

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2009 (FIRST) Regular Session**

**October 28, 2009**

- (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: 9/8/09 to 9/11/09; 9/24/09**
- (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:**
  - Resolution No. 203-30(COR) to Resolution No. 230-30(COR);
  - Bill No. 236-30(COR) to Bill No. 269-30(COR);
  - Resolution No. \_\_\_\_ (LS) to Resolution No. \_\_\_\_ (LS);
  - Bill No. \_\_\_\_ (LS) to Bill No. \_\_\_\_ (LS);
  - Resolution No. \_\_\_\_ (LS) to Resolution No. \_\_\_\_ (LS);
  - Legislative Certificate No. 132(LS) to Legislative Certificate 138(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 B117-30(COR), to establish program procurement guidelines and procedures relative to the contractual requirements of the American Recovery and Reinvestment Act of 2009.
  4. Veto of B122-30(COR), to impose a temporary moratorium on the issuance of commercial leases and licenses by the *Chamorro* Land Trust Commission.

**(xiv) Legislative Concurrence;**

1. From the Committee on Education on the appointment of Mr. Ansito Walter to serve as a member of the Guam Academy Charter Schools Council with the recommendation to do confirm.
2. From the Committee on Education on the appointment of Mr. James Allen Mason to serve as a member of the Guam Academy Charter Schools Council with the recommendation to do confirm.
3. From the Committee on Education on the appointment of Mr. Joseph D. Lopez, Sr. to serve as a Chairman, Council on Post-Secondary Institution Certification with the recommendation to do confirm.
4. From the Committee on Education on the appointment of Mr. William D. Leon Guerrero to serve as a member of the University of Guam Board of Regents with the recommendation to do confirm.
5. From the Committee on Economic Development, Health and Human Services, and Judiciary on the appointment of Mr. Alberto E. Tolentino to serve as Magistrate Judge, Judiciary of Guam with the recommendation to do confirm.
6. From the Committee on Municipal Affairs, Aviation, Housing and Recreation on the appointment of Mr. John Edwards, II to serve as a member of the Guam Unarmed Combat Commission with the recommendation to do confirm.
7. From the Committee on Municipal Affairs, Aviation, Housing and Recreation on the appointment of Norma Jean Flores to serve as a member of the Guam Housing and Urban Renewal Authority Board with the recommendation to do confirm.
8. From the Committee on Municipal Affairs, Aviation, Housing and Recreation on the appointment of Mr. Peter L. Valdez to serve as a member of the Guam Housing Corporation Board with the recommendation to do confirm.
9. From the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land on the appointment of Ms. Antonita S. Camacho to serve as a member of the Guam Banking and Insurance Board with the recommendation to do confirm.
10. From the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land on the appointment of Mr. Andrew Chung Park to serve as a member of the Guam Land Use Commission with the recommendation to do confirm.
11. From the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land on the appointment of Mr. Roland S. Certeza to serve as a member of the Guam Land Use Commission with the recommendation to do confirm.
12. From the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land on the appointment of Ms. Belinda Cruz Mejia to serve as a member of the Alcoholic Beverage Control Board with the recommendation to do confirm.

**(xv) Consent Calendar;**

**(xv) Second Reading File;**

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|-------------------------------|--------------------------|
| 1. Bill No. 40-30(LS)         | 19. Bill No. 193-30(COR) |
| 2. Bill No. 92-30(COR)        | 20. Bill No. 196-30(COR) |
| 3. Bill No. 95-30(COR)        | 21. Bill No. 198-30(COR) |
| 4. Bill No. 101-30(COR)       | 22. Bill No. 200-30(COR) |
| 5. Bill No. 108-30(COR)       | 23. Bill No. 207-30(LS)  |
| 6. Bill No. 112-30(COR)       | 24. Bill No. 209-30(COR) |
| 7. Bill No. 116 -30(COR)      | 25. Bill No. 210-30(LS)  |
| 8. Bill No. 135-30(COR)       | 26. Bill No. 214-30(LS)  |
| 9. Bill No. 147-30(COR)       | 27. Bill No. 220-30(LS)  |
| 10. Resolution No. 148-30(LS) | 28. Bill No. 227-30(LS)  |
| 11. Bill No. 151-30(COR)      | 29. Bill No. 229-30(COR) |
| 12. Bill No. 168-30(LS)       | 30. Bill No. 231-30(COR) |
| 13. Resolution No. 170-30(LS) | 31. Bill No. 233-30(COR) |
| 14. Bill No. 175-30(COR)      | 32. Bill No. 236-30(COR) |
| 15. Bill No. 176-30(COR)      | 33. Bill No. 241-30(COR) |
| 16. Bill No. 177-30(COR)      | 34. Bill No. 245-30(COR) |
| 17. Bill No. 181-30(COR)      | 35. Bill No. 246-30(COR) |
| 18. Bill No. 191-30(COR)      |                          |

**(xvii) Consideration of the Daily File:**

**(1) Third Reading File;**

*and*

**(2) Voting File;**

**(xviii) Brief extension of remarks;**

**(xix) Announcements; *and***

**(xx) Adjournment.**

## **SECOND READING FILE**

### **Bill No. 40-30 (LS) – by E. J. B. Calvo, Ray Tenorio, J. V. Espaldon**

AN ACT TO ADD A NEW SECTION 105 TO CHAPTER 38, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO SEEKING TO PRECLUDE FROM CIVIL AND CRIMINAL LIABILITY ANY PERSON INVOLVED WITH THE DONATION AND DISTRIBUTION OF FOOD DELIVERED IN GOOD FAITH FOR SHARING WITH THE NEEDY TO BE KNOWN AS “THE GOOD SAMARITAN FOOD DONATION ACT OF GUAM.”

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

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 (b) AND (c) OF TITLE 4 GCA § 4405; AND *NEW* §§ 4410 AND 4411.

### **Bill No. 95-30 (COR) – by Matt Rector**

AN ACT TO MANDATE THE CONTINUED OPERATION OF THE F.Q. SANCHEZ ELEMENTARY SCHOOL BY THE GUAM PUBLIC SCHOOL SYSTEM IN ORDER TO CONTINUE OPERATION OF A GOOD SCHOOL FOR THE BENEFIT OF THE PEOPLE OF THE VILLAGE OF UMATAC AND FOR THE PEOPLE OF GUAM BY ENACTING A NEW § 3122.1 ARTICLE 1, 17 GCA. TO BE HEREBY KNOWN AS: THE MODEL COMMUNITY SCHOOL PROTECTION ACT.

### **Bill No. 101-30 (COR) – by B. J.F. Cruz, Judith P. Guthertz, DPA, R. J. Respicio**

AN ACT TO AMEND §90105 OF CHAPTER 90, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO SMOKING WITHIN TWENTY (20) FEET OF AN ENTRANCE OF A PUBLIC PLACE WHERE SMOKING IS PROHIBITED.

### **Bill No. 108-30 (COR) – by v. c. pangelinan**

AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED.

### **Bill No. 112-30 (COR) – by T. R. Muna Barnes, F. B. Aguon, Jr.**

AN ACT TO AMEND DIVISION (3) OF SUBITEM (i), ARTICLE 1, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED, TO ADD A NEW SUBITEM (g) OF § 17101, CHAPTER 17, TITLE 16 GUAM CODE ANNOTATED; AND TO ADD DIVISIONS (1) AND (2) TO SUBITEM (a) OF § 3111, ARTICLE 1, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED RELATIVE TO CREATING CLEARLY DEFINED REGULATIONS, PENALTIES AND SERVICES FOR GUAM’S LICENSED DRIVERS WHO ARE MEDICALLY DIAGNOSED WITH EPILEPSY.

**Bill No. 116-30 (COR) – by Frank B. Aguon, Jr.**

AN ACT RELATIVE TO AUTHORIZING THE GUAM CENSUS PROGRAM TEMPORARY RECRUITMENT AND EMPLOYMENT OF PERSONNEL, CONSISTENT WITH U. S. CENSUS BUREAU GUIDELINES, TO CONDUCT NECESSARY ACTIVITIES RELATED TO THE GUAM DECENNIAL 2010 CENSUS.

**Bill No. 135-30 (COR) – by T. C. Ada, A. B. Palacios, Sr., F. B. Aguon, Jr.**

AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS) TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT SANITARY INSPECTIONS ON BEHALF OF DPHSS AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER 7, TITLE 22 OF GUAM CODE ANNOTATED.

**Bill No. 147-30 (COR) – by v. c. pangelinan**

AN ACT TO ADD A NEW SUBSECTION 50103 (p) TO CHAPTER 50 TITLE 12 GUAM CODE ANNOTATED RELATIVE TO ACTIVITIES OF CORPORATION WITHIN THE GUAM ECONOMIC DEVELOPMENT AUTHORITY.

**Bill No. 151-30 (COR) – by A. B. Palacios, Sr.**

AN ACT TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION TO DESIGNATE AREAS WITHIN THE GUAM TERRITORIAL PARK SYSTEM AS “ALCOHOL FREE ZONE” AND TO PROVIDE FOR PENALTIES FOR NON-COMPLIANCE, BY ADDING A NEW SUBSECTION 77101 (d), 77104.(i), 77104.1, 77104.2, 77104.2.1, 77104.2.2 TO CHAPTER 77, TITLE 21 GUAM CODE ANNOTATED.

**Bill No. 168-30 (LS) – by T. C. Ada**

AN ACT TO AMEND CHAPTER 53 OF TITLE 5, GUAM CODE ANNOTATED AND TO ADOPT RULES AND REGULATIONS RELATIVE TO THE PROTECTION OF TERRITORIAL HIGHWAYS, ROADS, EASEMENTS AND RIGHTS OF WAY; AND TO CREATE A HIGHWAY PROTECTION AND MAINTENANCE FUND FOR THE DEPARTMENT OF PUBLIC WORKS

**Bill No. 175-30 (COR) – by T. C. Ada, F. B. Aguon, Jr., F. F. Blas, Jr., T. R. Muña Barnes**

AN ACT TO ADD SUBSECTIONS (14) AND (15) TO SECTION 8104 OF CHAPTER 8 OF TITLE 12 OF THE GUAM CODE ANNOTATED AND TO ADD SUBSECTIONS (n) AND (o) TO SECTION 14104 OF CHAPTER 14 OF TITLE 12 OF THE GUAM CODE ANNOTATED, AND TO AMEND SUBSECTION (c) OF SECTION 14104.1, AND SECTION 14404 OF CHAPTER 12 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE GUAM POWER AUTHORITY, AND THE GUAM WATERWORKS AUTHORITY TO ENTER INTO LONG TERM CONTRACTS.

**Bill No. 176-30 (COR) – by A. B. Palacios, Sr.**

AN ACT TO REPEAL AND REENACT §33106, §33214 AND §33556 OF TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH A SEPARATE NOTARY PUBLIC REVOLVING FUND; TO ESTABLISH NEW FEES COLLECTED BY THE GOVERNMENT OF GUAM FOR NOTARY APPLICATIONS, AND FOR ISSUING CERTIFICATES OF AUTHENTICITY AND APOSTLES, AND TO CLARIFY THAT APOSTLES ARE ISSUED BY THE DIRECTOR OR DEPUTY DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION.

**Bill No. 177-30 (COR) – by A. B. Palacios, Sr.**

AN ACT TO ADD A NEW SECTION 30119 AND 30120, CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL TO COLLECT A FEE FOR ITS ATTORNEY GENERAL CLEARANCES, AND TO ESTABLISH A SEPARATE FUND FOR THE DEPOSIT OF THOSE FEES ENTITLED THE “VICTIM OR WITNESS TRAVEL-HOUSING FUND” FOR USE BY THE OFFICE OF THE ATTORNEY GENERAL.

**Bill No. 181-30 (COR) – by Frank B. Aguon, Jr.**

AN ACT TO AMEND SECTION 3160.1 OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO SUPERIOR COURT JUDGES ANNUAL COMPENSATION ADJUSTMENT.

**Bill No. 191-30 (COR) – by A. B. Palacios, Sr., J. P. Guthertz, DPA**

AN ACT TO INCLUDE ALL GRADUATES UNDER THE PEDRO “DOC” SANCHEZ SCHOLARSHIP PROGRAM RECEIVES THE ONE-STEP MERIT PAY INCREASE BENEFIT.

**Bill No. 193-30 (COR)– by J. T. Won Pat, Ed.D., T. Taitague, T. R. Muña-Barnes, A. B. Palacios, Sr.**

AN ACT TO PLACE THE MERIZO PIER PARK UNDER THE ADMINISTRATIVE JURISDICTION OF THE MERIZO MAYOR’S OFFICE

**Bill No. 196-30(COR) – by T. R. Muña-Barnes**

AN ACT TO ADD A NEW SECTION TO 5 GUAM CODE ANNOTATED CHAPTER 40 RELATIVE TO RECOGNIZING VILLAGE MAYORS AS THE DIRECT ADMINISTRATIVE REPRESENTATIVES OF OUR PEOPLE AND TO EMPOWER THEM WITH SPECIAL APPROVING AUTHORITIES.

**Bill No. 198-30 (COR) – by T. R. Muña-Barnes**

AN ACT TO AMEND 12 GUAM CODE ANNOTATED CHAPTER 5 §5103 (f) RELATIVE TO COMPENSATION FOR COMMISSIONERS OF THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY

**Bill No. 200-30 (COR) – by A. B. Palacios, Sr.**

AN ACT 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 BY AMENDING §30116(a), CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED; AND TO REPEAL §30116(b), CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED.

**Bill No. 207-30 (LS) - by T. C. Ada, A.B. Palacios, Sr., .V. Espaldon**

AN ACT TO ADOPT THE PROCEDURES MANUAL FOR THE ACQUISITION, ENFORCEMENT AND MAINTENANCE OF TERRITORIAL HIGHWAY RIGHT-OF-WAY AND STANDARDS.

**Bill No. 209-30 (LS) - by Judith P. Guthertz, DPA, R. J. Respicio**

AN ACT TO AMEND § 13102 (A) OF CHAPTER 13 OF TITLE 4, GUAM CODE ANNOTATED, TO EXPAND ITS DEFINITION, AND TO ADD A NEW SUB ITEM (4) TO ITEM (A) OF § 13102 TO REQUIRE ALL PERSONS OR PUBLIC OFFICIALS THAT HAVE AUTHORITY TO ENTER INTO BINDING CONTRACTS ON BEHALF OF THE GOVERNMENT OF GUAM OR ANY OF ITS DEPARTMENTS, AGENCIES, AUTONOMOUS ENTITIES AND PUBLIC CORPORATIONS TO COMPLY WITH THE PUBLIC OFFICIAL *FINANCIAL DISCLOSURE ACT* OF THE GOVERNMENT OF GUAM.

**Bill No. 210-30 (LS) – by Telo Taitague, v. c. pangelinan**

AN ACT TO ADD A NEW §57105 TO CHAPTER 57 OF 10GCA RELATIVE TO PROVIDING THE MEANS TO COVER THE COST OF ISSUING GUAM IDENTIFICATION CERTIFICATES.

**Bill No. 214-30 (LS) – by A. B. Palacios, Sr.**

AN ACT TO ESTABLISH QUORUM REQUIREMENTS FOR THE PEACE OFFICERS STANDARDS AND TRAINING COMMISSION TO FACILITATE THE ACTIVITIES OF THE COMMISSION BY ADDING A NEW §32302.01 TO, ARTICLE 3, CHAPTER 32, TITLE 17 GUAM CODE ANNOTATED.

**Bill No. 220-30 (LS) – by B. J.F. Cruz**

AN ACT TO AMEND 5 GCA §5150 RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND ADVISEMENT.

**Bill No. 227-30 (LS) - by Adolpho B. Palacios, Sr.**

AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES BY AMENDING 4 GCA §6222 (a); AND TO AUTHORIZE HAZARDOUS PAY TO EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS WHO PERFORM DUTIES,

WHICH IF PERFORMED BY OTHER LAW ENFORCEMENT OR PUBLIC SAFETY OFFICERS WOULD ENTITLE SUCH OFFICERS TO HAZARDOUS PAY, BY ADDING A NEW ITEM (1) TO §6222 (a).

**Bill No. 229-30 (COR) - by Judith T. Won Pat, Ed.D., T. R. Muna Barnes**

AN ACT TO ADD ARTICLE 13 TO CHAPTER 15 AND TO ADD ARTICLE 7 TO CHAPTER 18 BOTH OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DR. ANTONIO C. YAMASHITA TEACHER CORPS.

**Bill No. 231-30 (COR) - by Judith T. Won Pat, Ed.D., T. R. Muña Barnes, A. B. Palacios**

AN ACT TO AMEND CHAPTER 15 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO SCHOLARSHIP PROGRAMS WITHIN THE STUDENT FINANCIAL ASSISTANCE PROGRAM.

**Bill No. 233-30 (COR) – by J. T. Won Pat, Ed.D, T. C. Ada, F. F. Blas, Jr., T. R. Muña-Barnes, A. B. Palacios, Sr., T. Taitague**

AN ACT TO AMEND CHAPTER 7 OF TITLE 17 OF THE GUAMCODE ANNOTATED, RELATIVE TO THE RULES AND REGULATIONS FOR THE SCHOOL PROPERTY OF THE DEPARTMENT OF EDUCATION.

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

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

**Bill No. 241-30 (COR) by v. c. pangelinan**

AN ACT TO REPEAL §75104.1 OF CHAPTER 75, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO LOT NO. 237-6-1, AGAÑA.

**Bill No. 245-30(COR) – by E. J.B. Calvo, F. F. Blas, Jr., Ray Tenorio**

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, AND TO NAME THE FOUR BASEBALL FIELDS WITHIN THE COMPLEX IN HONOR OF GUAM’S PIONEERS OF LITTLE LEAGUE BASEBALL ON GUAM.

**Bill No. 246-30 (COR) - by v. c. pangelinan, T. R. Muña-Barnes**

AN ACT TO AMEND §75108.1 (a) OF CHAPTER 75, TITLE 21 GUAM CODE ANNOTATED RELATIVE TO COTTAGE INDUSTRY ACTIVITY AUTHORIZED.



**Resolution No. 148-30 (LS) - by Judith T. Won Pat, Ed.D., Tina Rose Muña Barnes**

Relative to urging the United States Congress and the President of the United States to continue their efforts in calling upon the Iranian government for the immediate release of the members of friends of Iran and the cessation of the persecution of the Bahá'í Community in Iran.

**Resolution No. 170-30 (LS) - by Edward J.B. Calvo, R. J. Respicio, J. P. Guthertz, DPA, Ray Tenorio, James V. Espaldon**

Relative to establishing a sister-city relationship with the city of Olongapo, Republic of the Philippines.