

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

Bill No. 287-30(COR)

Introduced by:

Adolpho B. Palacios, Sr. 

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AN ACT TO CHANGE THE MEMBERSHIP COMPOSITION OF THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION AND TO ESTABLISH MINIMUM QUORUM REQUIREMENT FOR THE COMMISSION MEETINGS, BY AMENDING SECTION 32302 (a) AND ADDING A NEW SECTION 32302.01, TO ARTICLE 3, CHAPTER 32, TITLE 17 GUAM CODE ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Peace Officer Standards and Training (POST) Commission was first established
4 by Public Law 24-145:2, on March 5, 1998, and further amended in its entirety by Public
5 Law 29-012:2 on September 7, 2007. The primary purpose of the Commission was the
6 development of regulations and minimum professional standards to serve as the basis for
7 the uniform recruitment operation of Guam's law enforcement entities.

8 *I Liheslaturan Guåhan* further finds that in the process of developing the
9 regulations and minimum professional standards the POST Commission, in accordance
10 with Title 17 Guam Code Annotated, Chapter 32 Article 3, §32302. (c) has to hold at
11 least four meetings per year. The current practice of the POST Commission with regards
12 to setting a quorum level for meetings was to use the 50% plus one rule of all fourteen
13 (14) voting members of the Commission as there is no specific provision as to what
14 constitutes a quorum. According to the POST Executive Director, the Commission has

1 met at least eight times over the last two years of which only four times was there a
2 quorum. The Commission noted that it has been very difficult to have a quorum based on
3 eight (8) of fourteen (14) voting members.

4 Therefore, it is the intent of *I Liheslaturan Guåhan* to change the membership
5 composition of the Peace Officer Standards and Training Commission and to establish
6 minimum quorum requirements for the POST meetings; by amending Section 32302 (a)
7 Article 3, Chapter 32, Title 17 Guam Code Annotated and by adding a new Section
8 32302.01, Article 3, Chapter 32, Title 17 Guam Code Annotated.

9 **SECTION 2. Section 32302. (a), Article 3, Chapter 32, Title 17 Guam Code**
10 **Annotated, is hereby amended to read:**

11 **“§ 32302. Created; Membership; Compensation; Meetings; Publications of**
12 **Procedures; Standards for Certified Training; Powers and Duties.**

13 (a) There is hereby created a Peace Officer Standards and Training Commission.
14 The Commission *shall* be composed of ~~the following~~ seven (7) members as follows:

- 15 (1) the Chief of the Guam Police Department, *or* his designated representative;
- 16 (2) the Chief of the Guam Airport Police, *or* his designated representative;
- 17 (3) the Chief of the Guam Port Police, *or* his designated representative.
- 18 (4) the Attorney General, *or* his designated representative;
- 19 ~~(5) the Director of Customs and Quarantine Agency, *or* his designated~~
20 ~~representative;~~
- 21 (6~~5~~) the Director of the Department of Corrections, *or* his designated
22 representative;

1 ~~(7) the Director of the Department of Youth Affairs, or his designated~~
2 ~~representative;~~

3 ~~(8) the Superintendent of the Guam Park Patrol Officers of the Department of~~
4 ~~Parks and Recreation, or his designated representative;~~

5 ~~(9) the Chief of the Division of Aquatic and Wildlife Resources of the~~
6 ~~Department of Agriculture, or his designated representative;~~

7 ~~(10) one (1) person at large, selected by the Commission;~~

8 ~~(11) one (1) non-voting representative from the University of Guam (UOG);~~
9 ~~appointed by the President;~~

10 ~~(12) one (1) non-voting representative from the Guam Community College~~
11 ~~(GCC), appointed by the President;~~

12 ~~(13) the Chief Marshal Policy Director of the Unified Guam Judiciary, or his~~
13 ~~designated representative;~~

14 ~~(14) the Chief of the Guam Fire Department, or his designated representative;~~

15 ~~(15) the Chief Probation Officer of the Unified Guam Judiciary, or his designated~~
16 ~~representative;~~

17 ~~(16) one (1) non-voting representative from the Department of Administration,~~
18 ~~appointed by the Director of Administration; and~~

19 ~~(17) one (1) representative from the Mayors' Council of Guam.”~~

20 **SECTION 3. A new Section 32302.01 is hereby added to, Article 3, Chapter**
21 **32, Title 17 Guam Code Annotated to read:**

22 **“32302.01 Quorum Requirement.**

1 A minimum of four (4) members present shall constitute a quorum for the
2 transaction of business, and the affirmative votes of four (4) members shall be
3 required to make any action of the Commission valid. No action shall be taken by
4 the Commission at any meetings or hearings, *unless* a quorum is present.”

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