



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

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

22 APR 2005

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. 5 (LS), "AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND A NEW §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR BY GOVERNMENT OF GUAM CONTRACTORS IN AREAS FREQUENTED BY CHILDREN," which I signed into law on April 21, 2005, as **Public Law 28-24**.

Sinseru yan Magåhet,

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

Office of the Speaker

MARK FORBES

Date: 4/25/05

Time: 10:40

Rec'd by: [Signature]

Print Name: _____

Doc. # 0135

0131

Senator Edward J.B. Calvo	
SECRETARY OF THE LEGISLATURE	
ACKNOWLEDGEMENT RECEIPT	
Rcv'd by: <u>Nikola</u>	<u>MMB</u>
Print Name & Initial	
Time: <u>9:47</u>	Date: <u>4-26-05</u>



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

April 11, 2005



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. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,

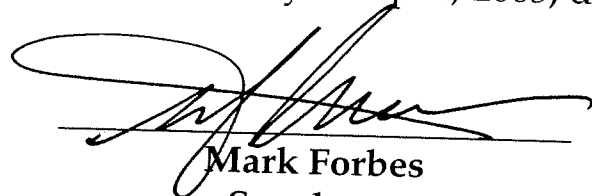
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)


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

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

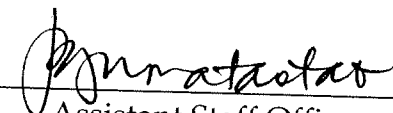
This is to certify that Bill No. 5 (LS), "AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND A NEW §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR BY GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN," was on the 9th day of April, 2005, duly and regularly passed.


Mark Forbes
Speaker

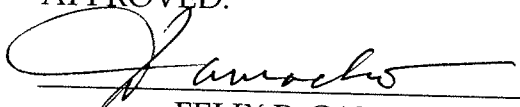
Attested:


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

This Act was received by *I Maga'lahen Guåhan* this 11 day of April, 2005,
at 4:32 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 4/21/05

Public Law No. 28-24

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

Bill No. 5 (LS)

As amended on the Floor.

Introduced by:

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

AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND A NEW
§5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED,
RELATIVE TO PROHIBITING CONVICTED SEX
OFFENDERS FROM BEING EMPLOYED IN THE
GOVERNMENT OF GUAM OR BY GOVERNMENT
CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new Section 4203.3 is hereby *added* to Title 4 Guam
3 Code Annotated to read:

4 "§4203.3. Prohibition: Sex offenders prohibited from
5 employment in the Guam Public School System or other agencies and
6 facilities of the government of Guam frequented by children. (a) No

1 person convicted of a sex offense under the provisions of Chapter 25 of
2 Title 9 Guam Code Annotated, or an offense as defined in Article 2 of
3 Chapter 28, Title 9 GCA in Guam, in another state or subdivision of the
4 United States or a foreign country may work on the campus of any
5 public school, on the campuses of the Guam Community College or the
6 University of Guam, as a bus driver, in any public library, the
7 Department of Youth Affairs, at the Guam Memorial Hospital, at the
8 Medical Services and the Child Protection Services divisions of the
9 Department of Public Health and Social Services, at the Department of
10 Integrated Services for Individuals with Disabilities (DISID), at the
11 Department of Mental Health and Substance Abuse, or in areas
12 frequented by children under the jurisdiction of the Department of
13 Parks and Recreation including, *but not limited to*, the Hagåtña Pool."

14 **Section 2. A new Section 5253 is hereby added to Title 5 Guam Code**
15 **Annotated to read:**

16 "§5253. **Restriction against contractors employing convicted sex**
17 **offenders from working at certain government of Guam venues.** (a)
18 No person convicted of a sex offense under the provisions of Chapter 25
19 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of
20 Chapter 28, Title 9 GCA in Guam, in another state or subdivision of the
21 United States or a foreign country, who is employed by a business
22 contracted to perform services for an agency or instrumentality of the
23 government of Guam, may work on the campus of any public school, on
24 the campuses of the Guam Community College or the University of
25 Guam, as a bus driver, in any public library, the Department of Youth

1 Affairs, at the Guam Memorial Hospital, at the Medical Services and the
2 Child Protection Services divisions of the Department of Public Health
3 and Social Services, at the Department of Integrated Services for
4 Individuals with Disabilities (DISID), at the Department of Mental
5 Health and Substance Abuse, or in areas frequented by children under
6 the jurisdiction of an agency of the government of Guam including, *but*
7 *not limited to*, the *Hagåtña* Pool.

8 (b) All contracts for services to agencies listed herein shall include
9 the following provisions: (1) warranties that no person, providing
10 services on behalf of the contractor has been convicted of a sex offense
11 under the provisions of Chapter 25 of Title 9 GCA or an offense as
12 defined in Article 2 of Chapter 28, Title 9 GCA; (2) that if any person
13 providing services on behalf of the the contractor is convicted of a sex
14 offense under the provisions of Chapter 25 of Title 9 GCA or an offense
15 as defined in Article 2 of Chapter 28, Title 9 GCA, that such person will
16 be immediately removed from working at said agency and that the
17 administrator of said agency be informed of such within twenty-four
18 (24) hours of such conviction.

19 (c) Duties of the General Services Agency or Procurement
20 Administrators. All contracts, bids, or Requests for Proposals shall state
21 all the conditions in §5253(b).

22 (d) Any contractor found in violation of §5253(b), after notice
23 from the contracting authority of such violation, shall within twenty-
24 four (24) hours take corrective action and shall report such action to the
25 contracting authority. Failure to take corrective action within the

1 stipulated period may result in the temporary suspension of the contract
2 at the discretion of the contracting authority.”



FILE COPY

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



April 11, 2005

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

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,

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

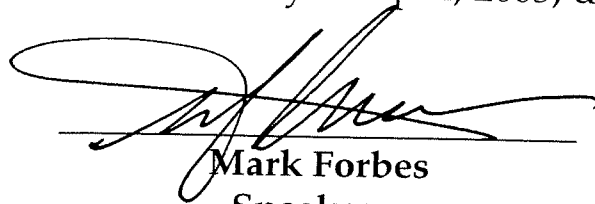
Enclosures (14)

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

FILE COPY

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

This is to certify that Bill No. 5 (LS), "AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND A NEW §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR BY GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN," was on the 9th day of April, 2005, duly and regularly passed.

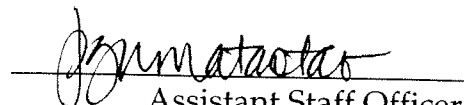

Mark Forbes
Speaker

Attested:



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

This Act was received by *I Maga'lahaen Guåhan* this 11 day of April, 2005,
at 4:32 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 5 (LS)

As amended on the Floor.

Introduced by:

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

AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND A NEW §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR BY GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

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

2 **Section 1.** A new Section 4203.3 is hereby *added* to Title 4 Guam
3 **Code Annotated to read:**

4 “§4203.3. Prohibition: Sex offenders prohibited from
5 employment in the Guam Public School System or other agencies and
6 facilities of the government of Guam frequented by children. (a) No

1 person convicted of a sex offense under the provisions of Chapter 25 of
2 Title 9 Guam Code Annotated, or an offense as defined in Article 2 of
3 Chapter 28, Title 9 GCA in Guam, in another state or subdivision of the
4 United States or a foreign country may work on the campus of any
5 public school, on the campuses of the Guam Community College or the
6 University of Guam, as a bus driver, in any public library, the
7 Department of Youth Affairs, at the Guam Memorial Hospital, at the
8 Medical Services and the Child Protection Services divisions of the
9 Department of Public Health and Social Services, at the Department of
10 Integrated Services for Individuals with Disabilities (DISID), at the
11 Department of Mental Health and Substance Abuse, or in areas
12 frequented by children under the jurisdiction of the Department of
13 Parks and Recreation including, *but not limited to*, the *Hagåtña* Pool.”

14 **Section 2. A new Section 5253 is hereby *added* to Title 5 Guam Code**
15 **Annotated to read:**

16 **“§5253. Restriction against contractors employing convicted sex**
17 **offenders from working at certain government of Guam venues. (a)**
18 No person convicted of a sex offense under the provisions of Chapter 25
19 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of
20 Chapter 28, Title 9 GCA in Guam, in another state or subdivision of the
21 United States or a foreign country, who is employed by a business
22 contracted to perform services for an agency or instrumentality of the
23 government of Guam, may work on the campus of any public school, on
24 the campuses of the Guam Community College or the University of
25 Guam, as a bus driver, in any public library, the Department of Youth

1 Affairs, at the Guam Memorial Hospital, at the Medical Services and the
2 Child Protection Services divisions of the Department of Public Health
3 and Social Services, at the Department of Integrated Services for
4 Individuals with Disabilities (DISID), at the Department of Mental
5 Health and Substance Abuse, or in areas frequented by children under
6 the jurisdiction of an agency of the government of Guam including, *but*
7 *not limited to*, the *Hagåtña* Pool.

8 (b) All contracts for services to agencies listed herein shall include
9 the following provisions: (1) warranties that no person, providing
10 services on behalf of the contractor has been convicted of a sex offense
11 under the provisions of Chapter 25 of Title 9 GCA or an offense as
12 defined in Article 2 of Chapter 28, Title 9 GCA; (2) that if any person
13 providing services on behalf of the the contractor is convicted of a sex
14 offense under the provisions of Chapter 25 of Title 9 GCA or an offense
15 as defined in Article 2 of Chapter 28, Title 9 GCA, that such person will
16 be immediately removed from working at said agency and that the
17 administrator of said agency be informed of such within twenty-four
18 (24) hours of such conviction.

19 (c) Duties of the General Services Agency or Procurement
20 Administrators. All contracts, bids, or Requests for Proposals shall state
21 all the conditions in §5253(b).

22 (d) Any contractor found in violation of §5253(b), after notice
23 from the contracting authority of such violation, shall within twenty-
24 four (24) hours take corrective action and shall report such action to the
25 contracting authority. Failure to take corrective action within the

1 stipulated period may result in the temporary suspension of the contract
2 at the discretion of the contracting authority.”

6

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 4/9/05

VOTING SHEET

Bill No. 5 (LS)

Resolution No. _____

Question: _____

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

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



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

March 25, 2005

The Honorable Robert Klitzkie, Chairman
Committee on Calendar

I Mina Bente Ocho na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

Re: Committee Recommendation on Bill 5


Dear Chairman Klitzkie:

The, Committee on Judiciary, Governmental Operations & Reorganization to which was referred Bill No. 5 AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN, herein reports back with the recommendation TO PASS.

Votes are as Follows:

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

Sincerely,


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



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

March 25, 2005

TO: All Members
Committee on Judiciary, Governmental Operations & Reorganization

FROM: Chairman

Subject: Bill 5 - Voting Sheet and Committee Report

Transmitted herewith are the voting sheets and the Committee Report on Bill No. 5 AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN, for your review and signature.

Your attention to this matter is greatly appreciated.


Robert Klitzkie, Chairman



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

VOTING SHEET ON BILL No. 5

Bill No. 5 (LS): AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

BILL NO. 5	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Senator Robert Klitzkie, Chairman	<i>OK</i>	✓				
Vice Chairman: Speaker Mark Forbes Ex-Officio member	<i>[Signature]</i>	✓				
Senator Jesse A. Lujan, Member	<i>[Signature] 2/25/05</i>	✓				
Senator Adolpho B. Palacios, Sr., Member	<i>[Signature]</i>	X				
Senator Larry F. Kasperbauer, Ph. D. Member	<i>LJK 2/25/05</i>	X				
Senator Ray Tenorio, Member	<i>[Signature]</i>	✓				
Senator Benjamin J. F. Cruz, Member	<i>[Signature]</i>	✓				

2nd
4-7-05

3rd
4-7-05

recommender
2nd
4-8-05

3rd
4-8-05

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

Bill No. 5 (LS)

Introduced by:

L.F. Kasperbauer

*uk
FAO
rayt
FA6
jtop
FA5
jtop
FA4
Dina*

*rayt
ABP
RK
RJR*

AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED ~~IN THE GOVERNMENT OF GUAM OR FOR~~ GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 4203.3 is hereby *added* to Title 4, Guam Code

Annotated to read:

“§4203.3. Prohibition: Sex Offenders Prohibited from Employment in the Guam Public School System or other agencies and facilities of the Government of Guam frequented by children. (a) Notwithstanding any other provision of Public Law or Personnel Rules and Regulations, no person convicted of a sex offense under the provisions of Chapter 25 of Title 9, Guam Code Annotated, or a sex offense [or a crime of moral turpitude] in Guam, in another state or subdivision of the United States or a foreign country; may work on the campus of any public school, on the campuses of the Guam Community College or the University of Guam, as a bus driver, in any public library, the Department of Youth Affairs, at the Guam Memorial Hospital, at the Medical Services and the Child Protection Services divisions of the Department of Public Health and Social Services, at the Department of Integrated Services for Persons with Disabilities

*FA1
zfb
FA9*

10

Passed FA No. 1

Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

E. B. Calvo

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 1 line 9 delete "or a crime of moral turpitude"
p. 2 lines 10+11
and wherever it appears

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

Date 4/7, 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

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

Passed FA No. 5
Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

Ray T

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

add Ray T as #2 sponsor

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

Date 4/7, 2005

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

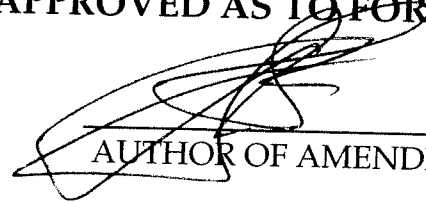
Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

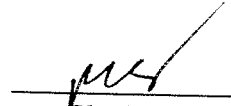
Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur *(initial)*



Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk
____ Engrossment Staff

Passed FA No. 4
Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

JTWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Have legal counsel confirm title to text/Body
of Bill

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

Date 4/7, 2005

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

Engrossment Staff

(7)
4/7/05

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

FLOOR AMENDMENTS

Substitute Bill No. 5

Senator Proposing Amendment: L.F. Kasperbauer

JKL, T2K, e

Add where the words "Moral Turpitude" are listed:

~~_____~~
"Felonies defined in Article 2 of Chapter 28, 9GCA"

Date 4/7, 2005

Floor Amendment No. 9 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)

ms JJK
Clerk of the Legislature

Speaker

* *Senae find all lines w/ moral turpitude*

Passed FA No. 8

Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

RF Kasperbauer

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

to Add AB Palacios, R Klitzkie & Rory Respecio
as # 3, 4, & 5 sponsors to Bill no. 5 (LS)

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

Date 4/4, 2005

Floor Amendment No. 10 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

J. J.

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk
____ Engrossment Staff

1 (DISID), at the Department of Mental Health and Substance Abuse, or in areas
2 frequented by children under the jurisdiction of the Department of Parks and
3 Recreation including but not limited to the Hagåtña Pool.”

4
5 **Section 2.** Section 5253 is hereby *added* to Title 5, Guam Code Annotated to
6 read:

ejbcalw
EX 10 1
1/21

7 **§5253. Restriction against contractors employing convicted sex offenders**
8 **from working at certain Government of Guam Venues.** (a) Notwithstanding
9 any other provision of Public Law no person convicted of a sex offense under the
10 provisions of Chapter 25 of Title 9, Guam Code Annotated, or a sex offense [or a
11 crime of moral turpitude] in Guam, in another state or subdivision of the United
12 States or a foreign country; who is employed by a business contracted to perform
13 services for agency or instrumentality of the government of Guam, may work on
14 the campus of any public school, on the campuses of the Guam Community
15 College or the University of Guam, as a bus driver, in any public library, the
16 Department of Youth Affairs, at the Guam Memorial Hospital, at the Medical
17 Services and the Child Protection Services divisions of the Department of Public
18 Health and Social Services, at the Department of Integrated Services for Persons
19 with Disabilities (DISID), at the Department of Mental Health and Substance
20 Abuse, or in areas frequented by children under the jurisdiction of an agency of the
21 Government of Guam including but not limited to the Hagåtña Pool.

22 (b) All contracts for services to agencies listed her in shall include (1)
23 warranties that no person, providing services on behalf of the contractor, has been
24 convicted of a sex offense ~~or crime of moral turpitude as described herein~~, (2) in
25 the event that any person providing services on behalf of the the contractor is
26 convicted of a sex offense ~~or crime of moral turpitude as described herein~~, that
27 such person be immediately removed from working at said agency and that the

1-2

2

10/28 RKA
FA 1/2

dep FA 2
dep FA 3

1 administrator of said agency be informed of such within twenty-four (24) hours of
2 such conviction, and (3) in the event that any person providing services on behalf of
3 the the contractor is arrested for a sex offense or crime of moral turpitude as
4 described herein, that such person will not be allowed to work at such agency until
5 such time the person is found "Not Guilty" of such crime or such charges are
6 dismissed with prejudice.

(c)

(d)

(3)

IV

Passed FA No. 9
Date: 4/8 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

RK

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 3, lines 2 thru 6, delete "item 3".

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

Date 4/8, 2005

Floor Amendment No. 11 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

Passed FA No. 2
Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5 (LS)

Senator Adolpho B. Palacios, Sr.

Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

On page 3, after Line 7, insert a new subsection (c) to read:

FA 2a "(c) Duties of General Services Agency or Procurement Administrators. All contracts, ~~sealed~~ bids, or Requests for Proposals shall state all the conditions in §5253(b)."

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

Date 4/7, 2005

Floor Amendment No. 2a of a total of _____ changes on above Bill.

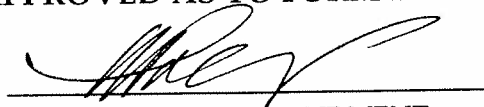
Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur (initial)

ms
Clerk of Legislature

Speaker

Asst. Amend. Clerk

Engrossment Staff

Passed FA No. 26

Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

RK

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

To have legal Counsel make tech correction
on ABP amendment # 2

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

Date 4/7, 2005

Floor Amendment No. 26 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

Passed FA No. 3
Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5 (LS)

Senator Adolpho B. Palacios, Sr.

Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

On page 3, after Line 7, insert a new subsection (d) to read:

“(d) Any contractor found in violation of §5253(b), after notice from the contracting authority of such violation, shall immediately within twenty-four (24) hours take corrective action, and shall report such action to the contracting authority. Failure to take corrective action within the stipulated period may result in temporary suspension of service at the discretion of the contracting authority.”

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

Date 4/7, 2005

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)



Clerk of Legislature

Speaker

____ Asst. Amend. Clerk

____ Engrossment Staff

Passed FA No. 6
Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

Ray T

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 3 delete on line 6 the word "with
prejudice"

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

Date 4/7, 2005
Floor Amendment No. 7 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

Passed FA No. _____

Date: _____ Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5 (LS)

JTWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 1, delete in bill title the phrase:
"in the government of Guam or for"

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

Date 4/7, 2005

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

Passed FA No. _____

Date: _____ Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 5

Sen. T.

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 3, line 2, delete item (3)

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

Date 4/7, 2005

Floor Amendment No. 8 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)*

ms

Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

I. Overview

The Committee on Judiciary, Governmental Operations & Reorganization to which was referred **Bill No. 5**, conducted a Public Hearing on same on March 18, 2005 at the Legislature's Public Hearing Room beginning at 9 a.m. Bill No. 5 (LS) was heard at 9:01 a.m.

Senators in attendance:

Senator Robert Klitzkie, Chairman
Senator Ray Tenorio, Member
Senator Adolpho Palacios, Member
Senator B.J. Cruz, Member
Senator Larry Kasperbauer, Member
Senator Joanne Brown
Senator Lou Leon Guerrero
Senator Judi Won Pat
Senator Eddie Calvo

Testimony on Bill No. 5 was provided by:

Dr. Jose C. Cruz, Chairman, Guam Education Policy Board (Written)

II. Testimony

Dr. Jose Q. Cruz, Chairman, Guam Education Policy Board, submitted written testimony outlining the provisions of the Bill and expressing the Board's support for the Bill.

III. Findings and Recommendations

The Committee on Judiciary, Governmental Operations & Reorganization finds that the need exists to provide an additional measure of protection for our children from predators and that the provisions of Bill No. 5 barring convicted sex offenders from working anywhere that children frequent would provide such protection. Accordingly the Committee on Judiciary, Governmental Operations & Reorganization directs that bill No. 5 be reported out with the **Recommendation To Do Pass**

III. Minutes [Revised 03/25/05 at 7:42am]

Date: March 18, 2005

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

Called to order by Senator Robert Klitzkie, Chairman at 9:00am

Senators present:

Senator Robert Klitzkie, Chairman
Senator Ray Tenorio, Member
Senator Adolpho Palacios, Member
Senator B.J. Cruz, Member
Senator Larry Kasperbauer, Member
Senator Joanne Brown
Senator Lou Leon Guerrero
Senator Judi Won Pat
Senator Eddie Calvo

Bills on agenda: Bill 5 (LS); Bill 39 (EC); Bill 42 (EC); Bill 43 (EC); Bill 53 (EC); Bill 62 (EC); Bill 72 (EC); Bill 78 (EC); Bill 83 (EC); Bill 84 (EC)

Bill 5 (LS) heard at 9:01am

Description: AN ACT TO ADD A NEW §4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

Testimony:

- No individuals signed-in to present oral testimony.
- **Dr. Jose Cruz**, Chairman of the Guam Education Policy Board, presented written testimony in support of Bill 5.

Bill 39 (EC) heard at 9:02am

Description: AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

Testimony:

- **Mr. Joseph Torres**, Acting Director of the Department of Agriculture, testified in support of Bill 39 at 9:03am.*

*Mr. Torres was accompanied by the following individuals for the purpose of providing technical support during questioning by Senators:

Celestino Aguon, Acting Chief of the Department of Aquatics and Wild Life

Trina Leberer, former employee and Supervisor of Aquatics

Michael Reyes, Acting Chief for the Conservation Office

- Comments and questions presented to the panel by Senator Brown, Senator Palacios, Senator Tenorio, Senator Leon Guerrero, Senator Kasperbauer, and Senator Klitzkie.

Bill 42 (EC) heard at 9:38am

Description: AN ACT TO AMEND THE COMPOSITION, RESPONSIBILITIES AND DUTIES OF THE ACCREDITATION BOARD IN THE REVIEW AND CERTIFICATION OF PRIVATE POST SECONDARY INSTITUTIONS BY REPEALING AND REENACTING §44104 OF CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED AND TO APPEND §44105, §44106 AND §44107 TO CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED.

Testimony:

- **Dr. Jose Nededog**, private citizen and long-time educator, testified in support of **Bill 42** at 9:39am.
- **Mr. Mark Zhao**, Businessman and Representative of NAZPAC College, testified in support of **Bill 42** at 9:49am.
- **Mr. Ron Moroni**, Attorney representing NAZPAC with respect to litigation issues, testified in support of **Bill 42** at 9:52am.
- **Dr. Jose Cruz**, Chairman of the Guam Education Policy Board, testified in opposition of **Bill 42** at 9:59am.
- **Mr. Larry Ramirez**, private citizen, testified in support of **Bill 42** @ 10:46am
- Comments and questions presented to the panel by Senator Klitzkie, Senator Brown, Senator Palacios, Senator Kasperbauer, Senator Won Pat, and Senator Eddie Calvo.

Bill 43 (EC) heard at 10:54am

Description: AN TO REPEAL AND RE-ENACT ITEM (o) OF §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE PERSONNEL TRANSFER AUTHORITY OF THE SUPERINTENDENT OF EDUCATION.

Testimony:

- **Mr. Louis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Chairman of the Guam Education Policy Board (unable to attend) and the Superintendent of Education in support of **Bill 43** at 10:55am.
- **Mr. Robert Koss**, Director of Field Services for Guam Federation of Teachers, testified on behalf of the membership of the association and the president of the GFT (unable to attend) in support of **Bill 43** at 10:55am.
- Comments and questions presented to the panel by Senator Klitzkie, Senator Palacios, Senator Leon Guerrero, Senator Kasperbauer, and Senator Won Pat.

Bill 62 (EC) heard at 11:21am

Description: AN ACT TO RECRUIT AND RETAIN PHARMACISTS IN THE GUAM MEMORIAL HOSPITAL, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, BY ADDING A NEW SECTION 6230 TO ARTICLE 2 OF CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED.

Testimony:

- No individuals signed-in to present oral and/or written testimony

Bill 53 (EC) heard at 11:22am

Description: AN ACT TO AMEND SECTION 12 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO PERSONAL SERVICES CONTRACTS.

Testimony:

- **Mr. Joe Guthrie**, Deputy Attorney General, stated he was in support of **Bill 53** at 11:23am. No testimony given—yielded to Attorney General.
- **Mr. Doug Moylan**, Attorney General, testified in opposition of **Bill 53** in its current form at 11:23am.
- **Mr. Bill Bishoff**, limited-term employee at AG's office, testified in support of **Bill 53** at 11:42am.

- **Mr. Mark "Paps" Martinez**, private citizen, presented oral and written testimony in support of Bill 53 at 11:44am.

- Comments and question presented to the panel by Senator Klitzkie, Senator Palacios, Senator Tenorio, and Senator Won Pat.

***An adjourned hearing was called by the Chairman at 12:00pm to reconvene at 1:30pm**

Bill 83 (EC) heard at 1:30pm

Description:

Description: RELATIVE TO ADOPTING THE FEDERAL UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT FOR LOCAL APPLICATION AND ENFORCEMENT.

Testimony:

- **Ms. Carol Ann Butler**, Private Attorney, testified in support of Bill 72 at 1:31pm.

- **Ron Moroni**, Private Attorney, testified in support of Bill 72 at 1:33pm.

- **Mr. Daniel Somerfleck**, Director of Guam Legal Services, testified in support of Bill 72 at 1:36pm.

- **Ms. Kathy Maher**, PSC, testified in support of Bill 84 at 2:46pm

- Comments and questions were presented to the panel by Senator Klitzkie, Senator BJ Cruz, Senator Palacios, and Senator Won Pat.

Bill 84 (EC) heard at 2:03pm

Description: AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

Testimony:

- **Mr. Luis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Superintendent in support of Bill 72 at 2:06pm.

- **Mr. Matt Rector**, President of the Guam Federation of Teachers, testified in support of Bill 84 at 2:08pm.

- **Mr. Ron Benoit**, Member of the Guam Education Policy Board, Guam Chamber of Commerce, and Businessman, testified in opposition of Bill 84 at 2:26pm.

- Comments and questions presented to the panel by Senator Klitzkie, Senator Tenorio, Senator Kasperbauer, Senator BJ Cruz, Senator Won Pat, and Senator Palacios.

Bill 78 (LS) heard at 2:30pm

Description: AN ACT TO ESTABLISH A COMPENSATION PLAN REVIEW FOR CERTIFICATED PERSONNEL AND HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF EDUCATION.

Testimony:

- **Mr. Luis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Superintendent of Education, in support of Bill 78 at 2:30pm.

- **Mr. Matt Rector**, President of the Guam Federation of Teachers, testified in support of Bill 78 at 2:34pm.

- **Mr. Robert Koss**,

- Comments and questions presented to the panel by Senator Klitzkie, Senator Palacios, Senator Tenorio, Senator Kasperbauer, Senator Cruz, and Senator Won Pat.

Bill 72 (EC) heard at 2:50pm

Description: AN ACT TO AMEND §10 OF CHAPTER VI OF PUBLIC LAW 27-106 FOR THE PURPOSE OF ALLOWING LIMITED TERM APPOINTMENTS TO CERTAIN POSITIONS WITHIN THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, THE CUSTOMS AND QUARANTINE AGENCY, AND THE DEPARTMENT OF CORRECTIONS.

Testimony:

- **Mr. Fred Bordallo, Jr.**, Police Lieutenant at Guam Police Department, assigned to the Training and Staff Development Section, testified in opposition of Bill 72 at 2:50pm.
- **Mr. Frank Ishizaki**, Chief of Police, testified in support of Bill 72 at 15:03pm.
- Comments and questions presented to the panel by Senator Palacios, Senator Tenorio, Senator Won Pat, and Senator Klitzkie.

Public hearing adjourned at 3:30pm.

Declaration Under Penalty of Perjury of Audreya Punzalan

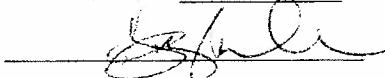
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Public Hearing Notice" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8101 thru 8116.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on March 10, 2005 (5 working days prior to hearing) in accordance with 5 GCA § 8108.
- 5.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on March 16, 2005 (48 hours prior to hearing) in accordance with 5 GCA § 8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, *etc.* (Appendix C: Committee Member E-mails) on February 28, 2005 and March 09, 2005.
- 7.) I e-mailed notice to Speaker Mark Forbes (speakerforbes@yahoo.com) on March 11, 2005 (5 working days prior to hearing) for posting on www.guamlegislature.com, the official website of the Guam Legislature, in accordance with 5 GCA § 10306.
- 10.) I e-mailed a "Revised Public Hearing Notice" on March 14, 2005 to all senators, the Clerk of the Legislature, the Legislative Counsel, each newspaper of general circulation, and all broadcasting stations which air a regular news program within Guam. The revised notice indicated that Bill 14 was removed from the March 18th public hearing agenda.
- 8.) On March 11, 16, and 17, I confirmed which e-mails had been successfully delivered to recipients and those that were unsuccessful. I contacted the proper establishments to retrieve current updated e-mail addresses for those e-mails which indicated a bounce back of the "Notice of Public Hearing." I re-sent the "Notice of Public Hearing" to the corrected e-mail addresses. Bounce backs e-mail addresses of Sorenson Pacific Broadcasting that could not be corrected due to problems with email servers were as follows: Ray Gibson (rgibson@k57.com), Patty Arroyo (parroyo@k57.com), and ajuan@105therock.com. A fax was sent in place to these individuals at 477-3982.
- 9.) I caused notice on www.hobsoffice.org, website for the Committee on Judiciary, *etc.*, on March 09, 2005 (5 working days prior to hearing) in accordance with 5 GCA § 10306.

Declaration Under Penalty of Perjury

6 GCA Section 306

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

Executed on March 24, 2005 on Guam by

 (signature)

Audreya J. Punzalan

APPENDIX A: NOTICE OF PUBLIC HEARING



Committee on Judiciary, Governmental Operations
& Reorganization
www.bobsoffice.org/judiciary

PUBLIC HEARING NOTICE

A public hearing will be held on Friday, March 18, 2005 at 9:00am in the Guam Legislature's public hearing 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:

BILL 5 (LS) AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

BILL 14 (LS) AN ACT TO ADD A NEW CHAPTER 2A TO 5 GCA; TO REPEAL 1 GCA §1800, CHAPTER 11 OF 5 GCA; TO ESTABLISH EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO RECOGNIZE THE GOVERNOR'S AUTHORITY TO REORGANIZE THE EXECUTIVE BRANCH OF THE GOVERNMENT, TO REMOVE IMPEDIMENTS TO REORGANIZATION, TO PROVIDE THE GOVERNOR THE TOOLS NECESSARY FOR SUCH REORGANIZATION AND PRIORITIZATION AND TO ENACT THE GOVERNMENT PRIORITIES ACT OF 2005. POSTPONED

BILL 39 (EC) AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

BILL 42 (EC) AN ACT TO AMEND THE COMPOSITION, RESPONSIBILITIES AND DUTIES OF THE ACCREDITATION BOARD IN THE REVIEW AND CERTIFICATION OF PRIVATE POST SECONDARY INSTITUTIONS BY REPEALING AND REENACTING §44104 OF CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED AND TO APPEND §44105, §44106 AND §44107 TO CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED.

BILL 43 (EC) AN TO REPEAL AND RE-ENACT ITEM (o) OF §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE PERSONNEL TRANSFER AUTHORITY OF THE SUPERINTENDENT OF EDUCATION.

BILL 53 (EC) AN ACT TO AMEND SECTION 12 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO PERSONAL SERVICES CONTRACTS.

BILL 62 (EC) AN ACT TO RECRUIT AND RETAIN PHARMACISTS IN THE GUAM MEMORIAL HOSPITAL, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, BY ADDING A NEW SECTION 6230 TO ARTICLE 2 OF CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED.

BILL 72 (EC) AN ACT TO AMEND §10 OF CHAPTER VI OF PUBLIC LAW 27-106 FOR THE PURPOSE OF ALLOWING LIMITED TERM APPOINTMENTS TO CERTAIN POSITIONS WITHIN THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, THE CUSTOMS AND QUARANTINE AGENCY, AND THE DEPARTMENT OF CORRECTIONS.

Bill 78 (LS) AN ACT TO ESTABLISH A COMPENSATION PLAN REVIEW FOR CERTIFICATED PERSONNEL AND HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF EDUCATION.

BILL 83 (EC) RELATIVE TO ADOPTING THE FEDERAL UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT FOR LOCAL APPLICATION AND ENFORCEMENT.

BILL 84 (EC) AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

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

APPENDIX B: MEDIA E-MAIL LISTING

<p align="center">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p align="center">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@kprg.org Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News –Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstonews@ite.net KISH (102.9 FM) – 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
speakerforbes@yahoo.com
jal@netpci.net
lk4kids@ite.net
ray@raytenorio.com
cjbjcruz@ite.net
patrickcepeda@hotmail.com



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

FELIX PEREZ CAMACHO
GOVERNOR

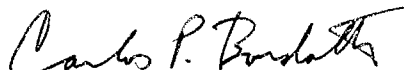
KALEO SCOTT MOYLAN
LIEUTENANT GOVERNOR

CARLOS P. BORDALLO
DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 5 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 5 (LS) is an act to add a new §§4203.3 to Title 4 and §5253 to Title 5 of the Guam Code Annotated relative to prohibiting convicted sex offenders from being employed in the Government of Guam and restrictions against contractors employing convicted sex offenders from working at certain Government of Guam venues. This Bill is administrative in nature and poses no fiscal impact to the General Fund at this time.


Carlos P. Bordallo
Acting Director, BBMR



Committee on Judiciary, Governmental Operations, and Reorganization
1 Miña' Meas' Ocho Nu Liberdadnan Guahan
 155 Hesler Place Hingatao, Guam 96919

Bill No. 5 (L.S.)

AN ACT TO AMEND SECTIONS 3 TO TITLE 4 AND SECTIONS 3 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONNECTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS PRESCRIBED BY CHILDREN.

	Name	Agency or Organization	Address	E-mail Address	Phone No.	Testimony		In Favor	Not In Favor
						Oral	Written		
1	Jose O. Cas	GEPO	POE	hobovengas.com	475-7495			<input checked="" type="checkbox"/>	
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Guam Education Policy Board (GEPB)
Guam Department of Education
P.O. Box DE, Hagatna, Guam 96932

Testimony on Bill 5, Prohibiting convicted sex offenders from being employed in the Government of Guam or for government contractors to employ the same
By Dr. Jose Q. Cruz, Chairman, GEPB
March 18, 2005

Senator Kasperbauer, Chairman of the Committee on Education and Community Development, Honorable Senators and members of the Committee, my name is Dr. Jose Q. Cruz, Chairman of the Guam Education Policy Board. I speak most specifically as Chair of the Legislative Affairs Subcommittee of our Board consisting of myself, Mrs. Rosa S. Palomo, GEPB voting member, Mr. Ron Benoit, business representative, Mrs. Neeti Prakash, GFT representative, Mr. Luis Reyes, Superintendent liaison to the Committee and with summary consultation with Superintendent of Education, Mr. Juan P. Flores. Action by the full Board is not possible because our Board meetings are called every 2nd & 4th Wednesdays of the month. However, I feel we will have no objections to Bill 5 as proposed. We support Bill 5.

Bill 5 prohibits sex offenders and those convicted under Chapter 25 of Title 9 of Guam Code Annotated from working in our public school system and in other agencies and facilities frequented by children. In addition, it prohibits government contractors from allowing sex offenders to work in the same facilities while contracted for services. Explicit warranties prohibiting the hiring of sex offenders by a contractor is required. Other venues in the Government of Guam are noted where prohibitions also apply. Finally, Bill 5 proposes that a person arrested of crimes noted in Chapter 25, of Title 9 is also prohibited until the arrest process is completed.

We fully support Bill 5 and I will subsequently submit an official resolution on our GEPB position.

Thank you for the opportunity to speak on behalf of the Guam Education Policy Board. I will remain to answer any questions that the Committee may want to have answered or addressed.

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

Bill No. 5 (4)

Introduced by:

L.F. Kasperbauer *L.F.K.*

**AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO
TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO
PROHIBITING CONVICTED SEX OFFENDERS FROM
BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR
FOR GOVERNMENT CONTRACTORS IN AREAS
FREQUENTED BY CHILDREN.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 4203.3 is hereby *added* to Title 4, Guam Code
Annotated to read:

**“§4203.3. Prohibition: Sex Offenders Prohibited from Employment in the
Guam Public School System or other agencies and facilities of the
Government of Guam frequented by children.** (a) Notwithstanding any other
provision of Public Law or Personnel Rules and Regulations, no person convicted
of a sex offense under the provisions of Chapter 25 of Title 9, Guam Code
Annotated, or a sex offense or a crime of moral turpitude in Guam, in another state
or subdivision of the United States or a foreign country; may work on the campus
of any public school, on the campuses of the Guam Community College or the
University of Guam, as a bus driver, in any public library, the Department of
Youth Affairs, at the Guam Memorial Hospital, at the Medical Services and the
Child Protection Services divisions of the Department of Public Health and Social
Services, at the Department of Integrated Services for Persons with Disabilities

1 (DISID), at the Department of Mental Health and Substance Abuse, or in areas
2 frequented by children under the jurisdiction of the Department of Parks and
3 Recreation including but not limited to the Hagåtña Pool.”
4

5 **Section 2.** Section 5253 is hereby *added* to Title 5, Guam Code Annotated to
6 read:

7 **§5253. Restriction against contractors employing convicted sex offenders**
8 **from working at certain Government of Guam Venues.** (a) Notwithstanding
9 any other provision of Public Law no person convicted of a sex offense under the
10 provisions of Chapter 25 of Title 9, Guam Code Annotated, or a sex offense or a
11 crime of moral turpitude in Guam, in another state or subdivision of the United
12 States or a foreign country; who is employed by a business contracted to perform
13 services for agency or instrumentality of the government of Guam, may work on
14 the campus of any public school, on the campuses of the Guam Community
15 College or the University of Guam, as a bus driver, in any public library, the
16 Department of Youth Affairs, at the Guam Memorial Hospital, at the Medical
17 Services and the Child Protection Services divisions of the Department of Public
18 Health and Social Services, at the Department of Integrated Services for Persons
19 with Disabilities (DISID), at the Department of Mental Health and Substance
20 Abuse, or in areas frequented by children under the jurisdiction of an agency of
21 the Government of Guam including but not limited to the Hagåtña Pool.

22 (b) All contracts for services to agencies listed her in shall include (1)
23 warranties that no person, providing services on behalf of the contractor, has been
24 convicted of a sex offense or crime of moral turpitude as described herein, (2) in
25 the event that any person providing services on behalf of the the contractor is
26 convicted of a sex offense or crime of moral turpitude as described herein, that

1 such person be immediately removed from working at said agency and that the
2 administrator of said agency be informed of such within twenty-four (24) hours of
3 such conviction and (3) in the event that any person providing services on behalf
4 of the the contractor is arrested for a sex offense or crime of moral turpitude as
5 described herein, that such person will not be allowed to work at such agency until
6 such time the person is found "Not Guilty" of such crime or such charges are
7 dismissed with prejudice.