

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

February 25, 2010

(Reconvening of February ~~22~~, ~~23~~, 24, 2010 Session)

- (i) **Call to order;**
- (ii) **Prayer by the Chaplain;**
- (iii) **Recitation of *Inifresi*;**
- (iv) **Singing of the Guam Hymn in Chamorro;**
- (v) **Singing of the National Anthem;**
- (vi) **Roll call;**
- (vii) **Call for approval of the Legislative Journal: ~~02-16-10 dj~~**
- (viii) **Communications and Petitions; ~~There are~~**
- (ix) **Messages from the Governor; ~~There are~~**
- (x) **Reports of Standing Committees; ~~There are~~**
- (xi) **Reports of Select Committees; ~~None~~**
- (xii) **Introduction and First Reading of Bills and Resolutions:**
 - Bill No. ___-30(LS) to Bill No. ___-30(LS)
 - Resolution No. ___-30(LS) to Resolution No. ___-30(LS)
 - Certificate No. __-30(LS)
 - Bill No. 334-30(LS)
 - Resolution No. 289-30(LS)
 - ~~Bill No. 333-30(LS)~~
 - ~~Resolution No. 286-30(LS) to Resolution No. 288-30(LS)~~
 - ~~Bill No. 332-30(COR)~~
 - ~~Resolution No. 284-30(COR) to Resolution No. 285-30(LS)~~
 - ~~Certificate No. 148-30(LS)~~

(xiii) Motions;

1. Veto of Bill No. 1(1-S), authorizing the government of Guam to issue Solid Waste Management System Revenue Bonds *or* Section 30 Limited Obligation Bonds for the purpose of financing facilities of the Solid Waste Management System of Guam, and approving the terms and conditions of the issuance of one (1) *or* more series of such bonds pursuant to such article to pay the costs of a new landfill and the closure of the Ordot Landfill and other system costs.
2. Veto of Bill No. 1(4-S), authorizing tax credits to obtain a temporary campus for use as an interim John F. Kennedy High School campus and to address the permanent facility needs of the John F. Kennedy High School.
3. Veto of B122-30(COR), to impose a temporary moratorium on the issuance of commercial leases and licenses by the *Chamorro* Land Trust Commission.
4. Veto of B117-30(COR), to establish program procurement guidelines and procedures relative to the contractual requirements of the American Recovery and Reinvestment Act of 2009.
5. Veto of Bill No. 200-30 (COR), to adjust the compensation for the Attorney General of Guam to be comparable and equitable with other legal officer positions of the government of Guam.
6. Veto of Bill No. 207-30(LS), to adopt the procedures manual for the acquisition, enforcement and maintenance of territorial highway right-of-way and standards; to require legislative approval of revisions to the Guam Transportation Improvement Plan; to *amend* §17109 of Title 21, Guam Code Annotated, relative to relocation assistance; and to establish the Highway Commission.
7. Veto of Bill No. 233-30(COR), relative to the Rules and Regulations for the School Property of the Department of Education.
8. Veto of Bill No. 270-30(LS) relative to requiring volunteers to display their identification card and to be in prescribed uniform attire while issuing citation for the purpose of immediate recognition of authority.

xiv) Legislative Concurrence;

- ~~1. From the Committee on Rules, Natural Resources & Federal, Foreign & Micronesian Affairs on the appointment of Mr. George Lai to serve as a member of the Guam Environmental Protection Agency Board with the recommendation to do confirm.~~
- ~~2. From the Committee on Rules, Natural Resources & Federal, Foreign & Micronesian Affairs on the appointment of Mr. Robert Perron to serve as a member of the Guam Environmental Protection Agency Board with the recommendation to do confirm.~~
- ~~3. From the Committee on Rules, Natural Resources & Federal, Foreign & Micronesian Affairs on the appointment of Thomas N. Poole to serve as a member of the Guam Environmental Protection Agency Board with the recommendation to do confirm.~~
- ~~4. From the Committee on Rules, Natural Resources & Federal, Foreign & Micronesian Affairs on the appointment of Johanes Temengil to serve as a member of the Guam Environmental Protection Agency Board with the recommendation to do confirm.~~
- ~~5. From the Committee on Education on the appointment of Mrs. Rosa S. Palomo to serve as a member of the Guam Academy Charter Schools Council with the recommendation to do confirm.~~

(xv) 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 allow Senators and the Legal Counsel to make technical correction and to add all Senators as co-sponsors.

(xvi) Second Reading File;

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| 1. Bill No. 92-30(COR) | 13. Bill No. 280-30(LS) |
| 2. Bill No. 155-30(COR) | 14. Bill No. 281-30(LS) |
| 3. Bill No. 184-30(COR) | 15. SBill No. 282-30(LS) |
| 4. SBill No. 201-30(COR) | 16. SBill No. 284-30(LS) |
| 5. Bill No. 208-30(LS)(Referred back to Com.) | 17. Bill No. 288-30(COR) |
| 6. SResolution No. 214-30(COR) | 18. Bill No. 293-30(COR) |
| Bill No. 218-30(LS) | 19. SBill No. 296-30(COR) (Discussion continues) |
| 7. Bill No. 230-30(COR)(Discussion continues) | 20. SB ill No. 310-30(COR) |
| 8. Bill No. 236-30(COR)(Discussion continues) | 21. SBill No. 313-30(COR) |
| 9. SBill No. 245-30(COR) | 22. SBill No. 317-30(COR) |
| 10. SBill No. 255-30(COR) | 23. SBill No. 272-30(LS)(POF-1) |
| 11. SBill No. 275-30(LS) | 24. <u>Bill No. 218-30(LS)</u> |
| 12. <u>Bill No. 277-30(LS)</u> | 25. <u>Bill No. 333-30(IS)</u> |

(xvii) Consideration of the Daily File:

Third Reading File;

2/22/10

1. SResolution No. 214-30(COR)
Bill No. 218-30(LS)(Back to 2nd Reading File)

2/23/10

2. Bill No. 236-30(COR)
3. SBill No. 255-30(COR)
4. Bill No. 277-30(LS)
5. SBill No. 92-30(COR)
6. SBill No. 201-30(COR)
7. Bill No. 284-30(LS)
7. Bill No. 288-30(COR)
9. SBill No. 245-30(COR)
10. SBill No. 155-30(COR)

2/24/10

11. Bill No. 230-30(COR)
12. SBill No. 275-30(LS)
13. Bill No. 281-30(LS)
14. SBill No. 282-30(LS)
15. Bill No. 293-30(COR)

2/25/10

- 16.
- 17.
- 18.
- 19.
- 20.

and

Voting File;

1. On the appointment of Mr. George Lai to serve as a member of the Guam Environmental Protection Agency Board.
2. On the appointment of Mr. Robert Perron to serve as a member of the Guam Environmental Protection Agency Board.
3. On the appointment of Thomas N. Poole to serve as a member of the Guam Environmental Protection Agency Board.
4. On the appointment of Johanes Temengil to serve as a member of the Guam Environmental Protection Agency Board.
5. On the appointment of Mrs. Rosa S. Palomo to serve as a member of the Guam Academy Charter Schools Council.

(xviii) Brief extension of remarks;

(xix) Announcements; *and*

(xx) Adjournment

SECOND READING FILE

**Bill No. 92-30 (COR) – by J. P. Guthertz, A. B. Palacios,
R. J. Respicio**

3rd Reading File 2/23/10

AN ACT TO RESTORE CERTAIN JURISDICTIONS AND CLARIFY CERTAIN FUNCTIONS OF THE CIVIL SERVICE COMMISSION BY *REPEALING* AND *REENACTING* TITLE 4 GCA §§ 4403, 4408, 4409, AND 5105; SUBITEMS-30 (b) AND-30 (c) OF TITLE 4 GCA § 4405; AND NEW §§ 4410 AND 4411

**Bill No. 155 (COR) – by Frank B. Aguon, Jr.,
T. R. Muna Barnes, F. F. Blas, Jr.**

3rd Reading File 2/23/10

AN ACT RELATIVE TO RECOGNIZING THE GROWTH AND EXPANSION OF THE GUAM NATIONAL GUARD IN RECENT YEARS IN ITS CONTRIBUTIONS TO THE NATIONAL DEFENSE OF OUR NATION AND IN SUPPORT OF OUR ISLAND, THROUGH ENSURING THAT THE QUALIFICATIONS AND DUTIES OF THE ADJUTANT GENERAL, AND THE ASSISTANT ADJUTANT GENERAL FOR THE GUAM AIR NATIONAL GUARD PROPERLY REFLECT SUCH GROWTH AND IMPENDING FUTURE MILITARY NATIONAL GUARD INITIATIVES; THROUGH *AMENDING* §63201(a), §63201(b), §63203(b), AND §63203(c) OF TITLE 10, GUAM CODE ANNOTATED.

AN ACT RELATIVE TO RECOGNIZING THE GROWTH AND EXPANSION OF THE GUAM NATIONAL GUARD IN RECENT YEARS IN ITS CONTRIBUTIONS TO THE NATIONAL DEFENSE OF OUR NATION AND IN SUPPORT OF OUR ISLAND, THROUGH ENSURING THAT THE QUALIFICATIONS AND DUTIES OF THE ADJUTANT GENERAL, AND THE ASSISTANT ADJUTANT GENERAL FOR THE GUAM AIR NATIONAL GUARD PROPERLY REFLECT SUCH GROWTH AND IMPENDING FUTURE MILITARY NATIONAL GUARD INITIATIVES; THROUGH AMENDING §63201(a), §63201(b), §63203(b), AND §63203(c) OF TITLE 10, GUAM CODE ANNOTATED.

Bill No. 184-30 (COR) – by v. c. pangelinan

AN ACT TO ADD A NEW SECTION (i) TITLE 21, CHAPTER 75, §75108 AND TO ADD A NEW SECTION 21006.1 TITLE 3, CHAPTER 21 RELATIVE TO THE DECOLONIZATION REGISTRY

SBill No. 201-30 (COR) – by R. J. Respicio, J.P. Guthertz

3rd Reading File 2/23/10

As substituted by the Committee on
Appropriations, Taxation, Banking,
Insurance, Retirement, and Land

AN ACT TO AMEND SUBITEM (H) OF TITLE 21 GUAM CODE ANNOTATED CHAPTER 61 § 61503 AND TO ADD A NEW SUBITEM (I), RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS.

AN ACT TO AMEND SUBITEM (h) OF TITLE 21 GUAM CODE ANNOTATED CHAPTER 61 § 61503, RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS.

Bill No. 208-30 (LS) – by A. B. Palacios, Sr.,

Referred back to Committee 2/22/10

**F. B. Aguon, Jr., T.
Taitague, T. C. Ada**

AN ACT RELATIVE TO CLARIFYING THE RESTRICTIONS ESTABLISHED ON THE RECRUITMENT OR COMPENSATION OF GOVERNMENT OF GUAM PERSONNEL ABOVE STEP 10 OF THE COMPENSATION SCHEDULE; THROUGH AMENDING SECTION 6205.2 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED.

**Bill No. 218-30-(LS) - by T. R. Muña-Barnes, E. J.B. Calvo,
Judith T. Won Pat Ed.D**

Back to 2nd Reading 2/24/10
3rd Reading File 2/22/10

AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY ADDING A NEW § 80105 (a) TO TITLE 21, GUAM CODE ANNOTATED.

Bill No. 230-30 (COR) - by Judith T. Won Pat, Ed.D.

3rd Reading File 2/24/10

AN ACT TO APPROPRIATE FUNDS FROM THE BALANCE OF THE 2008 TERRITORIAL EDUCATION FACILITIES FUND TO THE DEPARTMENT OF EDUCATION

**Bill No. 236-30 (COR) – by Matt Rector, T. R. Muña
Barnes, A. B. Palacios, Sr.,
R. J. Respicio**

Discussion continues 2/23/10

AN ACT TO AMEND § 6217 OF 4 GCA FOR THE PURPOSE OF ENSURING THAT PUBLIC EMPLOYEES THAT WORK AT NIGHT RECEIVE NIGHT DIFFERENTIAL PAY.

SBill No. 245-30(COR) – by E. J.B. Calvo, F. F. Blas, Jr.,

3rd Reading File 2/23/10

As substituted by the Committee **Ray Tenorio**
On Municipal Affairs, Aviation, Housing and Recreation.

AN ACT TO *ADD* §849.4 TO CHAPTER 8 OF ARTICLE 1 OF TITLE 1 OF THE GUAM CODE ANNOTATED NAMING THE BASEBALL COMPLEX SITUATED WITHIN THE DEDEDO SPORTS COMPLEX IN HONOR OF GREGORY “GREG” ANDREW MATANANE, ACKNOWLEDGING HIS CONTRIBUTION IN SECURING THE FUNDS FOR THE DEVELOPMENT OF THE FIELDS..

SBill No. 255-30(COR) – by T. C. Ada, T. R. Muña-Barnes,

3rd Reading File 2/23/10

As substituted by the Committee **A. B. Palacios, Sr.**
on Public Safety, Law Enforcement,
and Senior Citizens.

AN ACT TO *REPEAL* AND *REENACT* §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES AND MOBILE SERVICE DEVICES WHILE OPERATING A VEHICLE AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.

AN ACT TO AMEND §3346 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, AND TO ADD A NEW §3346.1 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO RESTRICTING THE USE OF MOBILE PHONES AND MOBILE SERVICE DEVICES WHILE OPERATING A VEHICLE AND PROVIDING FOR PUBLIC EDUCATION REQUIREMENTS REGARDING SUCH RESTRICTIONS.

SBill No. 272-30(LS) – by F. B. Aguon, Jr.

Passed on File 2/24/10

As substituted by the Committee on
Economic Development, Health and
Human Services, and Judiciary.

AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.

SBill No. 275-30 (LS) – by F. B. Aguon, Jr.

3rd Reading File 2/24/10

As substituted by the Committee on
Economic Development, Health and
Human Services, and Judiciary.

AN ACT RELATIVE TO PROVIDING CLARIFICATION AND FLEXIBILITY TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES IN THE MANAGEMENT OF ITS FINANCIAL RESOURCES FOR THE DIRECT OPERATION OF THE COMMUNITY HEALTH CENTERS, BY AMENDING SUBSECTION (a) OF §3811, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED.

**Bill No. 277-30 (LS) – by Ray Tenorio, E. B. Calvo,
T. R. Muña-Barnes**

3rd Reading File 2/23/10

AN ACT TO ADD A NEW §4127 TO CHAPTER 4 OF 4GCA RELATIVE TO AUTHORIZING THE GRANTING OF ADMINISTRATIVE LEAVE FOR DONATIONS OF BLOOD.

Bill No. 280-30 (LS) – by v. c. pangelinan

AN ACT TO AMEND SUBSECTIONS (a) (b) (c) (d) (e) AND TO ADD SUBSECTIONS (f) AND (g) OF SECTION 3811 AND TO ADD SUBSECTIONS (6) AND (7) TO SECTION 3814 OF CHAPTER 3 OF ARTICLE 8 OF TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT AND USE OF THE COMMUNITY HEALTH CENTER REVOLVING FUND.

**Bill No. 281-30 (LS) – by Telo Taitague, J. T. Won Pat, Ed.D.,
A. B. Palacios, Sr., B. J. Cruz,
F. F. Blas, Jr., R. J. Respicio**

3rd Reading File 2/24/10

AN ACT TO ADD A NEW ITEM (f) TO §84121 TO CHAPTER 84 OF 10GCA RELATIVE TO THE RIGHTS OF INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES TO EMERGENCY 911 SERVICES.

**SBill No. 282-30 (LS) – by Telo Taitague, J. T. Won Pat, Ed. D.,
As substituted by the Committee on A. B. Palacios
Public Safety, Law Enforcement,
and Senior Citizens.**

3rd Reading File 2/24/10

AN ACT TO ADD A NEW §3117 TO CHAPTER 1 OF 16GCA RELATIVE TO DRIVERS LICENSES ISSUED TO INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES.

Bill No. 284-30(LS) – by v. c. pangelinan

3rd Reading File 2/23/10

AN ACT TO REPEAL §43119, CHAPTER 43, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ABOLISHING A BOARD AND COMMISSION IF THEY HAVE NOT MET WITH IN A YEAR OF ESTABLISHMENT.

Bill No. 288-30 (COR) – by v. c. pangelinan

3rd Reading File 2/23/10

AN ACT TO AMEND SECTION 8154 OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING INVESTMENTS IN FIXED INCOME SECURITIES COVERED IN THE U.S. AGGREGATE BOND INDEX.

**Bill No. 293-30 (COR) – by Telo Taitague, J. T. Won Pat,
A. B. Palacios**

3rd Reading File 2/24/10

AN ACT TO ADD A NEW §7177 TO CHAPTER 7 OF 16GCA RELATIVE TO VEHICLES OWNED OR OPERATED BY INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES

SBill No. 296-30 (COR – by Adolpho B. Palacios, Sr.

Discussion continues 2/24/10

As substituted by the Committee on Public Safety,
Law Enforcement, and Senior Citizens.

AN ACT TO REQUIRE THE GUAM ELECTION COMMISSION TO VERIFY THE EXISTENCE OR NON-EXISTENCE OF A CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, CHAPTER 2, §2107.

SBill No. 310-30(COR) – by Telo Taitague, T. C. Ada, R. J. Respicio

As substituted by the Committee on
Utilities, Transportation, Public Works, and Veterans Affairs.

AN ACT TO ADD A NEW §51120 TO CHAPTER 54 OF 10 GCA RELATIVE TO AUTHORIZATION TO CREATE A FEASIBILITY PLAN FOR THE INSTALLATION OF A COMMERCIAL METHANE RECOVERY SYSTEM OF THE LEYON LANDFILL.

SBill No. 313-30 (COR) – by R. J. Respicio, J. P. Guthertz, DPA, B. J.F. Cruz

As substituted by the Committee on
Labor, the Public Structure, Public Libraries and Technology.

AN ACT TO AMEND § 7119 OF TITLE 22 GUAM CODE ANNOTATED, CHAPTER 7, ARTICLE 1 RELATIVE TO COMPUTING THE NON-IMMIGRANT TEMPORARY WORKER REGISTRATION FEE FOR EACH NON-IMMIGRANT WORKER ON A PRO-RATED LENGTH OF TIME NO GREATER THAN THE LENGTH OF TIME THE WORKER IS LEGALLY AUTHORIZED TO BE IN GUAM FOR EMPLOYMENT PURPOSES.

SBill No. 317-30 (COR) – by v. c. pangelinan

As substituted by the Committee on
Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

Bill No. 333-30 (LS) – by F. F. Blas, Jr., T. C. Ada

2nd Reading File 2/24/10

AN ACT TO REPEAL AND REENACT SECTION 4 OF PUBLIC LAW 30-57
RELATIVE TO THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM
MASTER PLAN UPDATE 2007 REPORT.

SResolution No. 214-30 (COR) – by A. B. Palacios, Sr.,

3rd Reading File 2/22/10

As substituted by the Author

Frank Aguon Jr., v. c. pangelinan,

Edward J.B. Calvo, Frank F. Blas, Jr.

Relative to requesting the United States Government to extend the application and coverage of Medicare entitlements to eligible Guam recipients who have earned these Medicare benefits and who choose to obtain quality health and medical care services in the Philippines.