover procurement law, as applicable, applicable statutes and rules and regulations
11 which govern the board or commission and their respective areas of purview. Each
12 educational program shall be established, within ninety (90) days of the enactment of
13 this Section, by the Director of the agency with which the board or commission is
14 associated, or, if there is no such agency, then the Governor or his designee. Each
15 educational program shall be updated, as needed, no less than annually, to reflect any
16 changes to procurement law, applicable statutes, and rules and regulations. The
17 Director of each agency shall report to the Governor within thirty (30) days when
18 member(s) of an associated board or commission complete the applicable educational
19 program. The Director or his designee shall conduct the training sessions at a time and
20 location to be determined by the Director, in compliance with the Americans with
21 Disabilities Acts and other relevant statutes.

22 (b) Education of Current Board or Commission Members. Each member of a
23 board or commission shall complete the applicable educational program within thirty
24 (30) days of the establishment of the program.

1 (c) Education of New Board or Commission Members. Each new member of a
2 board or commission shall complete the applicable educational program within thirty
3 (30) days of his appointment to the board or commission.

4 (d) Continuing Education for Board or Commission Members. Each year, the
5 members of each board and commission shall, as a form of continuing education,
6 complete the applicable educational program for the board or commission on which
7 they serve.

8 (e) Failure to Complete an Educational Program. Failure to complete an
9 educational program within one hundred eighty (180) days of a board or commission
10 member's appointment shall result in the member's removal and the appointment of a
11 new member to fill the vacancy, pursuant to 2 GCA §2101. Actions of a board or
12 commission shall not be invalidated by the failure of a member to complete the
13 applicable educational program.”