



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the Speaker

MARK FORBES

Date: 6/15/06
Time: 8:00 AM
Rec'd by: [Signature]
Print Name: 2806 0867
14 JUN 2006

Felix Perez Camacho
Governor
Kaleo Scott Moylan
Lieutenant Governor

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 244(EC), "AN ACT TO ADD NEW SECTIONS 4202.1 AND 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE PROMPT NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE," which I signed into law on June 13, 2006, as Public Law 28-122.

Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 8:44 Date: 6-20-06

769



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

June 1, 2006



The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 209(EC), 244(EC) & 251(EC); and Substitute Bill Nos. 260(EC) & 289(LS) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on May 30, 2006.

Sincerely,

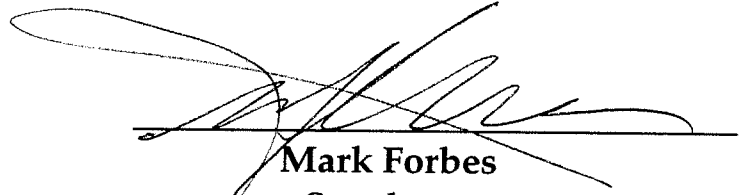
  
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (5)


I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA' LAHEN GUÅHAN

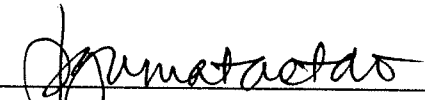
This is to certify that Bill No. 244 (EC), "AN ACT TO ADD NEW SECTIONS 4202.1 AND 4202.2 TO TITLE 4 GCA TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE PROMPT NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE," was on the 30<sup>th</sup> day of May, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker


Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahen Guåhan* this 2<sup>nd</sup> day of June,  
2006, at 4:27 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahen Guåhan*

Date: 6/13/06

Public Law No. 28-122

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2005 (FIRST) Regular Session**

**Bill No. 244(EC)**

As amended on the Floor.

Introduced by:

R. Klitzkie  
L. F. Kasperbauer  
Ray Tenorio  
Mark Forbes  
A. B. Palacios, Sr.  
Mike Cruz  
Edward J.B. Calvo  
J. M.S. Brown  
J. A. Lujan  
R. J. Respicio  
B. J.F. Cruz  
F. B. Aguon, Jr.  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO *ADD* NEW SECTIONS 4202.1 AND 4202.2  
TO TITLE 4 GCA TO REQUIRE GOVERNMENT  
EMPLOYEES WHO ARE CHARGED WITH OR  
CONVICTED OF A CRIME TO PROVIDE PROMPT  
NOTICE OF THE CHARGES OR CONVICTION TO  
THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR  
AGENCY AND TO PROVIDE SANCTIONS FOR  
FAILURE TO PROVIDE NOTICE.**

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

2 **Section 1.** A new Section 4202.1 is hereby *added* to Title 4 GCA to

3 read:

4 **“§4202.1. Duty to Report Criminal Charges or**

5 **Conviction.** An employee in the classified service who is charged by

1 indictment, information or magistrate's complaint with any crime in  
2 any court or who is convicted of a crime in any court *except* Traffic  
3 Court shall provide the head of the department or agency employing  
4 the employee with written notice of the charges or the conviction  
5 within seventy-two (72) hours thereof."

6 **Section 2.** A new Section 4202.2 is hereby *added* to Title 4 GCA to  
7 read:

8 **"§4202.2. Failure to Report Criminal Charges or Conviction.**

9 (a) Failure to provide the notice required by Title 4 GCA  
10 §4202.1 is grounds for a separate Adverse Action.

11 (b) The sixty (60) day limitation imposed by Title 4 GCA  
12 §4406 commences when the employee gives notice of the charges or  
13 conviction of a crime to the head of the department or agency as  
14 required by Title 4 GCA §4202.1."

15 **Section 3. Effective Date.** This Act shall take effect thirty (30)  
16 days after its enactment. *I Maga'lahen Guåhan* shall, prior to the effective  
17 date of this Act, provide a public notice of the contents of Sections 1 and 2.

6

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 5/30/06

## VOTING SHEET

Bill No. 244 (EC)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14    0    0    0    0

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



# Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1  
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

March 3, 2006

The Honorable Speaker Mark Forbes  
155 Hesler Place  
Hagatna, Guam 96910

RE: Bill 244 (EC) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 244 (EC), AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Transmitted herewith for your consideration and action is our committee report on the above subject matter. The Committee votes are as follows:

7 TO PASS  
0 NOT TO PASS  
0 TO REPORT OUT ONLY  
0 ABSTAIN  
0 INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at [bob@bobsoffice.org](mailto:bob@bobsoffice.org) or by phone at 472-9355.

Sincerely,

  
Bob

**Senator Robert Klitzkie, Chairman**  
Committee on Judiciary, Governmental Operations & Reorganization



# Bob's Office

*The Office of Senator Robert Klitzkie*

197 Hernan Cortes Ave., Suite A-1  
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

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March 2, 2006

Committee on Judiciary, Governmental Operations,  
& Reorganization  
155 Hesler Place  
Hagatna, Guam 96910

RE: Voting Sheet for Bill 244 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **BILL 244 (EC), AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE**, as introduced by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

**Bob**  
**Senator Robert Klitzkie, Chairman**  
Committee on Judiciary, Governmental Operations,  
& Reorganization





**Committee on Judiciary, Governmental Operations,  
and Reorganization**

*I Mina' Bente Ocho Na Liheslaturan Guahan*

**Bill 244 (EC)**

AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member		✓ 3/17/06				
Senator Adolpho Palacios, Member		✓				
Senator Larry Kasperbauer, Ph. D., Member		✗				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

*Ind*  
3/28/06

*3*  
4/17/06

4/17/06

**MINA BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session**

**Bill No. 244(EC)**

Introduced by:

R. Klitzkie  
L. F. Kasperbauer  
Ray Tenorio  
Mark Forbes  
A. B. Palacios  
Mike Cruz  
Edward J.B. Calvo  
J. M.S. Brown  
J.A. Lujan  
R. J. Respicio  
B. J. F. Cruz

**AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE.**

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

2 **Section 1.** A new Section 4202.1 is added to Title 4 G.C.A. to read:

3 **"§ 4202.1. Duty to Report Criminal Charges or Conviction.** An employee in  
4 the classified service who is charged by indictment, information or magistrate's  
5 complaint with any crime in any court <sup>FAO</sup> or who is convicted of a crime in any court shall  
6 immediately <sup>W/ in 72 hrs</sup> provide the head of the department or agency employing the employee with  
7 <sup>written</sup> notice of the charges or the conviction."

8 **Section 2.** A new Section 4202.2 is added to Title 4 G.C.A. to read:

9 **"§ 4202.2. Failure to report Criminal Charges or Conviction.**(a) Failure to provide  
10 the notice required by Title 4 G.C.A. § 4202.1 is grounds for a separate Adverse Action. <sup>disciplinary</sup>  
11 (b) The sixty day limitation imposed by Title 4 G.C.A. §4406 commences when the  
12 employee gives notice of the charges or conviction of a crime to the head of the  
13 department or agency as required by Title 4 G.C.A. §4202.1."

*YK/RK*  
*FA 1*  
*FA 2*  
*FA 3*  
*FA 4*  
*FA 5*  
*FA 6*  
*FA 7*  
*FA 8*  
*FA 9*  
*FA 10*  
*FA 11*  
*FA 12*  
*FA 13*  
*Section 1*

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 244(G)

LK & RK

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

P/1. L. 6. delete "immediately"  
and insert "within"  
and add on line 7 "within seventy-two (72) hours"  
thereof.

(Below only for Clerk of Legislature's use and processing))

Date 4/17, 2005

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED:

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

[Signature]  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_ Ass't. Amend. Clerk  
\_\_\_\_ Engrossment Staff



I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 244 EC

T. Unpingco  
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Section 3. ~~This~~ Effective Date.

This act shall take effect thirty (30) days after the enactment hereof.

The governor of Guam shall prior to the effective date ~~hereof~~ of this act ~~give~~ provide a public notice of the contents of sections 1 and 2.

(Below only for Clerk of Legislature's use and processing))

Date 4/17, 2006

Floor Amendment No. 5 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED:

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

[Signature]  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk

\_\_\_\_\_  
Engrössment Staff

Passed FA No. 4

Date: 4/17 Time: \_\_\_\_\_

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 244

Bob

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

on lines 5 after "court" add:

" except 7 traffic court "

(Below only for Clerk of Legislature's use and processing))

Date 4/17, 2008

Floor Amendment No. 6 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED:

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

[Signature]

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_ Ass't. Amend. Clerk  
\_\_\_\_ Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 244

JTWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

line 10, Change "Adverse" to read  
"Disciplinary"

(Below only for Clerk of Legislature's use and processing))

Date 4/17, 2006

Floor Amendment No. 3 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** \_\_\_\_\_

Amendment Failed:

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
Engrossment Staff

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 244 (EC)

Tomy Unpingo  
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Section 3. This shall shall be Effective Date.  
This act shall take effect thirty (30) days after  
the enactment hereof. All government of Guam agency  
and department heads shall give written notice of  
the contents of Sections 1 and 2 herein to their  
agency employees.

(Below only for Clerk of Legislature's use and processing))

Date 4/17, 2006

Floor Amendment No. 4 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: \_\_\_\_\_

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
\_\_\_\_\_  
Engrossment Staff



**Bill 244 summary of testimony:**

- **David Sullivan** provided oral testimony in his personal capacity in support of Bill 244 (EC). Mr. Sullivan expressed appreciation for the legislation and his belief that it will “plug a hole in the system in a balanced and judicious way.”

- **Robert Camacho**, director of Corrections, presented oral testimony in support of Bill 244 (EC). As director he explained instances where DEPCOR employees were arrested for various crimes and did not provide notice. Directors find themselves unable to administer discipline in accordance with the 60-day rule in these circumstances due to delayed notice of the charge or conviction. He believes Bill 244 provides an avenue for dealing with such cases. Mr. Camacho also recommended background checks at the federal level and control measures to terminate employees charged with a felony and pleading down to a misdemeanor.

**Bill 244 findings & recommendations:**

Current Guam law does not provide a means to insure that charges or convictions of government of Guam employees are reported to an employee’s department or agency head.

Due to this deficiency department and agency heads have been unable to assess the need for disciplinary actions in a timely fashion. The result has been many instances of undiscovered misconduct that has hindered government operations and the safety of the work environment for other employees.

The committee finds that Bill 244 remedies this problem by closing the loophole. With the proposed legislation, employees will be required by law to provide prompt notice of criminal charges or convictions to the department or agency head. The failure to do is grounds for separate adverse action and allows the 60-day rule defined in Title 4 G.C.A. § 4406 to commence upon the notice of the employee’s charge or conviction to the department or agency head.

Accordingly, the Committee on Judiciary, Government Operations, & Reorganization, does hereby submit its findings and recommendation to *DO PASS Bill 244 (EC), AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE’S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE.*



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
Committee on Judiciary, Governmental Operations, & Reorganization

MINUTES

[Prepared by: Audrey Punzalan \*02/22/2006]

**Date:** February 9, 2006

**Location:** Guam Legislature – Public Hearing Room  
155 Hesler Street Hagatna, Guam

**Called to order by Senator Robert Klitzkie, chairman, at 1:30pm**

**Senators present:**

Senator Robert Klitzkie, Chairman  
Senator Adolpho Palacios, Member  
Senator Larry Kasperbauer, Member  
Senator Ray Tenorio, Member

**Public hearing agenda:** Bill 238 (EC); Bill 244 (EC); Bill 253 (EC)

**Bill 238 (EC)**, AN ACT TO AMEND SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO 'DOC' SANCHEZ SCHOLARSHIP PROGRAM, was heard at 1:32pm.

**Testimony:**

- **Edward Artero**, employee of the Guam Police Department & recent graduate of the Pedro Doc Sanchez scholarship program, presented testimony on Bill 238 (EC) at 1:32pm.
- **Maria Apuron**, an employee of the Guam Police Department, presented testimony on Bill 238 (EC) at 2:00pm.
- **Alice Taijeron** presented personal testimony on Bill 238 (EC) at 2:03pm.
- **Pete Cruz**, an employee of the Guam Environmental Protection Agency, presented testimony on Bill 238 (EC) at 2:11pm.
- **Maurice Sayama**, police lieutenant of the Guam Police Department, presented testimony on Bill 238 (EC) at 2:16pm.
- **Kevin Guerrero**, employee of the Guam Police Department, presented testimony on Bill 253 (EC) at 2:34pm.
- **Edwin Salas** presented testimony on Bill 238 (EC) at 2:44pm.

**Bill 244 (EC)**, AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE, was heard at 1:52pm

**Testimony:**

- **David Sullivan** presented personal testimony on Bill 244 (EC) at 1:53pm.

- **Robert Camacho**, from the Department of Corrections, presented testimony on Bill 244 (EC) at 1:55pm.

**Bill 253 (EC)**, AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE, was heard at 2:23pm.

**Testimony:**

- **Marie Chenery**, president of Guam Animals in Need (GAIN), presented testimony on Bill 253 (EC) at 2:24pm.
- **Joseph Torres**, of the Department of Agriculture, presented testimony on Bill 253 (EC) at 2:28pm.
- **Dr. Tom Poole**, territorial veterinarian, presented testimony on Bill 253 (EC) at 2:30pm.

\* Questions and comments were presented to the panel throughout the public hearing by Senator Klitzkie, Senator Larry Kasperbauer, Senator Adolpho Palacios, & Senator Ray Tenorio.

**Adjourned by Senator Klitzkie, chairman, at 2:46pm.**

**Audi Punzalan**

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**From:** "ROBERT CAMACHO" <bobcamacho@hotmail.com>  
**To:** <judiciary@bobsoffice.org>  
**Sent:** Wednesday, February 08, 2006 4:25 PM  
**Subject:** Bill 244

28TH GUAM Legislature

FROM: Director of Corrections

SUBJECT: Bill 244 (EC) - AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE

I submit this testimony in support of Bill 244. As Director of Corrections, I have encountered incidences involving Corrections employees in the past being arrested for various crimes without notice to the Director. The 60 day rule regarding actions against employees had long since past and as the present Director I was unable to take action on these cases. Some cases involved probationary time for serious offenses. This Bill is essential for us to ensure that our employees are following the laws in which they are sworn to uphold. The stipulation that they must also inform the Director of any probationary time, fines, or even dismissals should be mandatory.

I would also like to mention that the background checks should also include at the federal level to ensure that any employee hired from off-island does not fall under the radar of our scrutiny. I must also note that maybe there should be control measures that if an employee is charged with a felony but yet pleas down to a misdemeanor, termination should be available as an option.

Thank you for the opportunity to submit this testimony.

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR


Post Office Box 2950, Hagåtña Guam 96932

**FELIX PEREZ CAMACHO**  
GOVERNOR**CARLOS P. BORDALLO**  
DIRECTOR**KALEO SCOTT MOYLAN**  
LIEUTENANT GOVERNOR**JOSE S. CALVO**  
DEPUTY DIRECTOR

JAN 31 2006

The Bureau requests that Bill No(s). 244 (EC) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 244 (EC) proposes to add new sections 4202.1, 4202.2 to Title 4 G.C.A. to require government employees who are charged with or convicted of a crime to provide immediate notice of the charges or conviction to the head of the employee's department or agency and to provide sanctions for failure to provide notice. The aforementioned legislation is administrative in nature and entails no fiscal impact.

  
Carlos P. Bordallo  
Director, BBMR  
*1/31/06*

*1/25/06*



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization**

**AGENDA**  
**Guam Legislature**  
**Public Hearing Room**

**1:30pm**

**Bill 238 (EC)** - AN ACT TO AMEND SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO 'DOC' SANCHEZ SCHOLARSHIP PROGRAM.

**Bill 244 (EC)** - AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE

**Bill 253 (EC)** - AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE.

**For more information, please visit [www.bobsoffice.org/judiciary](http://www.bobsoffice.org/judiciary).**

**Written testimony can be submitted via e-mail to**

**[judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

**For ADA assistance, please contact the Office of Senator Robert Klitzkie at**

**(671) 472-9355 ext. 3, or send request via email to**

**[judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**



**Declaration Under Penalty of Perjury of Audreya Punzalan**

- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on February 2, 2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on February 7, 2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on February 2, 2006 & February 7, 2006.
- 7.) I e-mailed notice to Speaker Forbes on February 2, 2006 & February 7, 2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature ([www.guamlegislature.com](http://www.guamlegislature.com)), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on February 2, 2006 & February 7, 2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs dealt with accordingly.
- 9.) I caused notice on [www.bobsoffice.org](http://www.bobsoffice.org), website for the Committee on Judiciary, Governmental Operations, and Reorganization, on February 2, 2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

**Declaration Under Penalty of Perjury**

**6 GCA Section 306**

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on February 15, 2006 on Guam by

  
Audreya Punzalan



**APPENDIX A: NOTICE OF PUBLIC HEARING**



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization**

**NOTICE OF PUBLIC HEARING**

A public hearing will be held from February 09, 2006 in the Guam Legislature's public hearing at room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

**1:30pm**

**Bill 238 (EC)** - AN ACT TO AMEND SUBSECTION (e), OF §15906, ARTICLE 9, CHAPTER 15, TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO REINSTATING THE ONE-STEP MERIT PAY INCREASE FOR GRADUATES OF THE PEDRO 'DOC' SANCHEZ SCHOLARSHIP PROGRAM.

**Bill 244 (EC)** - AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4 G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE NOTICE

**Bill 253 (EC)** - AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF AGRICULTURE.

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**[judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

## APPENDIX B: MEDIA E-MAIL LISTING

<p align="center"><b>Notice to all media : Outlet Managers, Publishers, Producers</b></p>	<p align="center"><b>Notice to all media : News Directors, Editors, Reporters</b></p>
<p><b><u>PRINT</u></b>  <b>Marianas Variety</b> – Amier Younis, Ops Mgr, amier@mvguam.com  <b>Directions</b> – Jerry Roberts, Publisher, jroberts@directionsguam.com  <b>Guam Business</b> – Steve Nygard, Publisher, snygard@glimpses.guam.net  <b>Pacific Daily News</b> – Government Meetings Section life@guampdn.com  <b>Marianas Business Journal</b> – Steve Nygard, Publisher, snygard@glimpses.guam.net  <b>Guahan Magazine</b> – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com  <b>Mabuhay News</b> – Ritchie Lim, Publisher, paciwire@ite.net  <b>Mariana’s Variety</b> – Ad Section , ads@mvguam.com</p> <p><b><u>TV</u></b>  <b>KUAM Ch. 8</b> – generalmanager@KUAM.com  <b>KUAM Ch. 11</b> – generalmanager@KUAM.com  <b>ABC 14</b> – David Larson, Gen Mgr, david@go14.tv  <b>KGTF</b> – kgtf12@ite.net</p> <p><b><u>RADIO</u></b>  <b>K57</b> – Ray Gibson, General Mgr, rgibson@k57.com  <b>Power98</b> – Roque Aguon, General Mgr, raguon@power98.com  <b>105 Rock</b> – Albert Juan, General Mgr, ajuan@105therock.com  <b>I-94 FM</b> – Fredalynn Mortera Hecita, fredalynn@kuam.com  <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com  <b>K-StereO</b> – Ed Poppe, General Mgr, ksto@ite.net  <b>KISH (102.9 FM)</b> – Ed Poppe, General Mgr, ksto@ite.net  <b>Hit Radio 100</b> – Vince Limuaco, Sales Mgr., marketing@hitradi100.com  <b>KPRG (89.3 FM)</b> – General Manager, kprg@guam.net  <b>Harvest Family Radio</b> – khmg@harvestministries.net  <b>KTKB</b> – ktkb@ktkb.com  <b>KOLG 90.0 FM</b> – Contact, chuck@kolg.org  <b>KTWG 800 AM</b> – Ops Mgr , Kleilani63@hotmail.com</p>	<p><b><u>PRINT</u></b>  <b>Pacific Daily News</b> – Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com  <b>Marianas Variety</b> – Mar-Vic Cagurangan, marvic@mvguam.com  <b>Directions</b> – Gennette Quan, Editor, editor@directionsguam.com  <b>Guam Business</b> – Maureen Maratita, Editor, mmaratita@glimpses.guam.net  <b>Marianas Business Journal</b> – Maureen Maratita, Editor, mmaratita@glimpses.guam.net  <b>Guahan Magazine</b> – Jayne Flores, Editor, jayne@guahanmagazine.com  <b>Mabuhay News</b> – Ritchie Lim, Editor mabuhaynews@yahoo.com  <b>Mariana’s Variety</b> – Ad Section, ads@mvguam.com</p> <p><b><u>TV</u></b>  <b>KUAM Ch.8</b> – Sabrina Matanane, News Dir, Sabrina@KUAM.com  <b>KUAM Ch. 11</b> – Sabrina Matanane, News Dir, Sabrina@KUAM.com  <b>ABC 14 News</b> – John Anderson, News Director, jontalk@k57.com</p> <p><b><u>RADIO</u></b>  <b>I-94 FM</b> – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com  <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com  <b>K57, Power98, 105 Rock</b> – Patty Arroyo, News Director, parroyo@k57.com  <b>K-StereO</b> – Jean Hudson, News Director, kstonews@ite.net  <b>KISH (102.9 FM)</b> – Jean Hudson, News Director, kstonews@ite.net</p>

## APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman  
 Speaker Mark Forbes, Ex-Officio  
 Senator Jesse A. Lujan, Member  
 Senator Larry Kasperbauer, Ph.D., Member  
 Senator Ray Tenorio, Member  
 Senator Benjamin J.F. Cruz, Member  
 Senator Adolpho B. Palacios, Sr., Member

[bob@bobsoffice.org](mailto:bob@bobsoffice.org)  
[speakerforbes@yahoo.com](mailto:speakerforbes@yahoo.com)  
[jal@netpci.net](mailto:jal@netpci.net)  
[lk4kids@ite.net](mailto:lk4kids@ite.net)  
[ray@raytenorio.com](mailto:ray@raytenorio.com)  
[cjbjcruz@ite.net](mailto:cjbjcruz@ite.net)  
[patrickcepeda@hotmail.com](mailto:patrickcepeda@hotmail.com)

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2005 (FIRST) Regular Session**

Bill No. 244 (EC)

Introduced by:

R. Klitzkie *RK*

L.F. Kasperbauer *LFK*

Ray Tenorio *RT*

Mark Forbes *MF*

A.B. Salas *AS*

Mike Cruz *MC*

John Cruz *JC*

John Cruz *JC*

**AN ACT TO ADD NEW SECTIONS 4202.1, 4202.2 TO TITLE 4  
G.C.A. TO REQUIRE GOVERNMENT EMPLOYEES WHO ARE  
CHARGED WITH OR CONVICTED OF A CRIME TO PROVIDE  
IMMEDIATE NOTICE OF THE CHARGES OR CONVICTION TO  
THE HEAD OF THE EMPLOYEE'S DEPARTMENT OR AGENCY  
AND TO PROVIDE SANCTIONS FOR FAILURE TO PROVIDE  
NOTICE**

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

**Section 1.** A new Section 4202.1 is added to Title 4 G.C.A. to read:

**“§ 4202.1. Duty to Report Criminal Charges or Conviction.** An employee in the classified service who is charged by indictment, information or magistrate’s complaint with any crime in any court or who is convicted of a crime in any court shall immediately provide the head of the department or agency employing the employee with notice of the charges or the conviction.”

**Section 2.** A new Section 4202.2 is added to Title 4 G.C.A. to read:

**“§ 4202.2. Failure to report Criminal Charges or Conviction.**(a) Failure to provide the notice required by Title 4 G.C.A. § 4202.1 is grounds for a separate Adverse Action.  
(b) The sixty day limitation imposed by Title 4 G.C.A. §4406 commences when the employee gives notice of the charges or conviction of a crime to the head of the department or agency as required by Title 4 G.C.A. §4202.1.”