



OFFICE OF THE GOVERNOR
GUAM

Refer to
Legislative Secretary

Office of the Speaker
A. ANTONIO R. UNPINGCO
Date: 6-30-99
Time: 1540
Rec'd by: [Signature]
Print Name: Chavez

0525/99-0197

JUN 30 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ASSIGNMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:49 am</u>
Date	<u>6-7-99</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 77 (COR), "AN ACT TO AMEND §5116(a) OF CHAPTER 5 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO CARRIER SAFETY AND HAZARDOUS MATERIAL REGULATIONS", which I have signed into law today as **Public Law No. 25-50**.

This legislation corrects a deficiency by adding PART 180 of Title 49, Code of Federal Regulations, as being enforced, as it has been, by the Department of Revenue and Taxation. This relates to the regulation of hazardous materials on the roads of our island.

Very truly yours,

[Signature]
Madeleine Z. Bordallo
I Maga'lahaen Guåhan, Akto
Acting Governor of Guam

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

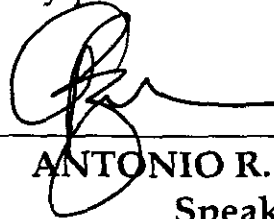
cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00337

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Bill No. 77 (COR), "AN ACT TO AMEND §5116(a) OF CHAPTER 5 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO CARRIER SAFETY AND HAZARDOUS MATERIAL REGULATIONS," was on the 15th day of June, 1999, duly and regularly passed.



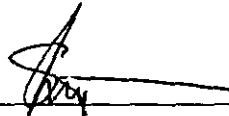
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 18th day of June, 1999,
at 5:50 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MADELEINE Z. BORDALLO
Akto I Maga'lahaen Guahan
Acting Governor of Guam

Date: 6/30/99

Public Law No. 25-50

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 77 (COR)

Introduced by:

C. A. Leon Guerrero

J. C. Salas

Mark Forbes

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

L. F. Kasperbauer

A. C. Lamorena, V

K. S. Moylan

V. C. Pangelinan

S. A. Sanchez, II

A. R. Unpingco

**AN ACT TO AMEND §5116(a) OF CHAPTER 5 OF
TITLE 16 OF THE GUAM CODE ANNOTATED,
RELATIVE TO CARRIER SAFETY AND
HAZARDOUS MATERIAL REGULATIONS.**

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

2 **Section 1.** Section 5116(a) of Chapter 5 of Title 16 of the Guam Code

3 Annotated is hereby *amended* to read as follows:

4 **"Section 5116. Carrier Safety and Hazardous Material**

5 **Regulations.** (a) The Director of Revenue and Taxation is

6 authorized to promulgate as Guam regulations, either: (1) the Federal

1 Motor Carrier Safety Regulations (49 CFR Parts 390 through 399), *except*
2 such portions as may be determined by the Director to be inapplicable,
3 and highway-related portions of the Federal Hazardous Materials
4 Regulations (49 CFR Parts 107, 171-173, 177, 178 and 180); *or* (2) such
5 Guam regulations applicable to motor carrier safety, including highway
6 transportation of hazardous materials, as are compatible with the
7 Federal regulations.

8 The regulations promulgated by the Director of Revenue and
9 Taxation shall be effective as interim regulations until such date as they
10 may be amended pursuant to the Administrative Adjudication Law,
11 Chapter 9 of Title 5 of the Guam Code Annotated.”



COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

June 18, 1999

[Handwritten signature]
6/18/99

The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 77 (COR), 120 (COR) and Substitute Bill No. 119 (COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 15, 1999.

Sincerely,

JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (3)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session


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

This is to certify that Bill No. 77 (COR), "AN ACT TO AMEND §5116(a) OF CHAPTER 5 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO CARRIER SAFETY AND HAZARDOUS MATERIAL REGULATIONS," was on the 15th day of June, 1999, 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 18th day of June, 1999,
at 9:50 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/15/99

VOTING SHEET

Bill No. 77

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V					✓
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13 0 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

June 11, 1999

(DATE)

FILE

Memorandum

To: Senator CARLOTTA LEON GUERRERO

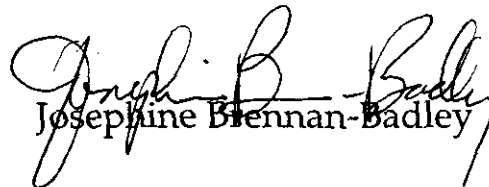
From: Clerk of the Legislature

COPY

Subject: Report on Bill No. 77 (COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 77 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

ACKNOWLEDGEMENT RECEIPT
Received by MA
Time: 10:38 AM
Date: 06-11-99



COMMITTEE ON JUDICIARY, PUBLIC SAFETY,
CONSUMER PROTECTION, AND HUMAN RESOURCES
DEVELOPMENT

I MINA' BENTE SINGKONA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

June 14, 1999

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

RECEIVED
99 JUN 10 PM 3 18

Dear Mr. Speaker:

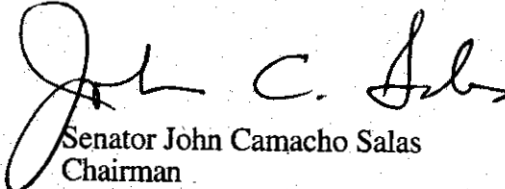
The Committee on Judiciary, Public Safety, Consumer Protection & Human Resources Development to which was referred Bill No. 77, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS**.

The Committee votes are as follows:

To Do Pass	<u>4</u>
Not To Pass	<u>0</u>
Abstain	<u>0</u>
Other (Off-Island)	<u>1</u>

A copy of the Committee's report and other pertinent documents are attached for your reference and information.

Sincerely,


Senator John Camacho Salas
Chairman



25th GUAM LEGISLATURE

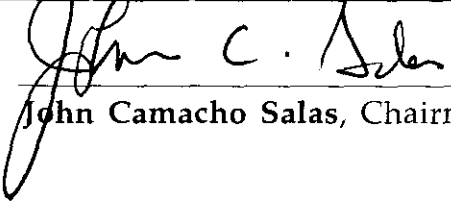


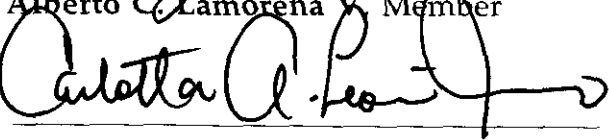
SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

BILL NUMBER 77

TITLE AN ACT TO AMEND SUBSECTION (A) OF §5116, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO CARRIER SAFETY AND HAZARDOUS MATERIAL REGULATIONS

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 John Camacho Salas, Chairman	✓			
Kaleo S. Moylan, Vice-Chairman				
Frank B. Aguon, Jr., Member				
 Joanne M.S. Brown, Member	✓			
Mark Forbes, Member				
 Alberto C. Lamorena, Member	✓			
 Carlotta A. Leon Guerrero, Member	✓			
Antonio R. Unpingco, Ex-Officio				

Committee on Judiciary, Public Safety, Consumer Protection, and
Human Resources Development
Committee Report on Bill 77
Publicly Heard Tuesday, May 18, 1999

Bill 77: An act to amend Subsection (a) of §5116, Title 16, Guam Code Annotated relative to carrier safety and hazardous material regulations. Senator C. Leon Guerrero

I. ATTENDANCE

- Senator John C. Salas, Chairman
- Senator Kaleo S. Moylan, Co-Chairman
- Senator Lawrence F. Kasperbauer
- Senator Vicente C. Pangelinan

II. MAIN SPONSORS

Senator Carlotta A. Leon Guerrero

III. SYNOPSIS

Bill 77 would add Part 180 of the Federal Motor Carrier Hazardous Materials Regulations to Title 16 of the Guam Code Annotated to regulate the transportation of hazardous materials via bulk containers, cargo tanks, and tank cars. Currently, Guam already complies with Federal Motor Carrier Safety Regulations, 49CFR Parts 390 through 399 and highway related portions of 49CFR Parts 107, 171-173, 177 and 178 of the Federal Motor Carrier Hazardous Materials Regulations.

IV. TESTIMONY

Joseph T. Duenas, Director of the Department of Revenue and Taxation, provided testimony in support of the bill. His written testimony outlined the responsibility of the Office of Motor Carrier. This includes reducing the number of crashes involving motor vehicles through inspections, and educating carriers on safe driving. Guam adopted the Federal Motor Carrier Safety Regulations, 49CFR Parts 390 through 399 and highway related portions of 49CFR Parts 107, 171-173, 177 and 178 of the Federal Motor Carrier Hazardous Materials Regulations. The Department is now requesting that Part 180 be added to Title 16 of the Guam Code Annotated to regulate the transportation of hazardous materials via bulk containers, cargo tanks, and tank cars.

Senator Pangelinan expressed his surprise in that he thought this amendment had already been completed. He further noted that he had introduced this type of legislation in the 22nd Guam Legislature. Mr. Duenas noted that perhaps the legislation was lost during the 22nd Legislature. He asked that the Legislature assist the department and pass this legislation.

There being no further discussion, **Chairman Salas** noted that the testimony and the bill are self explanatory, and the Committee would proceed with calendaring for session.

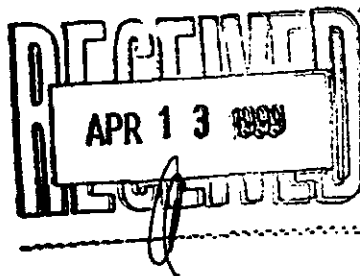
V. COMMITTEE RECOMMENDATION

The Committee recommends **TO DO PASS** Bill 77.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*



APR 13 1999

MEMORANDUM

TO: Chairman
Committee on Judiciary, Public Safety, Consumer Protection
and Human Resources Development

FROM: Chairman *[Signature]*
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 77

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Please note that a Secondary referral of this bill has been made to the Committee on Housing, General Government Services and Foreign Affairs.

Thank you for your attention to this matter.

MARK FORBES

Attachment

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 77(007)

Introduced by:

C. A. Leon Guerrero *CLG*

AN ACT TO AMEND SUBSECTION (a) OF §5116, TITLE 16,
GUAM CODE ANNOTATED RELATIVE TO CARRIER
SAFETY AND HAZARDOUS MATERIAL REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Subsection (a) of §5116 of Title 16, Guam Code Annotated, is
3 hereby amended to read:

4 "§5116. **Carrier Safety and Hazardous Material Regulations.**

5 (a) The Director of Revenue and Taxation is authorized to promulgate as
6 territorial regulations, either (1) the Federal Motor Carrier Safety Regulations (49
7 CFR Parts 390 through 399), except such portions as may be determined by the
8 Director to be inapplicable, and highway-related portions of the Federal Hazardous
9 Materials Regulations (49 CFR Parts 107, 171-173, 177, ~~and~~ 178 and 180); or (2)
10 such territorial regulations applicable to motor carrier safety, including highway
11 transportation of hazardous materials, as are compatible with the federal
12 regulations. The regulations promulgated by the Director of Revenue and Taxation
13 shall be effective as interim regulations until such date as they may be amended
14 pursuant to Chapter III of Title XXV of the Government Code."

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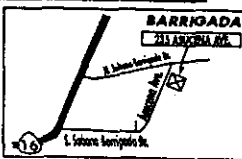
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PUBLIC HEARING REMINDER NOTICE

Committee on Judiciary, Public Safety, Consumer Protection
 & Human Resources Development

Bill 77: An act to amend Subsection (a) of 5116, Title 16, G.C.A. relative to carrier safety and hazardous material regulations.

Bill 120: An act to add a new 36102.1 of Chapter 36, Title 7, G.C.A. relative to allowing families to use a single petition for change of name.

Bill 123: An act to add a new Chapter 68 to Title 9, G.C.A. relative to imitation substance or drug offenses.

Bill 125: An act to add a new 70.16 to Chapter 70, Title 9, G.C.A. relative to prohibiting the tattooing, branding, scarifying and piercing of minors without the physical presence of a parent or legal guardian.

Bill 127: An act to add a new Chapter 47 to Title 9, G.C.A. relative to computer crimes.

Bill 129: An act to add a new 4121 4122 and 4123 to Chapter 4 of Title 4, G.C.A. relative to the creation of personnel rules and regulations for peace officers.

Bill 131: An act to add a new Chapter 27 to Title 16, G.C.A. relative to professional driver training schools.

Bill 132: An act to add a new Article 1A to Chapter 3 of Title 16, G.C.A. relative to the enactment of graduated driver's licenses for new drivers. This act shall be known as the Responsible Drivers Act.

Bill 143: An act to add a new Article 7 to Chapter 32 of Title 5, G.C.A. relative to requiring service and repair businesses that compensate their technicians, mechanics and other personnel by commission, disclose such information to the public.

Bill 148: An act to add a new 3346 to Article 3 of Chapter 3 of Title 16, G.C.A. relative to limiting the speed of school buses to thirty-five miles per hour (35 MPH) regardless of the posted speed limit.

Bill 158: An act to add a new 3114 Chapter 3 Title 16 G.C.A relative to the creation of a numbering system for drivers licenses.

Bill 186: An act to allow the Superior Court of Guam to admit cameras and audio equipment in courtrooms, bringing the Judicial system to the public at large.

Tuesday, May 18, 1999, starting at 9:00 am, Legislature's Public Hearing Room
 See our ad in the Tuesday, May 11, 1999 issue of the PDN.

For additional information, contact the Office of Senator John Camacho Salas. Ph: 472-3431;
 Fax: 472-3433; e-mail: jsalas@sensalasal.guam.net Website: http://www.guam.net/sensalasal
 http://www2.ite.net/senators/sensalasal American Disabilities Coordinator: John Meno tel. 472-3431


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Reporter



COMMITTEE ON JUDICIARY, PUBLIC SAFETY,
CONSUMER PROTECTION, AND HUMAN RESOURCES
DEVELOPMENT

I MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN

JOHN CAMACHO SALAS, CHAIRMAN

PUBLIC HEARING AGENDA
LEGISLATURE'S PUBLIC HEARING ROOM

Tuesday, May 18, 1999, 7:00 p.m.

Bill 77: An act to amend Subsection (a) of §5116, Title 16, Guam Code Annotated relative to carrier safety and hazardous material regulations. *Senator C. Leon Guerrero*

Bill 120: An act to add a new §36102.1 of Chapter 36, Title 7, Guam Code Annotated, relative to allowing families to use a single petition for change of name. *Senator L. Kasperbauer*

Bill 123: An act to add a new Chapter 68 to Title 9, Guam Code Annotated, relative to imitation substance or drug offenses. *Senator L. Kasperbauer*

Bill 125: An act to add a new §70.16 to Chapter 70, Title 9, Guam Code Annotated, relative to prohibiting the tattooing, brandings, scarifying and piercing on minors without the physical presence of a parent or legal guardian. *Senator L. Kasperbauer*

Bill 127: An act to add a new Chapter 47 to Title 9, Guam Code Annotated, relative to computer crimes. *Senator L. Kasperbauer*

Bill 129: An act to add a new §§4121 4122 and 4123 to Chapter 4 of Title 4, Guam Code Annotated, relative to the creation of personnel rules and regulations for peace officers. *Senator L. Kasperbauer*

Bill 131: An act to add a new Chapter 27 to Title 16, Guam Code Annotated, relative to professional driver training schools. *Senator L. Kasperbauer*

Bill 132: An act to add a new Article 1A to Chapter 3 of Title 16, Guam Code Annotated, relative to the enactment of graduated driver's licenses for new drivers. This act shall be known as the Responsible Drivers Act. *Senator L. Kasperbauer*

Bill 143: An act to add anew Article 7 to Chapter 32 of Title 5, Guam Code Annotated, relative to requiring service and repair businesses that compensate their technicians, mechanics and other personnel by commission, disclose such information to the public. *Senator L. Kasperbauer*

Bill 148: An act to add a new §3346 to Article 3 of Chapter 3 of Title 16, Guam Code Annotated, relative to limiting the speed of school buses to thirty-five miles per hour (35 MPH) regardless of the posted speed limit. *Senator L. Kasperbauer*

Bill 158: An act to add a new §3114 Chapter 3 Title 16 Guam Code Annotated relative to the creation of a numbering system for drivers licenses. *Speaker A. Unpingco*

Bill 186: An act to allow the Superior Court of Guam to admit cameras and audio equipment in courtrooms, bringing the Judicial system to the public at large. *Senator M. Forbes*



SENATOR JOHN CAMACLO SALAS CHAIRMAN

COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND HUMAN RESOURCES DEVELOPMENT

Mina Bente Singko na
Liheslaturan Guahan

TESTIMONY SIGN IN SHEET

Tuesday, May 18, 1999

Bill Number 77

Title AN ACT TO AMEND SUBSECTION (A) OF §5116, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO
CARRIER SAFETY AND HAZARDOUS MATERIAL REGULATIONS

NAME	ORGANIZATION	TESTIMONY	
Joey Duenas	DR. NEW. STAY	<input checked="" type="checkbox"/> FOR	<input checked="" type="checkbox"/> WRITTEN
CONTACT	MAILING ADDRESS	<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
NAME	ORGANIZATION	TESTIMONY	
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
CONTACT	MAILING ADDRESS	<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
NAME	ORGANIZATION	TESTIMONY	
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
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Dipårtamenton Kontribusion yan Adu'ána

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guáhan

CARL T.C. GUTIERREZ, Governor Maga'láhi
MADEI Z. BORDALLO, Lt. Governor / Tiñente Gubetnadora

JOSEPH T. DUENAS, Director / Direktot
CARL E. TORRES, Deputy Director
Sigundo Direktot

May 18, 1999

Senator John C. Salas
Chairman
Committee on Judiciary, Public Safety, Consumer
Protection, & Human Resources Development
25th GUAM LEGISLATURE
Hagatna, Guam

Hafa Adai,

I want to take this opportunity to thank this Committee for hearing Bill 77.

First, let me provide some background on the Office of Motor Carrier. Our purpose is to reduce the number of crashes involving commercial motor vehicles on Guam's highways by performing inspections, educating carriers on safe driving and ensuring that the concepts of the Motor Carrier Safety Assistance Program are carried out.

This program has been in existence since 1987, and is presently under the Department of Revenue and Taxation. The program is 100% federally funded by the Department of Transportation, Federal Highway Administration.

Guam adopted the Federal Motor Carrier Safety Regulations, 49CFR Parts 390 through 399 and highway related portions of 49CFR Parts 107, 171-173, 177 and 178 of the Federal Motor Carrier Hazardous Materials Regulations.

Description of the Parts are as follows:

- Part 107 Hazardous Materials Program Procedures
- Part 171 General Information, Regulations & Definitions
- Part 172 Hazardous Materials Table, Special Provisions, HazMat
Communication, Emergency Response Information and
Training requirements
- Part 173 Shippers - General requirements of shipment and packaging
- Part 177 Carriage by Public Highway
- Part 178 Specifications for Packaging

Senator John C. Salas
May 18, 1999
/...2

It is the request of this office that Part 180 be added to the above in Title 16, GCA. Part 180 regulates the transportation of hazardous materials via bulk containers, cargo tanks, and tank cars. It is vitally important that Part 180 be included for the safety of all on Guam's highways.

Our office presently has two (2) inspectors who are certified to perform this type of inspection and a third inspector to attend training in August of this year.

I humbly request for your favorable approval, and vote on this amendment to Title 16.

Should you have any additional questions, please feel free to contact Maria C. Flores at 475-1899 or Eleanor A. Hills at 475-1889.

Si Yu'os Ma'ase.

Sincerely,



JOSEPH T. DUENAS
Director