

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

AGENDA

December 30, 2008

(Reconvening of December 29, 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: ~~12/22 to 12/23/08 dj~~**
- (vii) Communications and petitions: ~~There are~~**
- (viii) Messages from *I Maga'lahen Guåhan*: ~~There are~~**
- (ix) Reports of Standing Committees; ~~There are~~**
- (x) Reports of Select Committees;**
- (xi) Introduction and first reading of bills and resolutions:** Bill No. ____ (LS) to Bill No. ____ (LS); Resolution No. 214 (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.

AMENDED
12-30-08 - 10:50 a.m.

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, received 9-3-08.
15. Veto of Bill No. 377(EC), relative to authorizing the Governor to pledge compact impact funds for the construction costs of a new landfill, received 12/11/08.

(xiii) Legislative Concurrence;

1. ~~From the Committee on Education, General & Omnibus Affairs on the appointment of Mrs. Maria Dilanco Garcia to serve as a member of the Guam Community College Board of Trustees with the recommendation to do confirm.~~
2. ~~From the Committee on Education, General & Omnibus Affairs on the appointment of Mr. John T. M. Sarmiento to serve as a member of the Guam Public Library System Board with the recommendation to do confirm.~~
3. ~~From the Committee on Education, General & Omnibus Affairs on the appointment of Mr. Lawrence S. Rivera to serve as a member of the Guam Land Use Commission Board with the recommendation to do confirm.~~
4. ~~From the Committee on Education, General & Omnibus Affairs on the appointment of Mr. Salvatore Giovanni T. Sgambelluri to serve as a member of the Education Policy Board with the recommendation to do confirm.~~
5. ~~From the Committee on Education, General & Omnibus Affairs on the appointment of Dr. Lee H. Meadows to serve as a member of the Education Policy Board with the recommendation to do confirm.~~

(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:

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|---|---------------------------------|
| 1. Bill No. 248(LS) | 12. Bill No. 314(EC) |
| 2. Bill No. 305(EC) | 13. Bill No. 397(EC) |
| 3. Bill No. 31(EC) | 14. Bill No. 368(LS) |
| 4. Bill No. 389(LS) | 15. Bill No. 225(LS) |
| 5. Bill No. 244(LS) | 16. Bill No. 394(LS) |
| 6. Bill No. 379(EC) | 17. Bill No. 403(LS) |
| 7. Bill No. 259(EC) | 18. Bill No. 370(LS) |
| 8. Bill No. 385(LS) | 19. Bill No. 371(LS) |
| 9. Bill No. 253(EC) | 20. Bill No. 289(EC) |
| 10. Bill No. 256(EC) | 21. Bill No. 290(EC) |
| 11. Bill No. 257(EC) (Inactive File) | |

(xvi) Consideration of the Daily File:

(1) Third Reading File:

- | <u>12-29-08</u> | | <u>12-30-08</u> |
|----------------------|-----------------------|-----------------|
| 1. SBill No. 389(LS) | 8. SBill No. 368(LS) | 14. |
| 2. Bill No. 253(EC) | 9. Bill No. 394(LS) | 15. |
| 3. Bill No. 256(EC) | 10. Bill No. 403(LS) | 16. |
| 4. Bill No. 379(EC) | 11. Bill No. 370(LS) | 17. |
| 5. SBill No. 314(EC) | 12. Bill No. 371(LS) | 18. |
| 6. Bill No. 385(LS) | 13. SBill No. 225(LS) | 19. |
| 7. SBill No. 397(EC) | | |

(2) Voting File:

1. On the appointment of Mrs. Maria Dilanco Garcia to serve as a member of the Guam Community College Board of Trustees.
2. On the appointment of Mr. John T. M. Sarmiento to serve as a member of the Guam Public Library System Board.
3. On the appointment of Mr. Lawrence S. Rivera to serve as a member of the Guam Land Use Commission Board.
4. On the appointment of Mr. Salvatore Giovanni T. Sgambelluri to serve as a member of the Education Policy Board.
5. On the appointment of Dr. Lee H. Meadows to serve as a member of the Education Policy Board.

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

(xviii) Announcements;

(xi) Adjournment.

SECOND READING FILE

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

2nd Reading 12/30/08

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. 225 (LS) – by T. R. Muna Barnes, Dr. David

3rd Reading File 12/29/08

As substituted by the Committee on
General Governmental Operations
and Reorganization

**L.G. Shimizu, J. T.
Won Pat, Ed.D**

2nd Reading File 12/29/08

AN ACT TO AMEND §5123(a) OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING VEHICLES PURCHASED OR LEASED BY THE GOVERNMENT OF GUAM BE THE MOST FUEL EFFICIENT MODEL AVAILABLE THAT WILL FULLFILL THE INTENDED GOVERNMENTAL FUNCTION.

Bill No. 244 (LS) – by T. R. Muña Barnes, R. J. Respicio, F. F. Blas, Jr., D. L.G. Shimizu, B. J.F. Cruz, J. V. Espaldon, J. P. Guthertz, J.T. Won Pat, F. T. Ishizaki, A. B. Palacios, Sr.

AN ACT TO ADD A NEW CHAPTER 44 TO TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE “RECYCLING ACT OF 2009” AND TO ESTABLISH A RECYCLING DEPOSIT FUND SEPARATE AND APART FROM ALL OTHER FUNDS WITHIN THE GOVERNMENT OF GUAM; TO ADD NEW §76221 TO CHAPTER 76 ARTICLE 2 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO ENDORSEMENT OF RECYCLING REDEMPTION CENTERS; TO ADD NEW §15104 TO CHAPTER 15, DIVISION 2 OF CHAPTER 11 GUAM CODE ANNOTATED RELATIVE TO REMITTANCE OF RECYCLING DEPOSIT FEES; TO AMEND SUBITEM (8) OF § 26102 TITLE 11 GUAM CODE ANNOTATED RELATIVE TO FORMS; AND TO REQUIRE THE CONFIRMATION OF THE VOLUNTARY COOPERATION OF MILITARY COMMANDS WITH A GUAM BEVERAGE CONTAINER RECYCLING PROGRAM PRIOR TO ASSESSMENT AND COLLECTION OF ANY BEVERAGE CONTAINER DEPOSIT FEES.

Bill No. 248 (LS) by J. T. Won Pat, Ed.D., J. V. Espaldon, T. R. Muna Barnes ,

As substituted by the Committee
on Education, General and Omnibus
Affairs.

J. P. Guthertz

AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM CODE ANNOTATED RELATIVE AUTHORIZING CHARTER SCHOOLS ON GUAM.

AMENDED
12-30-08 - 10:50 a.m.

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

3rd Reading File 12/29/08

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

3rd Reading File 12/29/08

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. 259 (EC) – by Ray Tenorio

AN ACT TO ADD A NEW ARTICLE 9 TO CHAPTER 15 OF 22GCA
RELATIVE TO INSURANCE ADJUSTERS.

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' lãhen Guahãn TO COMPENSATE THE
OWNER OF LOT 279-RI, MERIZO.

Bill No. 305(EC) – by v. c.pangelinan

As amended by the author

AN ACT TO AMEND §66210; SUBPARAGRAPH (7) OF §71101 AND §71105
OF 21 GCA RELATIVE TO THE PLACING OF UTILITIES ON PUBLIC
EASEMENTS.

**AN ACT TO AMEND §66210 AND §71105 OF 21 GCA RELATIVE TO THE
PLACING OF UTILITIES ON PUBLIC EASEMENTS.**

AMENDED

12-30-08 - 10:50 a.m.

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

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

3rd Reading File 12/29/08

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. 368 (LS) – by F. F. Blas, Jr.,

As substituted by the Author

v. c. pangelinan, E. J.B. Calvo

3rd Reading File 12/29/08

AN ACT TO ADD ARTICLE 14 TO CHAPTER 68 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE RETURN OF UNUSED PROPERTIES TO THEIR RIGHTFUL OWNERS AND HEIRS, AND TO CITE THE ACT AS “THE RETURN OF PRIVATE PROPERTIES ACT OF 2008.”

**Bill No. 370 (LS) – by E. J.B. Calvo, T. R. Muña Barnes,
R. J. Respicio**

3rd Reading File 12/29/08
2nd Reading File 12/29/08

AN ACT TO REZONE CERTAIN PARCEL IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL “A” TO LIGHT INDUSTRIAL “M1”.

**Bill No. 371 (LS) – by E. J.B. Calvo, T. R. Muña Barnes,
F. F. Blas Jr.**

3rd Reading File 12/29/08
2nd Reading File 12/29/08

AN ACT TO REZONE CERTAIN PARCEL IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURE “A” TO COMMERCIAL “C”.

**Bill No. 379 (EC) – by Dr. David L.G. Shimizu, E. J.B.
Calvo, J. T. Won Pat,
T. R. Muna Barnes**

3rd Reading File 12/29/08

AN ACT TO AMEND THE EXEMPTIONS AND LIMITATIONS ON GROSS INCOME CONTAINED IN THE DAVE SANTOS ACT AS AMENDED IN SECTION 106 OF PART I OF CHAPTER V OF PUBLIC LAW NO 29-02 FROM FIFTY THOUSAND DOLLARS (\$50,000) TO TWO HUNDRED THOUSAND DOLLARS (\$200,000).

Bill No. 385(LS) – by F. F. Blas, Jr., E. J.B. Calvo

3rd Reading File 12/29/08

AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PURPOSES OF INITIATING ALL APPROPRIATE LEGAL ACTIONS NECESSARY FOR THE RECOVERY OF COMPACT IMPACT REIMBURSEMENTS FROM THE FEDERAL GOVERNMENT.

AMENDED

12-30-08 - 10:50 a.m.

Bill No. 389 – by Dr. David L.G. Shimizu, Tina Rose
Substituted by the Committee on **Muna Barnes,**
Education, General and **Judith T. Won Pat**
Omnibus Affairs

3rd Reading File 12/29/08
2nd Reading File 12/29/08

AN ACT TO WAIVE THE SUBDIVISION AND ZONING SETBACK REQUIREMENTS FOR LOT NO 151, MUNICIPALITY OF INARAJAN, TO ALLOW FOR DEVELOPMENT OF THE LOT AND A PRIVATE ROAD.

Bill No. 394(LS) by T. R. Muña Barnes
As substituted by the Author.

3rd Reading File 12/29/08
2nd Reading File 12/29/08

AN ACT TO APPROVE THE LEASE BY AND BETWEEN THE GOVERNMENT OF GUAM AND THE PELELIU CLUB OF GUAM.

Bill No. 397 (EC) – by J. V. Espaldon,
As substituted by the Committee

3rd Reading File 12/29/08
2nd Reading File 12/29/08

AN ACT TO ADD A NEW ARTICLE TO TITLE 12, CHAPTER 14 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING EMERGENCY FINANCING OPTIONS FOR THE GUAM WATERWORKS AUTHORITY IN ORDER TO PROVIDE FOR THE EFFICIENT AND ORDERLY OPERATIONS OF THE GUAM WATERWORKS AUTHORITY AND TO PROMOTE GROWTH ON GUAM FOR THE BETTERMENT OF ALL IT'S RESIDENTS.

Bill No. 403(LS) by F. F. Blas, Jr.

3rd Reading File 12/29/08
2nd Reading File 12/29/08

AN ACT TO ADD §26208.2 TO CHAPTER 26, DIVISION 2 OF TITLE 11 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PHARMACEUTICALS FUND.