

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

AGENDA

December 12, 2008

(Reconvening of December 11, 2008 Session)

- (i) **Call to order;**
- (ii) **Prayer by the Chaplain;**
- (iii) **Singing of the Guam Hymn in Chamorro;**
- (iv) **Singing of the National Anthem;**
- (v) **Roll call;**
- (vi) **Call for approval of the Legislative Journal; ~~11/17/ to 11/21/08 dj.~~**
- (vii) **Communications and petitions; ~~There are~~**
- (viii) **Messages from *I Maga'lahaen Guåhan*; ~~There are~~**
- (ix) **Reports of Standing Committees; ~~There are~~**
- (x) **Reports of Select Committees; ~~None~~**
- (xi) **Introduction and first reading of bills and resolutions: ~~Bill No. 396(EC) to Bill No. 402(EC); Resolution No. 205(EC); Bill No. 403(LS) to Bill No. 405(LS); Resolution No. 206(LS) to Resolution No. 207(LS); Bill No. ____ (LS) to Bill No. ____ (LS); Resolution No. ____ (LS) to Resolution No. ____ (LS); Legislative Certificate No. ____ (LS) to Legislative Certificate No. ____ (LS).~~**
- (xii) **Motions;**
 - 1. Veto of Bill No. 60(EC), to prohibit transfer of funds from Antonio B. Won Pat International Airport Authority, Guam for the general purposes of GovGuam, received 9/07/07.
 - 2. Veto of SBill No. 33(EC), creating the *Kumision Guåhan Fine'nana* (The Guam First Commission) on the Military Mission in Guam, received 10/26/07. (Failed override - Veto sustained 03/21/08) (Failed override - Veto sustained 7/9/08)

3. Veto of SBill No. 132(EC), to *amend* Title 21 GCA § 80104(e), relative to the powers and duties of the Ancestral Lands Commission to manage and develop former Spanish Crown Lands and other non-ancestral lands, received 10/26/07. (Failed override - Veto sustained 03/21/08)
4. Veto of Bill No. 111(EC), to extending the right of public documents to resumes and applications filed in response to government recruitment, received 1/2/08.
5. Veto of Bill No. 137(EC), relative to government travel law, received 1/2/08. (Failed override - Veto sustained 3/21/08)
6. Veto of Bill No. 171(LS), relative to authorizing the Superintendent of Education to establish a public corporation for the purpose of advancing excellence in education, to be known as the “Foundation for Public Education Act of 2007”, received 1/2/08. (Through Suspension of House Rules, removed from VOTING FILE and placed in MOTIONS - 8/14/08)
7. Veto of Bill No. 195(EC), relative to permitted investments and interest earned from the Sixteen Million Dollars (\$16,000,000) of bond proceeds intended to fund payments to COLA Class Awardees as ordered by the judgment in Rios V. Camacho, Superior Court Case No. SP0206-93, received 3/20/08.
8. Veto of Bill No. 210(LS), to appropriate funds to the Department of Revenue and Taxation to purchase new equipment and contractual needs necessary for the functions of the department, received 3/20/08.
9. Veto of Bill No. 211(LS), to appropriate funds to the Department of Revenue and Taxation to hire new personnel within various divisions to enhance collection efforts and compliance with local laws, received 3/20/08.
10. Veto of Bill No. 221(LS), to *amend* Section 1 of part 1-Department of Public Health and Social Services, Chapter III of Public Law 29-19, to increase the appropriation from Forty-Seven Million Three Hundred Fifty-six Thousand One Hundred Eight Dollars (\$47,356,108) to Sixty-One Million Three Hundred Fifty-Six Thousand One Hundred Eight Dollars (\$61,356,108) for the purpose of funding obligations in the Medically Indigent Program and the Medicaid Program, received 3/20/08. (Failed override - Veto sustained 04/25/08)
11. Veto of Bill No. 136(EC), relative to incorporating the provision of wellness and preventive healthcare into the government of Guam’s group health and medical insurance coverage, thus promoting and encouraging a more healthy, fit, and improved lifestyle for employees and their families; through *adding* a new Subsection “(h)” to §4301 of Article 3, Chapter 4, Title 4, Guam Code Annotated, Group Insurance, received 3/20/08. (Failed override - Veto sustained 04/25/08)

12. Veto of Bill No. 138(EC), to accelerate the transition of the government of Guam into the digital age by the implementation of a program of discounted fees as incentives for the submission of documents filed with government agencies in an acceptable computerized data format, at the Department of Land Management, by *amending* §60304 and *adding* a new §60315.1 to Title 21, Guam Code Annotated, received 4/7/08. (Failed override - Veto sustained 04/25/08)
13. Veto of Bill No. 287(EC), relative to voting for President and Vice-President of the United States, received 7/22/08.
14. Veto of Bill No. 295(EC), relative to appointments, in an acting capacity, to positions requiring the advice and consent of *I Liheslatura*, as head *or* director of a department, agency, *or* instrumentality, *or* as member of a board *or* commission
15. Veto of Bill No. 327(LS), relative to Indigenous Fishing Rights. (Received 11/26/08).
16. Veto of Bill No. 378(EC), relative to creating *I Kumision Guåhan Fine’Nana* (The Guam First Commission) on the Military Mission in Guam; and to amend §2105 of Title 4, Guam Code Annotated, relative to representation of both genders on Boards and Commission. (Received 12/02/08).
17. Veto of Bill No. 377(EC), relatives to authorizing the Governor to pledge compact impact funds for the construction costs of a new landfill (Received 12/11/08)

(xiii) Legislative Concurrence;

(xiv) Consent Calendar: *

*Through motion that all commendatory, congratulatory and condolence resolutions and legislative certificates introduced today and remainder of this legislative session be considered first read and adopted; to add all Senators as co-sponsors and to allow Senators and the Legal Counsel to make technical corrections

(xv) Second Reading File:

1. Bill No. 398(EC) (Com. of the Whole continues)
2. Bill No. 402(EC)

(xvi) Consideration of the Daily File:

(1) Third Reading File:

(2) Voting File:

(xvii) Brief extension of remarks (limited to 5 minutes per member);

(xviii) Announcements;

(xix) Adjournment.

SECOND READING FILE

Bill No. 398(EC) – by J. V. Espaldon

(Com. of the Whole 12/11/08)

2nd Reading File 12/11/08

AN ACT TO ADOPT THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM MASTER PLAN UPDATE 2007 REPORT AND TO AMEND SECTION 10105 OF CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE JOSE D. LEON GUERRERO COMMERCIAL PORT'S AUTHORITY TO LEASE REAL PROPERTY UP TO TWENTY (20) YEAR.

Bill No. 402 (EC) – by Committee on Calendar by

2nd Reading File 12/11/08

request of *I Maga'laha*

***Guåhan* in accordance with**

the Organic Act of Guam.

AN ACT TO AMEND 5 GCA § 1512.2, RELATIVE TO THE AUTHORIZATION TO ENTER INTO LOAN FOR LANDFILL COSTS.

Committee Reports Received as of 12/10/08

Bill No. 31 (EC) – by A. B. Palacios, Sr.

RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO ‘DOC’ SANCHEZ SCHOLARSHIP PROGRAM, THROUGH AMENDING SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17, GUAM CODE ANNOTATED.

Bill No. 51 (EC) – by T. R. Muña Barnes, R .J. Respicio,

Rec’d. 11/20/08

As Substituted by Committee on J. P. Guthertz
General Governmental Operations
and Reorganization

AN ACT TO CONSTRUCT A GUÅHAN PERFORMING ARTS AND CULTURAL CENTER AND A GUAM NATIONAL MUSEUM AND TO ASSIST IN FURTHERING THE PRESERVATION AND PRESENTATION OF GUAM’S CULTURE, HERITAGE AND HISTORY BY CREATING THE GUÅHAN HERITAGE FACILITIES BOARD, THE GUÅHAN HERITAGE FACILITIES HOTEL ROOM SURCHARGE, AND THE GUÅHAN HERITAGE FACILITIES FUND BY ADDING A NEW SUBITEM (Y) TO §87104 OF CHAPTER 87, DIVISION 8, TITLE 5 GUAM CODE ANNOTATED; ADDING A NEW CHAPTER 89 TO DIVISION 8, TITLE 5 GUAM CODE ANNOTATED; AND ADDING A NEW CHAPTER 29 TO TITLE 11 GUAM CODE ANNOTATED.

Bill No. 103 (LS) – by A. B. Palacios, Sr.

AN ACT TO PROVIDE FOR DISCRETIONARY APPROVAL OF LEAVE OF ABSENCE FOR OUTSIDE EMPLOYMENT BY AMENDING §4105(d)(4), CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED.

Bill No. 129 (EC) – by J. T. Won Pat, Ed.D., F. F. Blas, Jr.,

Rec’d. 11/17/08

As substituted by the Committee on **T. R. Muna Barnes, J. P. Guthertz**
on Health, Human Services and
Homeland Security.

AN ACT TO REPEAL AND REENACT SECTION 12803(a) OF CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TERM OF OFFICE FOR THE MEMBERS OF THE GUAM BOARD OF ALLIED HEALTH EXAMINERS.

Bill No. 162(LS) – by F. T. Ishizaki, F. F. Blaz, Jr.,

As substituted by the Author and **A. B. Palacios, Sr., Ray Tenorio**
as further substituted by the Committee on
Criminal Justice, Public Safety & Youth

AN ACT TO AMEND SUBSECTION (a), (b), AND (c) OF §18201 OF ARTICLE 2 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE IMPLIED CONSENT PROVISIONS OF THE SAFE STREETS ACT.

AN ACT TO AMEND SUBSECTION (a), (b), AND (c) OF §18201 OF ARTICLE 2 OF CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE IMPLIED CONSENT PROVISIONS OF THE SAFE STREETS ACT.

Bill No. 191 (EC) – by A. B. Palacios, Sr.

AN ACT TO REPEAL THE TAX EXEMPTIONS FOR BANKS, BANKING INSTITUTIONS, SMALL LENDERS AND BUILDING AND LOAN ASSOCIATIONS, BY AMENDING §26202(f)(1) and (2) OF ARTICLE 2, CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO TAX ON BANKS, BANKING INSTITUTIONS, SMALL LENDERS, AND BUILDING AND LOAN ASSOCIATIONS.

Bill No. 202 (EC) – by J. A. Lujan

AN ACT TO AUTHORIZE THE ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM TO ISSUE DIFFERENTIAL PAY TO EMT-B CERTIFIED FIREFIGHTERS OF THE AIRCRAFT RESCUE AND FIRE FIGHTING UNIT

Bill No. 203 (EC) – by F. T. Ishizaki, A. B. Palacios, Sr.

As substituted by the Committee on General
Governmental Operations & Reorganization

AN ACT TO RE-ENACT CHAPTER 6 OF TITLE 12 GCA, AND TO AMEND §4105 OF CHAPTER 4 OF TITLE 4 GCA RELATIVE TO RE-ESTABLISHING THE GUAM MASS TRANSIT AUTHORITY.

Bill No. 230 (LS) – by v. c. pangelinan

AN ACT TO AMEND 11GCA §103102 (c) RELATIVE TO QUALIFICATIONS FOR COMMISSIONER ON BANKING AND INSURANCE.

Bill No. 234 (LS) – by J. P. Guthertz, R. J. Respicio,

Rec'd. 11/18/08

T. R. Muña Barnes, B. J.F. Cruz

AN ACT TO *AMEND* TITLE 16 GUAM CODE ANNOTATED CHAPTER 1 §§ 1102, 1103 AND 1104, AND TO *ADD* A NEW TITLE 16 GUAM CODE ANNOTATED ARTICLE 4 CHAPTER 3 § 3307.1, AND TO *ADD* A NEW TITLE 16 GUAM CODE ANNOTATED ARTICLE 4 CHAPTER 3 § 3308.1 TO

§3308 RELATIVE TO THE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD).

Bill No. 236 (LS) – by F. T. Ishizaki, A. B. Palacios, Sr.

AN ACT TO AMEND §§8121(a) AND 6504.1 BOTH OF TITLE 4 G.C.A. AND TO AMEND §77119 OF TITLE 10 G.C.A., RELATIVE TO THE EMPLOYMENT OF RETIRED POLICE OFFICERS.

Bill No. 251 (EC) – by Ray Tenorio, R. J. Respicio, J. P. Guthertz

As Substituted by the Committee on Judiciary,
Natural Resources, Infrastructure and Cultural Affairs

AN ACT TO ADD A NEW CHAPTER 81 TO, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO THE DEPLOYMENT OF BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE ON PUBLIC RIGHTS OF WAY.

Bill No. 253 (EC) – by Ray Tenorio, R. J. Respicio, J. P. Guthertz, DPA

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 46 OF 9GCA RELATIVE TO RESTRICTING THE USE OF TELEPHONE RECORDS WITHOUT CONSENT

Bill No. 256 (EC) – by Ray Tenorio

AN ACT TO ADD ARTICLE 3 TO CHAPTER 43 OF 9GCA RELATIVE TO SKIMMING.

Bill No. 257 (EC) – by Ray Tenorio

As substituted by the Committee on
Public Safety, Criminal Justice and Youth

AN ACT TO AMEND §19102 CHAPTER 19 OF 16GCA RELATIVE TO GOVERNMENT VEHICLE LIABILITY INSURANCE.

Bill No. 258 (EC) – by Ray Tenorio

AN ACT TO ADD A NEW §5134 TO CHAPTER 5 OF 19GCA RELATIVE TO PARENTAL ACCOUNTABILITY.

Bill No. 260 (EC) – by Ray Tenorio

AN ACT TO ADD A NEW ARTICLE 4A CHAPTER 67 OF 9GCA RELATIVE TO THE USE OF A MINOR IN A DRUG OPERATION.

Bill No. 261 (EC) – by Ray Tenorio

As amended by the Author

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 4 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE TRUTH IN FORECASTING ACT.

Bill No. 270 (EC) – by A. B. Palacios, Sr.

AN ACT RELATIVE TO PROVIDING FOR THE RECRUITMENT AND HIRING OF 100 NEW UNIFORMED POLICE OFFICERS FOR THE GUAM POLICE DEPARTMENT BY THE YEAR 2013 TO FURTHER ENSURE THE SAFETY OF OUR STREETS AND NEIGHBORHOODS, PARTICULARLY IN CONSIDERATION OF THE ANTICIPATED INCREASE IN CIVILIAN AND MILITARY POPULATION IN THE UPCOMING YEARS; APPROPRIATING THE SUMS NECESSARY FOR THE INITIAL IMPLEMENTATION AND HIRING OF ADDITIONAL POLICE OFFICERS IN FISCAL YEAR 2009; AND THROUGH ADDING A NEW SECTION §77135 TO CHAPTER 77, DIVISION 3 (PUBLIC SAFETY), TITLE 10, GUAM CODE ANNOTATED; THIS PROVISION SHALL HENCEFORTH BE KNOWN AS THE “*ISLAND-WIDE NEIGHBORHOOD PATROL PUBLIC SAFETY PROTECTION ACT OF 2008*”.

Bill No. 271 (EC) – by E. J. B. Calvo

AN ACT TO AMEND TITLE 5, CHAPTER 22, §22415 RELATIVE TO ALLOWING FOR THE TRANSFER OF PROMISSORY NOTES ISSUED TO CREDITORS OF THE GOVERNMENT OF GUAM.

Bill No. 289 (EC) – by B.J.F. Cruz, R. J. Respicio, J. P. Guthertz

As substituted by the author.

AN ACT TO AUTHORIZE *I MAGA' LÅHEN GUAHÅN* TO EXCHANGE GOVERNMENT LAND TO ACQUIRE LOT NUMBER 279-RI, MERIZO.

Bill No. 290 (EC) – by B. J.F. Cruz, R. J. Respicio, J. P. Guthertz

As substituted by the author.

AN ACT TO AUTHORIZE *I MAGA' LÅHEN GUAHÅN* TO EXCHANGE GOVERNMENT LAND TO ACQUIRE LOT NUMBER 142 NEW, AGAT.

Bill No. 298 (EC) – by J. V. Espaldon, T. R. Muna-Barnes, R. J. Respicio

AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 5327 IN THE MUNICIPALITY OF DEDEDO TO LIGHT INDUSTRIAL (“M-1”) ZONE.

Bill No. 300 (EC) – by Ray Tenorio

AN ACT TO ADD A NEW CHAPTER 10 TO 22GCA RELATIVE TO PRIVATE EMPLOYER WORKPLACE DRUG TESTING.

Bill No. 307 (EC) – by Ray Tenorio

As Substituted by the Committee on
Public Safety Criminal Justice and Youth

AN ACT TO ADD A NEW CHAPTER 48 TO TITLE 9, GUAM CODE ANNOTATED RELATIVE TO NOTIFICATION OF BREACHES OF PERSONAL INFORMATION”.

Bill No. 314(EC) - by J. V. Espaldon

As substituted by the Committee on Judiciary,
Natural Resources, Infrastructure and Cultural Affairs

AN ACT TO AMEND §76212 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SPECIFYING THE DEPOSITORY FOR ALL HISTORIC [OBJECTS] PROPERTIES; AND TO ADD A NEW SUBSECTION (E) TO §76511 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTIES FOR FAILURE TO COMPLY WITH A CERTIFICATE OF APPROVAL.

Bill No. 323 (LS) – by E. J.B. Calvo

As amended by the Committee

AN ACT TO AUTHORIZE I MAGA’LAHEN GUÅHAN TO MAKE PRIOR YEAR VENDOR AND UTILITY PAYMENTS OF THE GOVERNMENT OF GUAM FROM GENERAL FUND REVENUES COLLECTED IN FISCAL YEAR 2008, TO BE KNOWN AS “THE DEFICIT REDUCTION ACT OF 2008.”

Bill No. 325 (LS) – by Ray Tenorio

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF 8GCA RELATIVE TO THE CREATION OF AN ARREST WARRANT REPOSITORY.

Bill No. 326(LS) – by Ray Tenorio

AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 70 OF 9GCA RELATIVE TO LASER SAFETY.

Bill No. 359 (EC) – by Dr. David L.G. Shimizu, Tina Muna Barnes, Judith T. Won Pat, Ed.D

AN ACT TO ADD A NEW § 847 TO CHAPTER 8 OF TITLE 1 OF THE GUAM CODE ANNOTATED TO RENAME THE MERIZO LIBRARY TO BE THE “ROSA AGUIGUI REYES MEMORIAL LIBRARY.”

Bill No. 360 (EC) – by E. J.B. Calvo

Rec'd. 11/17/08

As amended by the Committee on
Health, Human Services and Homeland Security

AN ACT TO ADD SECTION 18115.1 TO CHAPTER 18 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING COSMETOLOGISTS LICENSED IN JAPAN TO OBTAIN A GUAM COSMETOLOGY LICENSE, TO PROVIDE TRAINING AT A RECOGNIZED GUAM SCHOOL OF COSMETOLOGY, AND TO ADD SECTION 18124.1 TO PROVIDE FOR ADDITIONAL FUNDS TO BE DEPOSITED INTO THE HEALTH PROFESSIONAL LICENSURE FUND FOR USE BY THE BARBERING AND COSMETOLOGY BOARD.

AN ACT TO ADD SECTION 18115.1 TO CHAPTER 18 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING COSMETOLOGISTS LICENSED IN JAPAN TO OBTAIN A SPECIAL GUAM COSMETOLOGY LICENSE, TO PROVIDE TRAINING AT A RECOGNIZED GUAM SCHOOL OF COSMETOLOGY, AND TO ADD A NEW SECTION 18124.1 TO PROVIDE FOR ADDITIONAL FUNDS TO BE DEPOSITED INTO THE HEALTH PROFESSIONAL LICENSURE FUND FOR USE BY THE BARBERING AND COSMETOLOGY BOARD.

Bill No. 367 (LS) – by Ray Tenorio

Rec'd. 11/17/08

AN ACT TO AMEND §58104 OF CHAPTER 58 OF 12GCA AND ITEMS (3) AND (4) OF §26401(a) OF 11GCA RELATIVE TO CREATING TAX INCENTIVES IN THE QUALIFYING CERTIFICATE PROGRAM FOR THE MANUFACTURE, DISTRIBUTION AND SALE OF ALTERNATIVE FUELS AND EXEMPTING SUCH FUELS FROM THE LIQUID FUEL TAX.