

Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

REFER TO
LEGISLATIVE SECRETARY

RECEIVED
OFFICE OF THE SPEAKER
DATE: DEC 03 1993
TIME: 4:15pm
RECD BY: Kleen

DEC 02 1993

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 149 which I have signed into law this date as
Public Law 22-49.

Sincerely yours,

FRANK F. BLAS
Governor of Guam,
Acting

220429

Attachment




Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 149 (LS), "AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE AT LEAST ONE YOUTH APPOINTMENT TO PUBLIC BOARDS AND COMMISSIONS EXCEPT FOR THOSE GOVERNING AUTONOMOUS AGENCIES OR WHICH DEAL WITH MATTERS THAT ARE TECHNICAL IN NATURE AND WHOSE MEMBERS CAN BE HELD PERSONALLY LIABLE AS A RESULT OF DECISION-MAKING AUTHORITY," was on the 19th day of November, 1993, duly and regularly passed.



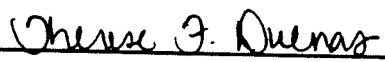
JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 24th day of November, 1993, at
10:4 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

DEC 02 1993

Date: _____

Public Law No. 22-49

**TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session**

Bill No. 149 (LS)

**As substituted by the Committee on Youth,
Senior Citizens and Cultural Affairs, as further
substituted by the Committee on Rules,
and as further amended by the author.**

Introduced by:

**E. P. Arriola
M. Z. Bordallo
T. C. Ada
J. P. Aguon
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
T. S. Nelson
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco**

AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE AT LEAST ONE YOUTH APPOINTMENT TO PUBLIC BOARDS AND COMMISSIONS EXCEPT FOR THOSE GOVERNING AUTONOMOUS AGENCIES OR WHICH DEAL WITH MATTERS THAT ARE TECHNICAL IN NATURE AND WHOSE MEMBERS CAN BE HELD PERSONALLY LIABLE AS A RESULT OF DECISION-MAKING AUTHORITY.

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

2 **Section 1.** A new §2105.1 is hereby added to Title 4, Guam Code
3 Annotated, to read as follows:

4 **"§2105.1. Same: youth membership.** In addition to all other
5 statutory conditions and qualifications concerning eligibility for
6 appointment to voting membership on and composition of the
7 following boards and commissions: Agricultural Board of
8 Commissioners, Chamorro Language Commission, Commission on
9 Persons with Disabilities, Board of Cosmetology, Council of the Arts
10 and Humanities, Criminal Injuries Compensation Commission,
11 Grand Prix Racing Commission, Guam Community College Board
12 of Trustees, Guam Council on Youth Affairs, Guam Educational
13 Telecommunication Corp., Guam Historic Preservation Review
14 Board, Guam Mass Transit Authority Board, Guam Museum Board
15 of Trustees, Guam Public Library Board, Guam Visitors Bureau
16 Board, Guma Honra Commission, Mental Health and Substance
17 Abuse Council, Parks and Recreation Commission, Vocational
18 Rehabilitation Board, and Status of Women Commission, no less
19 than one (1) appointee shall meet the following criterion: The
20 appointee be eighteen (18) years of age or older but not over twenty-
21 six (26) prior to the date of appointment. Such appointee's term of
22 appointment shall expire on such appointee's 26th birthday."

23 **Section 2. Effective date.** This Act shall become effective on the date of
24 its enactment for all boards and commissions with vacancies; provided, that
25 any board or commission without an unfilled vacancy on said date is exempt
26 from the provisions of this Act until a vacancy is created by the expiration of

1 an appointed term or by resignation. For purposes of this section, such a
2 vacancy shall be deemed to exist if the Speaker has not received written
3 notification from the Governor announcing his appointment to fill said
4 vacancy.

OFFICE OF SENATOR

Elizabeth P. Arriola

Committee on Youth, Senior Citizens and Cultural Affairs

The Honorable Joe T. San Agustin
Speaker
Twenty-Second Guam Legislature
Temporary Legislative Building
155 Hesler Street
Agana, Guam 96910

March 16, 1993

VIA: CHAIRPERSON, COMMITTEE ON RULES

Dear Mr. Speaker,

The **Committee on Youth, Senior Citizens and Cultural Affairs**, to which was referred Bill No. 149: "AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE AT LEAST TWO YOUTHFUL APPOINTMENTS TO PUBLIC BOARDS AND COMMISSIONS." has had the same under consideration and now wishes to report back its recommendation **TO DO PASS** as substituted by the Committee.

Committee votes received:

<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>REPORT OUT</u>	<u>OTHER</u>
- 9 -	- 0 -	- 0 -	- 0 -

Attached herewith are the Committee Report and other pertinent documents for your perusal.

Sincerely,


ELIZABETH P. ARRIOLA

attachments

Twenty-Second Guam Legislature

155 Hesler Street • Agana, Guam 96910
Tel: (671) 472-3441/2 • Fax: (671) 477-5632


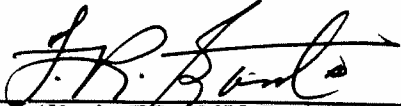

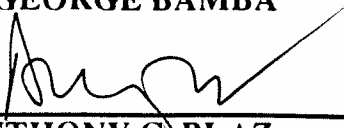




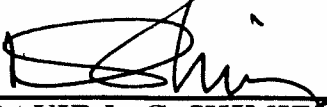
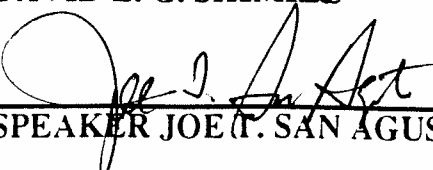


TWENTY-SECOND GUAM LEGISLATURE

COMMITTEE ON YOUTH, SENIOR CITIZENS AND CULTURAL AFFAIRS

== VOTE SHEET == ON

Bill No. 149: An Act To Add A New Section 2105.1 To Title 4, Guam Code Annotated, To Require Youthful Appointments To Public Boards and Commissions.

<i>Chairperson:</i>	<u>To Pass</u>	<u>Not to Pass</u>	<u>Report Out</u>	<u>Inactive File</u>
 ELIZABETH P. ARRIOLA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vice Chair FRANK R. SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Members:</i>  J. GEORGE BAMBA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTHONY C. BLAZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MADELEINE Z. BORDALLO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 FELIX P. CAMACHO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 HERMINIA D. DIERKING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 EDWARD D. REYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DAVID L. G. SHIMIZU	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SPEAKER JOE T. SAN AGUSTIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session**

Bill No. 149
Introduced by:

E. P. Arriola 

*As substituted by the Committee on Youth,
Senior Citizens and Cultural Affairs*

AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE AT LEAST TWO YOUTHFUL APPOINTMENTS (MALE AND FEMALE) TO ALL PUBLIC BOARDS, COMMISSIONS, ADVISORY COUNCILS AND TASK FORCES EXCEPT FOR THOSE BOARDS GOVERNING AUTONOMOUS AGENCIES; WHICH DEAL WITH MATTERS THAT ARE TECHNICAL IN NATURE AND WHOSE MEMBERS CAN BE HELD PERSONALLY LIABLE AS A RESULT OF ITS DECISION-MAKING AUTHORITY.

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

Section 1. A new §2105.1 is hereby added to Title 4, Guam Code Annotated, to read as follows:

“§2105.1. Same. Youthful Membership.

In addition to all other statutory conditions and qualifications concerning eligibility for appointment to voting membership on and composition of boards, commissions, advisory councils and task forces excluding those governing autonomous agencies; which deal with technical matters and those whose members can be held personally liable for its decision-making authority, no less than two (2) appointees (male and female) shall meet the following criteria:

(a) the appointee shall have attained his or her eighteenth birthday prior to the date of appointment; and

(b) the term of appointment shall expire prior to the appointee’s 26th birthday.”

Section 2. Effective Date.

This Act shall become effective on the date of enactment for all boards and commissions, provided, that any board or commission without an unfilled vacancy on said date is exempt from the provisions of this Act until a vacancy is created by expiration of appointed term or

1 registration. For purposes of this Section, a vacancy shall be deemed to exist if the Speaker has not
2 received written notification from the Governor announcing his appointment to fill said vacancy.

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

93 JAN -6 AM 9:12

Bill No. 149
Introduced by:

E. P. Artiles
M. G. Cardillo MB

AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE YOUTHFUL APPOINTMENTS TO PUBLIC BOARDS AND COMMISSIONS.

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

Section 1. A new §2105.1 is hereby added to Title 4, Guam Code Annotated, to read as follows:

“§2105.1. Same. Youthful Membership.

In addition to all other statutory conditions and qualifications concerning eligibility for appointment to voting membership on and composition of boards and commissions, no less than one (1) appointee shall meet the following criteria:

- (a) the appointee shall have attained his or her eighteenth birthday prior to the date of appointment; and
- (b) the term of appointment shall expire prior to the appointee's 26th birthday.”

Section 2. Effective Date.

This Act shall become effective on the date of enactment for all boards and commissions, provided, that any board or commission without an unfilled vacancy on said date is exempt from the provisions of this Act until a vacancy is created by expiration of appointed term or registration. For purposes of this Section, a vacancy shall be deemed to exist if the Speaker has not received written notification from the Governor announcing his appointment to fill said vacancy.

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

93 JAN -5 AM 9:12

Bill No. 149
Introduced by:

E. P. Arriola *EA*

AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE YOUTHFUL APPOINTMENTS TO PUBLIC BOARDS AND COMMISSIONS.

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4 **“§2105.1. Same. Youthful Membership.**

5 In addition to all other statutory conditions and qualifications
6 concerning eligibility for appointment to voting membership on and
7 composition of boards and commissions, no less than one (1) appointee
8 shall meet the following criteria:

9 (a) the appointee shall have attained his or her eighteenth
10 birthday prior to the date of appointment; and

11 (b) the term of appointment shall expire prior to the
12 appointee's 26th birthday.”

13 **Section 2. Effective Date.**

14 This Act shall become effective on the date of enactment for
15 all boards and commissions, provided, that any board or commission
16 without an unfilled vacancy on said date is exempt from the provisions of
17 this Act until a vacancy is created by expiration of appointed term or
18 registration. For purposes of this Section, a vacancy shall be deemed to
19 exist if the Speaker has not received written notification from the
20 Governor announcing his appointment to fill said vacancy.

COMMITTEE REPORT

of the
COMMITTEE ON YOUTH, SENIOR CITIZENS
AND CULTURAL AFFAIRS
ON BILL NO. 149

*"AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE
ANNOTATED, TO REQUIRE AT LESAT TWO YOUTHFUL
APPOINTMENTS TO PUBLIC BOARDS AND COMMISSIONS"*

PREFACE

A public hearing on **Bill 149** was held by the Committee on Youth, Senior Citizens and Cultural Affairs at 4:05 p.m. Wednesday, March 3, 1993 in the Public Hearing Room of the Temporary Legislative Building in Agana.

Present at the hearing were Chairperson, Senator Elizabeth P. Arriola and attended by Senators David L.G. Shimizu, Felix Camacho and Doris F. Brooks.

TESTIMONY RECEIVED

- The Committee received written testimony from the Governor's Office, asking that the proposed mandate be amended to allow for flexibility by the Governor in making youthful appointments. Lou Pangelinan, the Governor's chief of staff, recommended that the appointment process be done on a case-by-case basis and not inclusive of all boards and commissions.
- Barbara S.N. Benavente, Supervisor for the Department of Mental Health and Substance Abuse's Prevention and Training Branch, submitted written testimony in support of **Bill 149**, saying that GovGuam for too long has neglected to include youthful participation in the decision-making by public entities. Benavente recommended that the youthful appointments be extended to include all advisory councils and task forces.

There being no further testimony, Chairperson Elizabeth P. Arriola adjourned the public hearing on **Bill 149** at 4.05 p.m.

COMMITTEE FINDINGS

The Committee on Youth, Senior Citizens and Cultural Affairs finds there exists a need for more involvement and participation by the youth in governmental decision-making. The Committee also finds, however, that it may not be conducive to require youthful membership in such boards and commissions that require extensive knowledge on technical matters such as power generation, delivery of health care services, compliance with the Rural Electrical Act, compliance with the trusteeship stemming from the Guam Power Authority's bond agreement and the Federal Financing Bank, etc.. Mandating youthful appointments to such boards and commissions may adversely affect the expeditious action often required of such boards.

ATTACHMENTS

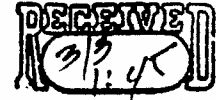
- Written testimony by Lou Pangelinan, representing the Governor's Office.
- Written testimony from Barbara Benavente from the Department of Mental Health and Substance Abuse.

COMMITTEE RECOMMENDATIONS

The Committee on Youth, Senior Citizens and Cultural Affairs wishes to report Bill No. 149, "*AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE AT LEAST TWO YOUTHFUL APPOINTMENTS TO PUBLIC BOARDS AND COMMISSIONS*" has had the same under consideration, and now wishes to report back the same with the recommendation **TO PASS** as substituted by the Committee.



Territory of Guam
Territorio Guam



OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

MAR 02 1983

Honorable Elizabeth P. Arriola
Chairwoman, Committee on Youth
and Senior Citizens
Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Madame Chair:

While the bill has merit in the inclusion of youth representatives in the process of Government, I must also suggest that any such legislation not be inclusive of all Boards and Commissions. The Governor has the flexibility to appoint youth and has done so. The Board of Education has a youth member, for example.

I respectfully ask that the bill not be comprehensive in nature and that the Legislature and the Executive Branch work together to place responsible youths on Boards and Commission on a case by case basis.

I suggest this because of the fiduciary responsibilities of some Boards and Commissions, such as the Retirement Board, Chamorro Land Trust Board, Guam Memorial Hospital Authority, to name a few. Those responsibilities would subject youth to matters and decisions for which they may not have enough experience but for which they could be held personally legally liable.

Again, appointments of youth to members to Boards and Commissions should be conducted on a case by case basis.

Thank you and Si Yu'os Ma'ase for this opportunity to testify.

Sincerely,

LOURDES T. PANGELINAN





DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE

P.O. Box 9400 • Tamuning, Guam 96931 • Tel: (671) 646-9260-69 • Fax: (671) 649-6948

LYN L. WINGFIELD, M.S.W., Ph.D.
Director

DR. NORRY R. SANTZ
Deputy Director

March 11, 1993

Senator Elizabeth P. Arriola
Chairperson - Committee on Youth,
Senior Citizens and Cultural Affairs
22nd Guam Legislature
155 Hasler St.
Agana, Guam 96910

Dear Senator Arriola:

In support of Bill No. 149, "An act to add a new 2105.1 to Title 4, Guam Code Annotated, to require youthful appointments to public boards and commissions," I am submitting this written testimony.

As the supervisor of the Prevention and Training Branch of the Department of Mental Health and Substance Abuse I fully support the intent of this bill to appoint no less than one youth member on the existing government boards and commissions. I would like to see included however, youth membership on all other governing boards such as advisory councils and task forces within the respective Government of Guam departments and agencies. For too long we have neglected to be inclusive of Guam's youth in decision-making bodies and therefore have done a disservice to ourselves and especially our youth.

One of the top recommendations made at the October, 1992 Pacific Juvenile Conference sponsored by the Pacific Judicial Council was exactly what is proposed by Bill No. 149. It would be ideal, though, to allow for a greater number of youthful membership on each governing board.

Thank you for this opportunity to express my support. Please call on me if I can be of some assistance in helping to facilitate the attention given to this piece of legislation, once passed.

Sincerely,

BARBARA S.N. BENAVENTE

FEB 26 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 149 (LS)
Introduced by:

E. P. Arriola *efu*

AN ACT TO ADD A NEW §2105.1 TO TITLE 4, GUAM CODE ANNOTATED, TO REQUIRE YOUTHFUL APPOINTMENTS TO PUBLIC BOARDS AND COMMISSIONS.

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5 In addition to all other statutory conditions and qualifications
6 concerning eligibility for appointment to voting membership on and
7 composition of boards and commissions, no less than one (1) appointee
8 shall meet the following criteria:

9 (a) the appointee shall have attained his or her eighteenth
10 birthday prior to the date of appointment; and

11 (b) the term of appointment shall expire prior to the
12 appointee's 26th birthday."

13 **Section 2. Effective Date.**

14 This Act shall become effective on the date of enactment for
15 all boards and commissions, provided, that any board or commission
16 without an unfilled vacancy on said date is exempt from the provisions of
17 this Act until a vacancy is created by expiration of appointed term or
18 registration. For purposes of this Section, a vacancy shall be deemed to
19 exist if the Speaker has not received written notification from the
20 Governor announcing his appointment to fill said vacancy.