

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

June 04, 2012

(Reconvening of ~~May 29, 30, 31, 2012~~
& June 1, 2012 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: ~~4/22, 24, 25 & 27/12 dj;~~
5/1/12**
- (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. ___-31(LS) to Bill No. ___-31(LS)
 - Resolution No. 441-31(LS) to Resolution No. 442-31(LS)
 - Certificate No. ___-31(LS) to Certificate No. ___-31(LS)
 - ~~Bill No. 470-31(LS)~~
 - ~~Resolution No. 440-31(LS)~~
 - ~~Certificate No. 149-31(LS)~~
 - ~~Bill No. 468-31(LS) to Bill No. 469-31(LS)~~
 - ~~Resolution No. 439-31(LS)~~
 - ~~Certificate No. 148-31(LS)~~

- ~~Resolution No. 438-31(LS)~~
- ~~Certificate No. 146-31(LS) to Certificate No. 147-31(LS)~~
- ~~Bill No. 466-31(LS) to Bill No. 467-31(LS)~~
- ~~Resolution No. 434-31(LS) to Resolution No. 437-31(LS)~~
- ~~Certificate No. 145-31(LS)~~
- ~~Bill No. 452-31(COR) to Bill No. 465-31(COR)-31(COR)~~
- ~~Resolution No. 405-31(COR) to Resolution No. 432-31(COR)~~
- ~~Certificate No. 144-31(COR)~~

(xiii) Motions;

1. Vetoed Bill No. 155-31(COR) - to de-appropriate the sums appropriated and transferred by *I Maga'lahan Guåhan* during Fiscal Years 2004 through 2009 for expenditures related to the Municipal Solid Waste Landfill Facility and the closure of the *Ordot* Dump, and re-appropriate said sum amount for the payment of emergency income tax refunds for tax year 2009 and prior, and appropriate Five Hundred Thousand Dollars (\$500,000) to the Department of Public Works for the *Umatac* and *Merizo* Cemeteries; and to *amend* §§58b102 and 58b106 of Chapter 56b, Title 5, Guam Code Annotated, relative to pledge of Section 30 Revenues for the expansion of *Okkodo* High School.
2. Vetoed Bill No. 145-31 (COR) - An act making appropriations for the operations of the Executive, Legislative, and Judicial Branches of the government of Guam for Fiscal Year ending September 30, 2012, making other appropriations, and establishing miscellaneous and administrative provisions.
3. Vetoed Bill No. 241-31COR) - An act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.
4. Vetoed Bill No. 406-31(COR) - An act to *repeal* and *reenact* Section 21 of Chapter XII of Public Law 31-77, relative to providing for assignability of offsets against Business Privilege Taxes for the outstanding debt balance owed for the completion of the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-1-AGN, including Change Orders No. 1 and No. 2.
5. Vetoed Bill No. 431-31(COR) – An act to provide for a limited extension of the contract between the Department of Public Health and Social Services (DPHSS) and the GovGuam Association of Retired Persons/*Servicio Para I Manamko* (GGARP/SPIMA) to provide *Senior Center Services for the Comprehensive Management, Operations, and*

Maintenance of the Senior Center Operations Program for the Division of Senior Citizens, DPHSS.

6. Vetoed Bill No. 319-31(COR), An act to amend §72105 of Chapter 72, Title 10, Guam Code Annotated, relative to authorizing private ambulance service providers to provide emergency medical services; and to amend §§3202(b), 3301(e), 3334(d) and 3339(d) of Chapter 3, Title 16, Guam Code Annotated, relative to emergency vehicles operating on Guam's roadways.
7. Vetoed Bill No. 413-31(COR), An act to *repeal and reenact* Chapters 1 through 20, of Title 3, Guam Code Annotated [Elections].
8. Vetoed Bill No. 306-31(LS), An act to *add a new* §90.48 to 9 Guam Code Annotated, Chapter 90, relative to establishing and administering an international prisoner transfer program.

(xiv) Legislative Concurrence;

- ~~1. From the Committee on Utilities, Transportation, Public Works and Veterans Affairs on the appointment of Mr. Andrew M. Gayle, Jr. to serve as a member of Guam Solid Waste Authority Board of Directors with the recommendation to do confirm.~~
- ~~2. From the Committee on Utilities, Transportation, Public Works and Veterans Affairs on the appointment of Mr. Peter B. Montinola to serve as member of the Public Utilities Commission with the recommendation to do confirm.~~
- ~~3. From the Committee on Municipal Affairs, Tourism, Housing, and Recreation on the appointment of Ms. Cecile Bamba Suda to serve as a member of the Guam Housing and Urban Renewal Authority Board of Commissioners with the recommendation to do confirm.~~
- ~~4. From the Committee on Municipal Affairs, Tourism, Housing, and Recreation on the appointment of Mr. David T. Lotz to serve a member of the Guam Historic Preservation Review Board with the recommendation to do confirm.~~
- ~~5. Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting on the appointment of Mr. Jeffrey John Ibanez to serve as a member of the Guam Council on the Arts and Humanities for a four year term 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. SBill No. 437-31(COR)(Com of the Whole cont.) | 12. SBill No. 419-31(COR) |
| 2. Resolution No. 375-31(COR) | 13. Bill No. 420-31(COR) |
| 3. Resolution No. 433-31(COR) | 14. Bill No. 421-31(LS)(Discussion continues) |
| 4. Bill No. 460-31(COR) | 15. SBill No. 434-31(COR) |
| 5. SBill No. 250-31(COR) | 16. Bill No. 438-31(LS) |
| 6. ABill No. 321-31(COR) | 17. Bill No. 458-31(COR) |
| 7. Bill No. 378-31(COR) | 18. Bill No. 463-31(COR) |
| 8. ABill No. 380-31(COR) | 19. Bill No. 175-31(COR) |
| 9. SBill No. 387-31(COR) | 20. Bill No. 465-31(LS) |
| 10. Bill No. 394-31(COR) | 21. Bill No. 469-31(LS) |
| 11. Bill No. 402-31(LS) | 22. Bill No. 468-31(LS) |
| | 23. Bill No. 470-31(LS) |

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

5/29/12

1. SBill No. 250-31(COR)
2. ABill No. 321-31(COR)
3. ABill No. 380-31(COR)
4. Bill No. 394-31(COR)

5/30/12

5. Bill No. 402-31(LS)
6. SBill No. 419-31(COR)
7. SBill No. 420-31(COR)

5/31/12

8. SBill No. 434-31(COR)
9. Bill No. 438-31(LS)
10. Res. No. 375-31(COR)
11. SBill No. 460-31(COR)

6/1/12

12. SBill No. 437-31(COR)
13. Bill No. 458-31(COR)
14. Bill No. 463-31(COR)
15. SBill No. 175-31(COR)
16. Bill No. 468-31(LS)
17. Bill No. 470-31(LS)

6/4/12

- 19.
- 20.
- 22.

and

Voting File;

1. On the appointment of Mr. Andrew M. Gayle, Jr. to serve as a member of Guam Solid Waste Authority Board of Directors.
2. On the appointment of Mr. Peter B. Montinola to serve as member of the Public Utilities Commission.
3. On the appointment of Ms. Cecile Bamba Suda to serve as a member of the Guam Housing and Urban Renewal Authority Board of Commissioners.

4. On the appointment of Mr. David T. Lotz to serve a member of the Guam Historic Preservation Review Board.
5. On the appointment of Mr. Jeffrey John Ibanez to serve as a member of the Guam Council on the Arts and Humanities.

(xviii) Brief extension of remarks;

(xix) Announcements; *and*

(xx) Adjournment

SECOND READING FILE

Bill No. 175-31 (COR) – by D. G. Rodriguez, Jr.

3rd Reading File 6/1/12
2nd Reading File 5/31/12

AN ACT TO REZONE LOT NO. 5231-9-1, IN THE MUNICIPALITY OF DEDEDO FROM AGRICULTURAL “A” ZONE TO COMMERCIAL “C” ZONE.

Bill No. 250-31 (COR) – by M. Silva Taijeron

3rd Reading File 5/29/12

**As Substituted by the Committee on Youth,
Cultural Affairs, Procurement, General Government
Operations and Public Broadcasting.

AN ACT ADD A NEW CHAPTER 25 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO MEMORY STORAGE DEVICES ON MACHINES USED BY GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES.

Bill No. 321-31(COR) – by V. Anthony Ada, A. A. Yamashita Ph.D.,

3rd Reading File 5/29/12

As Amended by the Committee on Youth **F. F. Blas, Jr.**
Cultural Affairs, Procurement, General Government
Operations and Public Broadcasting

AN ACT TO ADD A NEW §43120 TO CHAPTER 43 OF 5GCA RELATIVE TO PROHIBITING SECRET VOTING BY GOVERNMENT OF GUAM BOARDS AND COMMISSIONS.

Resolution No. 375-31 (COR) – by F. F. Blas, Jr.

3rd Reading File 5/31/12
2nd Reading File 5/31/12

Relative to recognizing and agreeing with the desires of the Northern Mariana Islands Legislature to form the Mariana Islands Legislature Association and to establish within that entity a Mariana Islands Cooperative Initiative to explore areas of joint economic development and mutual benefit between the governments of Guam and the Commonwealth of the Northern Mariana Islands.

Bill No. 378-31 (COR) - Chris M. Duenas

AN ACT TO ADD A NEW ITEM (i) TO § 62108 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT THE SUBDIVISION OF ANY LAND NOT RESULT IN THE LAND-LOCKING OF ANY OTHER LAND.

Bill No. 380-31 (COR) by Adolpho B. Palacios, Sr.

As Amended by the Committee on Youth, Cultural Affairs, Procurement,
General Government Operations and Public Broadcasting

3rd Reading File 5/29/12

AN ACT RELATIVE TO THE RELEASE OF WORKING ANIMALS FROM GOVERNMENT SERVICE, BY ADDING A NEW §22705 TO 5GCA.

Bill No. 387-31 (COR) - by Aline A. Yamashita, PhD.

***As Substituted by the Committee on
Youth, Cultural Affairs, General Governmental
Operations, Procurement, and Public Radio

~~AN ACT TO ADD A NEW ITEM (J) TO SECTION 4403 OF ARTICLE 4, CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND ITEMS (A), (D) AND (E) OF SECTION 9301 AND TO AMEND ITEM (B) OF SECTION 9303 ALL OF ARTICLE 3, CHAPTER 9 OF TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW TO INCLUDE A REVIEW BY THE CIVIL SERVICE COMMISSION~~ DEPARTMENT OF ADMINISTRATION FOR PROPOSED PERSONNEL RULES AND REGULATIONS, AND TO FURTHER ENHANCE TRANSPARENCY BY REQUIRING THE ELECTRONIC PUBLISHING OF PROPOSED RULES AND REGULATIONS

Bill No. 394-31 (COR) – by Judith P. Guthertz, DPA

3rd Reading File 5/29/12

AN ACT TO AMEND §15102 OF ARTICLE 1, CHAPTER 15, TITLE 22, GUAM CODE ANNOTATED RELATIVE TO CERTIFICATE OF AUTHORITY.

Bill No. 402-31 (LS) – by Sam Mabini, Ph.D.

3rd Reading File 5/30/12
Discussion continues 5/29/12

AN ACT TO AMEND §58110 (G), TITLE 12 GUAM CODE ANNOTATED, CHAPTER 58, RELATIVE TO REQUIRING LOCALLY-BASED, LOCALLY-OWNED BUSINESSES AND SERVICES FOR QUALIFYING CERTIFICATES.

Bill No. 419-31 (COR) – by B. J.F. Cruz

As Substituted by the Committee on Youth, Cultural
Affair, Procurement, General Government
Operations, and Public Broadcasting

3rd Reading File 5/30/12

AN ACT TO AMEND § 5102, ~~AND § 5103,~~ AND § 5105 OF CHAPTER 5 OF TITLE 4 OF THE GUAM CODE ANNOTATED; RELATIVE TO AN UPDATE AND REVISION OF APPROVED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES AND INVESTIGATIONS BY THE CIVIL SERVICE COMMISSION.

SBill No. 420-31 (COR) – by Adolpho B. Palacios, Sr.

3rd Reading File 5/30/12

AN ACT TO AMEND SUBSECTIONS (j) AND (m) OF §3101, ARTICLE 1, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIREMENTS FOR A GUAM DRIVER'S LICENSE.

SBill No. 421-31 (LS) – by D. G. Rodriguez, Jr., A. B. Palacios, Sr. Discussion continues 5/30/12
As Substituted by the Author

AN ACT TO AUTHORIZE APPROPRIATION CARRY-OVER PROVISIONS FOR THE GUAM FIRE DEPARTMENT FOR THE EXPENDITURE OF THE EXPIRED ENHANCED 911 EMERGENCY REPORTING SYSTEM FUNDS FOR THE SPECIFIC PURPOSE OF CONDUCTING A 2012-2013 FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES RECRUITMENT CYCLE, ALONG WITH ANY OTHER USE PRESCRIBED IN PUBLIC LAW 25-55.

Resolution No. 433-31 (COR) – by Dennis G. Rodriguez, Jr. 2nd Reading File 5/31/12

Relative to requesting the United States Department of Health and Human Services Secretary Kathleen Sebelius to prioritize and approve the Guam Memorial Hospital Authority's request for relief of Medicare reimbursement rates under the Tax Equity and Fiscal Responsibility Act of 1982 and to express the dire and emergent situation the only civilian hospital on Guam faces due to the large disparity in collecting reimbursements from Medicare.

Bill No. 434-31 – by v. c. pangelinan 3rd Reading File 5/31/12
As Substituted by the Author

AN ACT TO AMEND §1107 AND ADD SUBSECTIONS (c), (d), (e), AND (f) TO CHAPTER 1, 22 GUAM CODE ANNOTATED AND TO AMEND §1209.1 AND ADD SUB-ITEM (g) TO CHAPTER 1, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO RESEARCH AND STATISTICS.

Bill No. 437-31(COR) – by J. P. Guthertz, DPA, A. A. Yamashita, , Ph.D., 3rd Reading File 6/1/12
As Substituted by the Committee on **R. J. Respicio, S. A. Mabini,**
Health & Human Services, Economic **A. B. Palacios, Sr., C. M. Duenas**
Development, Senior Citizens, and Election Reform,
and as Further Substituted by the Committee and
amended by the Committee of the Whole.

AN ACT TO AUTHORIZE LEASE FINANCING FOR THE REHABILITATION, CONSTRUCTION, EXPANSION AND RENOVATION OF PUBLIC SCHOOL FACILITIES.

Bill No. 438-31 (LS) – by V. Anthony Ada 3rd Reading File 5/31/12

AN ACT ADD A NEW §5220 TO CHAPTER 5 OF 5GCA RELATIVE TO POSTING IFBs AND RFPs ONLINE.

Bill No. 458-31 (COR) – by T. R Muña Barnes 3rd Reading File 6/1/12

AN ACT TO REPEAL AND RE-ENACT SECTION 4 OF PUBLIC LAW 31-209, RELATIVE TO THE TRANSFER OF PARCELS IN THE SAGAN LINAHYAN SUBDIVISION, DEDEDO, GUAM.

Bill No. 460-31-31 (COR) – by v. c. pangelinan, B. J.F. Cruz

3rd Reading File 5/31/12
2nd Reading File 5/31/12

AN ACT TO AMEND SECTION 4301.1, ARTICLE 3, CHAPTER 4, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO NEGOTIATING AND PROCURING HEALTH INSURANCE SERVICES FOR THE GOVERNMENT OF GUAM.

Bill No. 463-31 (COR) - by T. R Muña Barnes

3rd Reading File 6/1/12

AN ACT TO ADOPT THE GUAM HOUSING CORPORATION ADMINISTRATIVE RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THE FIRST-TIME HOMEOWNERS ASSISTANCE PROGRAM.

Bill No. 465-31 (COR) – by D. G. Rodriguez, Jr.

2nd Reading File 5/31/12

AN ACT TO ADOPT THE WAITLIST POLICY AND PROCEDURES OF THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, TO BE CODIFIED UNDER A NEW DIVISION 6 - PUBLIC HEALTH AND SUBSTANCE ABUSE, CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS.

Bill No. 468-31 (LS) – by Chris M. Dueñas, T. C. Ada, V. A. Ada,

3rd Reading File 6/1/12

**F. F. Blas, Jr., B. J.F. Cruz, J. P. Guthertz,
DPA, S. Mabini, Ph.D., T. R. Muña Barnes,
A. B. Palacios, Sr., R. J. Respicio,
D. G. Rodriguez, Jr., A. A. Yamashita, Ph.D.**

2nd Reading File 5/31/12

AN ACT TO AMEND SUBSECTION (r) OF § 40112 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO MAYORAL DUTIES WITH RESPECT TO ROUTED STREETS AND ROADWAYS.

Bill No. 469-31 (LS) – by Sam Mabini, Ph.D., Adolpho B. Palacios, Sr.

2nd Reading File 5/31/12

AN ACT TO ADD A NEW §90.48 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND ADMINISTERING AN INTERNATIONAL PRISONER TRANSFER PROGRAM.

Bill No. 470-31 (LS) – by J. P. Guthertz, DPA; R. J. Respicio, T. C. Ada,

3rd Reading File 6/1/12

**D. G. Rodriguez Jr., B. J.F. Cruz,
A. A. Yamashita, S. A. Mabini, V. A. Ada,
T. R. Muña Barnes, A. B. Palacios, Sr.,
F. F. Blas, Jr., M. Silva Taijeron, Chris M. Duenas**

2nd Reading File 6/1/12

AN ACT TO AMEND § 50103 OF CHAPTER 50 OF DIVISION 2, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO THE INCOME TAX REFUND RESERVE FUND.