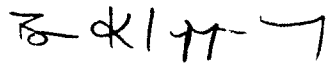


environment. Any assistance this committee can provide to clean up the current situation would help Guam's visitor industry.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Kloppenburg'.

Bruce Kloppenburg for:

Isao Mamada  
President



## **Office of the Attorney General**

**Douglas B. Moylan**

Attorney General of Guam

Guam Judicial Center, Suite 2-200E

120 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamattorneygeneral.com • law@mail.justice.gov.gu

### **LEGISLATIVE TESTIMONY**

#### **Bill Number 32**

(Public Hearing on Thursday, February 10, 2005)

The Office of the Attorney General currently is in support as to the above identified legislation as drafted. The reasons are set forth below.

Hand billing is quite complex. It seems to have come from another jurisdiction where the definitions were clearer. How does one determine where the "public access and utility easement" are located? Does this include the road? Probably not, as the roadway is owned by the Government in fee, not by easement.

This problem is carried on throughout the bill. In addition, rules are mandated. This could delay the implementation for years. It would not solve the provisions on notice. Instead, the Bill should be simplified, and notices of the handbill-restricted zones posted around bus stops and other fixed locations, there should be some painting on the sidewalk indicating the restricted area.

I believe the substance is restrictive enough to withstand constitutional challenge.

*Author: Consumer Counsel Troutman*

(The Office's testimony provided herein is intended to help the Committee evaluate the legislation. Since our time and staff resources remain scant and this testimony reflects our voluntary assistance, the testimony provided herein shall not be binding upon us, and is subject to our changing position in the event that facts or law are discovered which were not considered at the time of submitting this testimony.)



GUAM HOTEL & RESTAURANT ASSOCIATION

SUITE 101, 643 CHALAN SAN ANTONIO • TAMUNING, GUAM 96913  
P.O. BOX 8565 • TAMUNING, GUAM 96931  
TEL: (671) 649-1447 • FAX: (671) 649-8565  
E-Mail: ghra@ghra.org • Website: www.ghra.org

February 10, 2005

Honorable Ray Tenorio  
Chairman,  
Committee on Public Safety  
Mina Bente Ocho Na Liheslaturan Guahan  
155 Hesler Street,  
Hagatna, Guam 96910

Re: Bill No. 32 – Regulation of Handbilling

Hafa Adai Mr. Chairman, Members of the Committee:

My name is David Tydingco, President of the Guam Hotel & Restaurant Association, and I am here to testify in support of the passage of Bill No. 32 subject to amendments, an act that would control handbilling within Tumon and other economic tourism zones.

For the record, I would like to first thank I Mina Bente Ocho Na Liheslaturan Guahan for its leadership in assuring all bills introduced are given a public hearing within a short period of time after introduction. It is quite noteworthy that this Legislature is being responsive to issues brought up by the community and we want to extend our appreciation for this opportunity to testify.

The contents of Bill No. 32 has been debated by previous legislatures without any final resolution to address the continued problems of unwanted, and sometimes, illegal, solicitation of business on the streets of the tourism district as well as the danger posed by individuals chasing guests into the streets in order to push their services.

Our neighbors to the north, the Commonwealth of the Northern Mariana Islands, had been experiencing similar problems and has enacted a tougher piece of legislation calling on a total ban of solicitation and handbilling in their major tourist districts. I am attaching as part of my testimony a copy of House Bill No. 14-229, now Public Law 14-50 that was recently signed by Governor Juan Babauta on January 7, 2005.

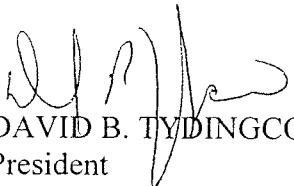
We have, in past public hearings, submitted copies of the material being passed out by handbillers. We are again providing some material for the committee's review. As a major resort destination, we need to assure that our guests are not constantly harassed on the streets by street hawkers who push their services on them and jeopardizing their safety, particularly at busy street intersections.

A better alternative to the current practice of uncontrolled handbilling is to eliminate the practice altogether and establish information kiosks in major pedestrian areas similar to that of other major resort destinations so that legitimate commercial ventures could provide information on their business offerings, and at the same time, enhance our image as a major resort destination. The government currently has regulations in place to control commercial ventures in public areas such as our parks, and the same principle could apply.

We ask this Legislature to take swift action on this bill so that we can work on other critical areas of improving our destination for our community and guests alike. The GHRA would be glad to work with the committee in making amendments to the bill to deal with this long standing problem we face in our community.

Thank you and I look forward to your favorable consideration of this measure.

Senseramente,



DAVID B. TYDINGCO  
President



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta  
Governor

Diego T. Benavente  
Lieutenant Governor

JAN 07 2005

The Honorable Benigno R. Fitial  
Speaker, House of Representatives  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Joaquin G. Adriano  
Senate President, The Senate  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 14-229, entitled, "To prohibit loitering for commercial gain on a public thoroughfares by adding a new section to Article 1, Chapter 1, Division 3, Title 6 of the Commonwealth Code; and for other purposes," which was passed by the Fourteenth Northern Marianas Commonwealth Legislature.

The measure prohibits any persons from loitering on public thoroughfares for the purpose of luring, enticing, or soliciting persons for commercial gain whether for legal or illegal purposes and provides for the imposition of a strict penalty for any conduct that violates this measure.

The Administration notes that many tourists, residents and other visitors have been repeatedly harassed by repeatedly and aggressively soliciting people for the purpose encouraging for commercial gain that is often illegal. This activity adversely affects the tourism industry as evidenced by the fact that many tourists have indicated in their comments on their travel experience in the CNMI that this activity negatively impacted what was otherwise an excellent experience. Tourists have also indicated that the CNMI is a first-class tourist destination that they would recommend and visit again, but that they

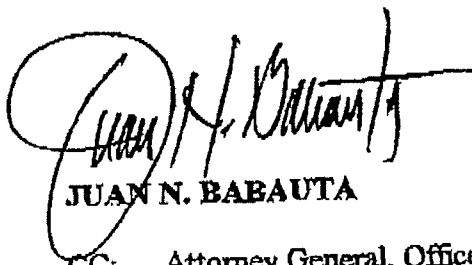
would be more likely to do so if this problem is addressed. The perception that this activity is pervasive has not only been recognized and raised by the Administration, the Marianas Visitors Authority, and numerous private tourist companies and other business establishments here in the CNMI, but has also been reported in Japan and other tourist markets. In addition, this unwanted activity negatively disrupts the legitimate businesses that are near areas where such conduct occurs because both tourists and residents alike do not want to be subjected to such harassment by persons engaging in these activities.

The Administration notes, however, that it has several concerns related to the constitutionality of certain provisions set forth in this legislation. The language set forth in Section 2, for example, could be construed as being unconstitutionally overbroad if it is found to prohibit certain forms of commercial speech that may be protected by both the United States Constitution and the Constitution of the Commonwealth of the Northern Mariana Islands. The CNMI is not alone in addressing this issue, however, as many jurisdictions have struggled with the attempt to balance the clear government interest in prohibiting this kind of repeated harassment and solicitation activity while also protecting the rights and civil liberties of the public.

I have decided, despite these concerns, to sign this bill into law to emphasize the need for the CNMI Government to address the problems identified herein and in the findings of the Legislature. I encourage the Fourteenth Commonwealth Legislature, however, to introduce legislation to address any constitutional concerns in an expeditious manner.

This bill becomes Public Law 14-50. Copies bearing my signature are being forwarded for your reference.

Sincerely,



JUAN N. BABAUTA

CC: Attorney General, Office of the Attorney General  
Commissioner, Department of Public Safety  
Managing Director, Marianas Visitor Authority  
Secretary, Department of Commerce  
Secretary, Department of Finance  
Special Assistant for Programs and Legislative Review



*The House of Representatives*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 500586  
Saipan, MP 96950

December 1, 2004

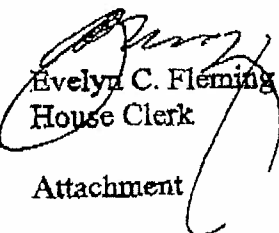
PUBLIC LAW NO. 14-50

The Honorable Juan N. Babauta  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Babauta:

I have the honor of transmitting herewith **H. B. No. 14-229**, entitled, "To prohibit loitering for commercial gain on a public thoroughfare by adding a new section to Article 1 Chapter 1, Division 3, Title 6 of the Commonwealth Code; and for other purposes." The Bill was passed by the House of Representatives and the Senate of the Fourteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

  
Evelyn C. Fleming  
House Clerk

Attachment



**HOUSE OF REPRESENTATIVES**  
**FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
SECOND REGULAR SESSION, 2004

PUBLIC LAW NO. 14-50  
**H. B. No. 14-229**

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**AN ACT**

To prohibit loitering for commercial gain on a public thoroughfare by adding a new section to Article 1 Chapter 1, Division 3, Title 6 of the Commonwealth Code; and for other purposes.

**In the HOUSE OF REPRESENTATIVES**

**Introduced by Representatives:** Joseph P. Deleon Guerrero, Martin B. Ada,  
David M. Apatang, Jesus T. Attao, Heinz S. Hofschneider, Janet U. Maratita,  
Arnold I. Palacios, Justo S. Quitugua, Benjamin B. Seman, and Ramon A. Tebuteb

**Date:** August 19, 2004

Referred to: None  
Public Hearing: None  
Standing Committee Report: None


**Passed First and Final Reading on August 19, 2004**

**In the SENATE**

Referred to: None  
Public Hearing: None  
Standing Committee Report: None

**Passed Final Reading on November 23, 2004**

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Evelyn C. Fleming, House Clerk





HOUSE OF REPRESENTATIVES  
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 2004

PUBLIC LAW NO. 14-50  
H. B. No. 14-229

AN ACT

To prohibit loitering for commercial gain on a public thoroughfare by adding a new section to Article 1, Chapter 1, Division 3, Title 6 of the Commonwealth Code; and for other purposes.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1       Section 1. Findings and Purpose. The Legislature finds that it is the practice of  
2 many businesses and commercial enterprises in tourist areas of Garapan, Saipan, to have  
3 persons loiter outside of businesses on public thoroughfares for the purpose of luring,  
4 enticing, or soliciting customers for commercial gains. The Legislature further finds that  
5 some of these businesses are fronts for illegal activities such as gambling and prostitution.  
6 Tourists, as the usual victims of this practice, are often harassed to the extent of creating  
7 negative publicity for the Commonwealth. Therefore, the purpose of this Act is to prohibit  
8 persons from loitering on public thoroughfares for the purpose of luring, enticing, or  
9 soliciting persons for commercial gain. It is further the intent of this Act to curb not only the  
10 harassment and intimidation of tourists but also illegal activities.

11       Section 2. Amendment. Article 1, Chapter 1, Division 3, Title 6 of the  
12 Commonwealth Code is amended by adding a new § 3112 to read as follows:

13               “§ 3112. Loitering outside a business establishment on a public thoroughfare  
14 for the purpose of luring, enticing, or soliciting persons for commercial gain is hereby  
15 prohibited.

16               (a) A person commits loitering if the person is found on a public  
17 thoroughfare engaged in the following conduct:

PUBLIC LAW NO. 14-50  
HOUSE BILL NO. 14-229

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(1) Repeated attempts to stop or detain a person by:

(i) by shouting, loudly calling, beckoning to a person to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes; or

(ii) by physically touching or grabbing a person for the purpose of handing out fliers or handbills regarding a commercial enterprise for a fee or to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes.

(2) Repeatedly follows or attempts to follow a person for the purpose of handing out fliers or handbills regarding a commercial enterprise for a fee or to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes.

(b) Public thoroughfare for the purposes of this section shall mean any sidewalk, square, mall, parking lot, or street.

(c) A person convicted of loitering under this section may be punished by fine of not more than \$1000 and by imprisonment of not more than 30 days."

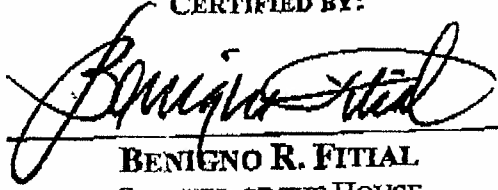
**Section 3. Severability.** If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

**Section 4. Savings Clause.** This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

PUBLIC LAW NO. 14-50  
HOUSE BILL NO. 14-229

1 Section 5. Effective Date. This Act shall take effect upon its approval by the  
2 Governor or becoming law without such approval.

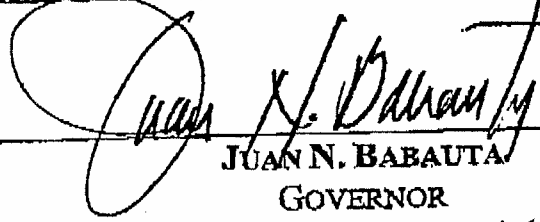
CERTIFIED BY:

  
BENIGNO R. FITIAL  
SPEAKER OF THE HOUSE

ATTESTED TO BY:

  
EVELYN C. FLEMING  
HOUSE CLERK

Approved on this 07<sup>th</sup> day of January, 2004

  
JUAN N. BABAUTA  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



February 10, 2005

### **Testimony on Bill Number 32**

Hafa Adai. My name is Alberto C. Lamorena, V. I am the General Manager of the Guam Visitors Bureau. Thank you for allowing the Guam Visitors Bureau to once again submit testimony on bill number 32 "The Hand Billing Act" relative to the implementation of regulations for control of hand billing within Tumon and other economic tourism zones on Guam.

The Guam Visitors Bureau supports the intent of this bill and any bill that intends to help promote Guam as a safe and satisfying destination. There has been a hospitality industry concern about the image and conduct of hand billing employees in the Tumon and most especially in the area identified as "Pleasure Island". Pleasure Island is where it seems most hand billing activity takes place because the area has some of the most visible pedestrian traffic.

We support Bill Number 32's intent to give the hand billers the opportunity to present their product or services but not at the expense of safety and well being of tourists and residents in the Economic Tourism Zone. However, although the intent and spirit of this bill are well-meant, we are, nonetheless, concerned with several issues that come to mind when interpreting this Act.

1. Enforcement: The bill spells out the Handbilling Restrictions in Section 3704, paragraphs A to E in detail with specific measurements of sidewalks, crosswalks, pedestrian passages, bus stops and street corners and so forth. These finite details will require clearly designated sections of the tourist district with markers or some form of indicators in order to guide hand billers as to where to conduct their business as well as a guide for law enforcement. Even with defined markers such as a painted curb or other physical signage, we are concerned that the hand bill restrictions will be hard to enforce since it will take constant physical presence of the Guam Police Department (on foot patrol) to ensure the hand billers are compliant. Rather than have designated sections for the hand billers to continue plying their information, we would rather see an outright ban of handbilling activities and instead, propose that kiosks be installed along the tourist economic zones where printed information can be placed and the public can help themselves at their own free will.
2. Contents of "informative material": The other concern we have from the handbilling activity is that it tarnishes Guam's image as a safe and family-oriented destination. There is evidence that some hand billers provide a distribution channel for the solicitation of pornography, prostitution and trafficking of illegal substances. The bill, as currently written, does not specify what should be prohibited on the "informative material."
3. The penalty, as currently proposed in Bill 32, subjecting a violator to a mere fine of twenty-five dollars for each offense is not a sufficient deterrent. Nor does it include penalties for handbillers who knowingly promote illicit activities involving prostitution, drugs or illegal pornography.



4. If Bill 32 sees passage as it is written now, we would strongly suggest that all businesses who wish to have employees distribute handbills about their products and services, register these handbilling personnel with a regulatory agency such as Department of Revenue & Taxation. We'd further recommend that handbilling employees undergo a rigorous training/familiarization course, perhaps at Guam Community College, about the Handbilling Act to better understand the parameters of the law and learn a proper code of conduct. Upon completion of this course, we'd require these handbillers to obtain an identification badge (picture & name) from GVB. The badges will provide the public a recourse if or when there are complaints to law enforcement about violators.

The visitor industry is on the rebound for Guam but with the recovery, there is also keen competition from other destinations. It is critical that Bill 32 sees passage soon if we're to maintain Guam's image as a quality destination. If we're to neglect addressing this growing nuisance, the harm done to the island's charm and reputation will be costly. As with any remedy to a problem, "an ounce of prevention is worth a pound of cure."

Thank you for allowing me to submit this testimony on Bill 32

Alberto C. Lamorena, V

February 8, 2005

Senator Ray Tenorio  
Majority Leader  
Chairman, Committee on Criminal Justice,  
Public Safety, Youth and Foreign Affairs  
28<sup>th</sup> Guam Legislature

Dear Senator Tenorio:

On behalf of the Taxi Associations on Guam, we would like to express our utmost gratitude for introducing **BILL 32 - "THE HAND BILLING ACT"**. This Bill will help improve our tourist image of Guam. Furthermore, it helps to ensure the safety of our visiting tourists as they walk the streets of Tumon.

Our tourists visit our island of Guam for its warm weather, sunny beaches, clean air, and various tour attractions around the island. It is also marketed as a peaceful Resort Family Destination. A place where you can bring the family for some fun and recreation.

In recent times, the island is vastly becoming full of hand billers. They stake out different areas along the streets of Tumon. Everyday we see an increasing amount of these types of people forcing flyers upon our tourists. Our tourists are challenged as they try to venture out from their hotels to experience our wonderful island.

Our taxi associations have been collectively researching the types of flyers being distributed by these "hand billers". Our findings have been that most of the flyers promote different types of massage parlors. Some even outright advertise for beautiful women and the prices per hour with these women.

The first and foremost point we would like to make is that these hand billers are ruining our island's image of a resort family destination. As our visitors walk the streets, eager to go out and explore our island, these hand billers are at every corner handing out these materials. What type of impression do we give our visiting tourists if what is being handed out to them is advertisement for cheap sexual entertainment? Immediately we fall out of the "Fun Family Destination Image". Is this the kind of impression the island wants to convey to our visitors?

As our visitors are hounded by these hand billers to take their material, most will discard them. Therefore it is not surprising if we see them as trash on the streets. This poses another burden of needless trash along our streets. Furthermore, the chances of a child picking up one of these flyers become heightened as these flyers blow along with the wind or lay on our sidewalks. Most parents become upset if they see their children reading such material. Clearly hand billers are detracting our island's image. Something must be done!

The next issue that poses a great concern for the taxi industry is safety. Most drivers can attest to near accidents due to encountering fearful tourists trying to avoid these hand billers. As the tourists see a hand biller trying to approach them, they become unaware of traffic signals or the main traffic conditions on the streets. Some even step onto the street or cross illegally just to avoid these hand billers. You can actually see them running when they see someone following them trying to hand them something. Or vice versa; the hand billers are running to catch up to the tourists across the street, hence they cross the streets trying to dodge the cars to get to the other side.

The common areas are near TGIF Restaurant, DFS Galleria, The Plaza and The Reef Hotel. These hand billers are at every corner of the traffic light. As you go further along Tumon, you will find them along the streets towards the Sand Castle on each side of the roads past Tumon Sands Plaza. Can you imagine our tourists trying to dodge these hand billers as they try to walk the streets? It's potentially dangerous all along Tumon. At night the dangerous conditions double if not triple.

You will also find them illegally parked along the Reef Hotel wall side at the entrance to Nana's Café. As they get their customers, they load them into their vehicles to bring them to the massage establishments. Many tourists walk towards the beach on this entrance. Hand Billers shouldn't be allowed to freely park for these purposes.

The taxi associations would really like to see this bill passed. We give it 100% support. We kindly ask for assistance to see this bill thru all the way until it is passed into law.

If you need any more clarifications, or sample flyer materials or testimony on this matter, please feel free to call me.

Thank you for your time and attention in this matter.

Sincerely,



Im, Hong Soon  
President

Taxi Associations of Guam



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs  
 Senator Ray Tenorio, Chairman

Public Hearing  
 Thursday • February 10, 2005 • 9:00a.m.  
 / Liheslaturan Guåhan

BILL NO. 32(EC): An act to add a new Article 7 of Chapter 3 of Title 16 of the Guam Code Annotated implementing the "Handbilling Act" relative to the implementation of regulations for the control of handbilling within Tumon and other economic tourism zones on Guam.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Day Maylan	AG		/	/		
James H. Hoppenburg	JGTA	✓	✓	✓		
DAVID MADRIGAL	GHRA	✓	✓	✓		
TONY LAMU	CVB		✓	✓		





Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs  
 Senator Ray Tenorio, Chairman

Public Hearing  
 Thursday • February 10, 2005 • 9:00a.m.  
 I Liheslaturan Guahan

BILL NO. 32(EC): An act to add a new Article 7 of Chapter 3 of Title 16 of the Guam Code Annotated implementing the "Handbilling Act" relative to the implementation of regulations for the control of handbilling within Tumon and other economic tourism zones on Guam.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Tim Santos	GPD	X		X		975-8508
Lim. Hong S	Miki Taxi Service			✓	<del>✗</del>	888-7000
Jac S Pa		X		✓	✓	888-7000
DONG K. CHU	HAN YUNG RESTAURANT			✓	<del>✗</del>	647-8283
PASTOR M. GOMEZ JR				✓	<del>✗</del>	888-7143
LUZ LIMINDA O ORDONEZ	MIKI TAXI SERVICE			✓	✓	888-7243
Shigee Choe	Dolphin Taxi			✓	✓	688-1644
Romeo Reyes	LHIC			✓	<del>✗</del>	888-7031
ERNESTO P. SASTONGA	Dolphin Taxi			✓	✓	787-8888
ANTHONY PANGMILAN	"			✓	✓	688-9706
LOUIS P. CURBAWAP	MIKI TAXI			✓		888-7000
BEDONIE RALA	RESORT TAXI			✓		687-9480
DANILO SANTOS	RESORT TAXI			✓		688-9475
CAPT. RAY PEREZ	GPD					



*I Mina' Bente Ocho Na Liheslaturan Guahan*

Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs

Senator Ray Tenorio, *Chairman & Majority Leader*

Public Hearing, Thursday, February 10, 2005 at 9:00a.m.

Public Hearing Room: Temporary Legislature, 155 Hesler Place, Hagåtña, Guam

Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey

Bill No.:

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
- 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail [jessica@raytenorio.com](mailto:jessica@raytenorio.com).

This ad is paid for by government funds.

Pacific Daily News, Thursday, February 3, 2005 guampdn.com

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**JMSH LLC**

**Alupang Beach Tower**  
RESORT CONDOMINIUM

**Mai'Ana**  
AIRPORT PLAZA

**HORIZON**  
CONDOMINIUMS

**....a place to fit your lifestyle"**

DBA: Alupang Beach Tower/Garden Villa/Mai'ana Airport Plaza/Horizon Condominium

We are currently searching for experienced candidates for the following positions:

### Systems Specialist

- Must be proficient in MS Word, Excel; Networking
- Working knowledge of either RDP or Fidelio 7.11 reservation systems
- Knowledgeable in Web Design is a must
- Hotel industry experience is plus but not requirement

### Assistant Front Office Manager

- 3 years experience in the hotel industry;
- Must be proficient in MS Word, Excel;
- Working knowledge of either RDP, ASI, or Fidelio 7.11 reservation systems
- Japanese speaking preferred

### Guest Service Attendant

- Must have a valid D or G license
- Posses a positive; team-oriented attitude
- Able to work flexible hours

Applications are available at the Front Office in Alupang Beach Tower.  
Current police and court clearances must be submitted with employment application.  
No Phone Calls Please  
We are an Equal Opportunity Employer

**Department of Public Works**  
(DIPATAMENTON CHE'CHO PUPBLEKO)

542 North marine Dr. Upper Tumon, Guam 96913 Telephone: (671) 646-3131/3232

The Honorable Felix P. Camacho  
Governor of Guam

The Honorable Kaleo S. Moylan  
Lt. Governor of Guam

## REQUEST FOR PROPOSALS

The Department of Public Works is soliciting proposals from Engineering Firms to provide professional engineering services for the following projects:

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**ISLAND Choice INC.**  
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 Jose D. Leon Guerrero Com.  
 GOVERNMENT OF GUAM  
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 Piti, Guam 96919

Felix P. Camacho  
 Governor of Guam

Kaleo S. Moylan  
 Lieutenant Governor

THIS ADVERTISEMENT WAS PAID WITH  
 Port Authority of Guam

**BID INVITATION**  
 Bid No. PAG 05-013  
 For Diesel Fueled Generator  
 Opening  
 Date: February 10, 2005 Time  
 PRE-BID CONFERENCE: February 9, 2005  
 Place: Port Authority of Guam  
 Procurement

INTERESTED PARTIES  
 FORMS/SPECIFICATIONS  
 A NON-REFUNDABLE FEE OF \$100  
 FOR EACH BID

**NOTICE OF JOB OPENING**

By authority from the U.S. Citizenship and Immigration Services and the Guam Department of Labor is making Recruitment Applications for the positions of United States workers that are qualified and the employment of the alien(s) will not adversely affect the conditions of similarly employed United States workers shall be offered the same benefits to the employer, to alien workers.

2 - Masseur (1 yr. exp.)  
 Massage customers & guests & administer massages, aromatherapy, herbal wraps, alcohol, lubricants & other rubbing compounds. Massage body using such techniques as stimulate blood circulation, relax contractures. Administers steam or dry heat, ultraviolet request of customer. Gives directions to remedial exercise. Examines client & treatments. Records treatment furnished brand products.

Benefits: Roundtrip transportation to/from per week. Worker's Compensation Insurance is One-Stop Career Center located at Hagatna. The job offer is open to all qualified Race, Color, National Origin, Age, Sex, with disabilities who are qualified, will be hereunto written.

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**JOB OPENING**  
 -01- Internal Auditor.....\$12.00/Hr.  
 Duties: Conducts audits for management to assess effectiveness of controls, accuracy of financial records, and efficiency of operations; Examines records of departments and interviews workers to ensure recording of transactions and compliance with applicable laws and regulations. Inspects accounting systems to determine their efficiency and protective value. Reviews records pertaining to material assets, such as equipment and buildings, and staff to determine degree to which they are utilized. Analyzes data obtained for evidence of deficiencies on controls, duplication of effort, extravagance, fraud, or lack of compliance with laws, government regulations, and management policies and procedures. Prepares reports of findings and recommendations for management. May conduct special studies for management, such as those required to discover mechanics of detected fraud and to develop controls for fraud prevention. Requirements: Minimum 2 years experience in the job described in the duties above. 4-year College Graduate with a degree of B.S.B.A. in Accounting. Benefits: One-way airfare from point of hire. Apply at Faith Corporation, POB 10629, Tamuning, Guam 96931.

**I Mina' Bente Ocho Na Liheslaturan Guåhan**  
 Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs  
**Senator Ray Tenorio, Chairman & Majority Leader**  
 Public Hearing, Thursday, February 10, 2005 at 9:00a.m.  
 Public Hearing Room; Temporary Legislature, 155 Hesler Place, Hagåtña, Guam  
 Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey

**Bill No.:**

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
- 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail [jessica@raytenorio.com](mailto:jessica@raytenorio.com).

This ad is paid for by government funds.

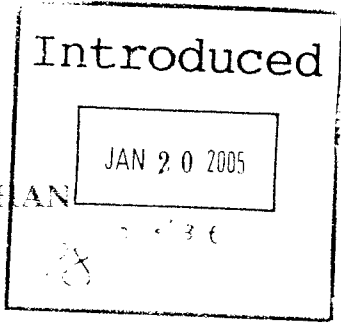
**IT&E, Guam's Telecommunications Leader,**  
 is looking to hire outgoing, hardworking and experienced individuals to work in our organization.

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 Responsible for the development and implementation of marketing plans for the sales of the company's products and services. Supervises Account Executives to ensure sales goals are achieved. Positive attitude and flexibility in work schedule is a must.

**ACCOUNT EXECUTIVE SALES**  
 Primarily develops and maintains relationships with business customers by introducing a variety of telecommunication products and services, including Long Distance, Talaya Internet, Wireless Digital PCS and Customer Premise Equipment.

**ADVERTISING COORDINATOR**  
 Responsible for the coordination and implementation of advertising programs and campaigns for print, radio, television and other media; evaluates advertising proposals for review; and performs administrative and clerical duties. Strong organizational skills.

Committee Report-Bill No. 32(EC)



IMINA/BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) Regular Session

Bill No. 32 (EC)

Introduced by: Adolpho B. Palacios

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AN ACT TO ADD A NEW ARTICLE 7 OF CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED IMPLEMENTING THE "HANDBILLING ACT" RELATIVE TO THE IMPLEMENTATION OF REGULATIONS FOR THE CONTROL OF HANDBILLING WITHIN TUMON AND OTHER ECONOMIC TOURISM ZONES ON GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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Section 1. Legislative Findings and Intent. *Li heslaturan Guahan* finds that reasonable regulation of handbilling activities upon certain public streets, sidewalks, alleys and other public places within Tumon Bay and various economic tourism zones on Guam are necessary. *Li heslaturan Guahan* finds a compelling need to ensure the safety and welfare of both motorists and pedestrians on the roadways of these economic tourism zones.

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Tumon Bay is the heart of the island's tourist industry and a major business-entertainment and recreation area for visitors and residents alike. Similarly there are other localities on Guam that are frequented by tourists and regular pedestrian foot traffic. The island's interest in open and attractive sidewalks extends throughout Tumon and along

1 these economic tourism zones.

2 Handbilling activities conducted at or close to intersections, crosswalks, bus  
3 stops and driveways impede the flow of pedestrian and vehicular traffic, leading to erratic  
4 evasive maneuvers, posing a hazard through diverting the attentions of and endangering  
5 drivers, pedestrians and those alighting from buses. Further, handbillers who obstruct the  
6 paths of pedestrians or who, without the consent of the pedestrian, thrust handbills in their  
7 faces or touch their persons or property, create reprehensible and hazardous situations,  
8 such as pedestrians stepping into busy streets or colliding with other pedestrians to avoid  
9 unwanted contacts with handbillers. This danger is minimized when handbillers are  
10 prohibited from engaging in handbilling along or in close proximity to such safety sensitive  
11 areas as driveways, crosswalks, bus stops and intersections. Accordingly, this Article is  
12 designed to protect the safety of the public and to restrict handbilling activities in only  
13 those areas presenting the greatest hazards to pedestrian and motorist safety.

14 The provisions of this article are declared to be necessary for the  
15 accomplishment of the following purposes:

16 (1) To ensure that persons desiring to engage in handbilling activities within  
17 economic tourism zones are given a reasonable opportunity to do so;

18 (2) To ensure the safe, unrestricted, free and orderly flow of vehicular and  
19 pedestrian traffic on the most hazardous portions of sidewalks along economic  
20 tourism zones; and

1 (3) To protect the island's visitor industry, the heart of which includes Tumon Bay  
2 by protecting the safety of our visitors.

3 The provisions of this article are not intended to prohibit the right of free expression  
4 or free speech but to prevent the hazards associated with aggressive handbilling activities  
5 for the safety and welfare of tourist and the people of Guam.

6 **Section 2.** Article 7 is hereby *added* to Chapter 3 of Title 16 of the Guam Code  
7 Annotated to read as follows:

8 "ARTICLE 7  
9 HANDBILLING ACT

10  
11 **Section 3601. Definitions.** As used in this Article:

12 (A) "*Department*" means the Guam Police Department.

13 (B) "*Handbilling*" means the distribution by an individual of any written or  
14 printed material containing informative matter. The term "handbilling" shall  
15 not include: (a) The distribution of any printed or written matter by means of a  
16 "dispensing rack"; (b) any other structure or enclosure constructed by or under  
17 the direction of the government of Guam or the Guam Visitor's Bureau for  
18 purposes of dispensing printed, written or informative materials; (c)  
19 newsstands; and any foot vendors of any printed material accepted and  
20 deemed as a daily publication of general circulation.

21 (C) "*Informative material*" means any photograph, map, diagram, rendering,

1 drawing, painting, graph, photocopy, print, relief, engraving, embossed  
2 material, punch card, audio, video, and or computer tape, record compact or  
3 laser disc, computer diskette or any other material intended to convey  
4 information audibly, visually, or by touch, in any language, code or pictorial  
5 representation, which has no purpose but for the conveyance of information  
6 not requiring the exchange of money or other forms of consideration.

7 (D) *Economic Tourism Zone* embraces the following locations:

- 8 1. Entire area located below the fifty (50) foot topographical  
9 elevation contour line located between Oka Point and Gogna Point,  
10 known as Tumon within the Municipality of Tamuning.
- 11 2. The public utility and access easement of Route 14, known as  
12 Chalan San Antonio.
- 13 3. The public utility and access easement of Route 14b, known as  
14 Ypao Road.
- 15 4. The public utility and access easement of Route 30, known as  
16 Governor Carlos G. Camacho Road.
- 17 5. The public utility and access easement of Route 30a, known as  
18 Farenholt Avenue.
- 19 6. The entire area known as New Agana as delineated within  
20 Chapter 61 of Title 21 of the Guam Code Annotated.

1                   7.           Portion of Route 1, known as Marine Corps Drive located  
2                   between Adelup Point and the intersection of Route 16.

3                   (E)    "*Sidewalk*" means the area located along the outermost, distal or leading  
4                   edge vicinity along either side of the centerline of a primary or secondary  
5                   public utility and access easement, structurally paved by an impermeable  
6                   surface for the purpose of pedestrian foot traffic. In the absence of any curb or  
7                   gutter, then the entire structural width of the pedestrian walk shall constitute a  
8                   sidewalk.

9                   **Section 3702. Short Title.** This Act shall be known as the "*Handbilling Act.*"

10                  **Section 3703. Application.** The provisions of this article shall apply to all  
11                  primary and secondary public utility and access easements inclusive to all  
12                  improvements thereon within areas designated as Economic Tourism Zones pursuant  
13                  to this Article.

14                  **Section 3704. Handbilling Restrictions.** Handbilling is permitted on all public  
15                  sidewalks to which this article applies, except:

16                  (A)    In any area where pedestrian passage on a public sidewalk is less than  
17                  forty-six (46) inches;

18                  (B)    On the portion of a public sidewalk adjacent to any area designated as a  
19                  bus stop or within ten (10) feet of either end of the bus stop. In areas where the  
20                  length of the bus stop is not clearly identified, the bus stop shall extend twenty-



1 five (25) feet at either direction from the bus stop sign;

2 (C) Within a mid block crosswalk area, defined as the area which falls  
3 between the two (2) lines fifteen (15) feet beyond each side of a marked mid  
4 block crosswalk (as defined by the crosswalk lines delineated on the street  
5 pavement) and perpendicular to the curb.

6 (D) On the portion of a public sidewalk crossed by a public or private  
7 driveway or within ten (10) feet of either side of the driveway; or

8 (E) Within any street corner area; defined as that area at street corners other  
9 than those subject to paragraph (B) or (C) and at the intersection of two streets,  
10 circumscribed by the curbs, the property lines abutting the sidewalk area, and  
11 the following lines:

12 (1) The line including the point along the curb of one street  
13 either: ten (10) feet beyond the far side of a marked corner crosswalk and  
14 perpendicular to the curb; or, where there is no marked corner  
15 crosswalk, twenty-five (25) feet from the curb line of the intersecting  
16 street and parallel to the curb line; and

17 (2) The line including the point along the curb of the  
18 intersecting street either: ten (10) feet beyond the far side of a marked  
19 corner crosswalk and perpendicular to the curb; or, where there is no  
20 marked crosswalk, twenty-five (25) feet from the curb line of the first

1 street and parallel to the curb line.

2 (F) No dispensing racks, newsstands or any other structures or enclosures  
3 whatsoever, excluded by Section 3601(B) shall be offered for sale, rent or lease.

4 **Section 3705. Penalty, Summons, and Citation.**

5 (A) **Penalty.** Any person conducting handbilling in violation of any  
6 provision of this article shall be subject to a fine of twenty-five dollars (\$25.00)  
7 for each offense.

8 (B) **Summons or Citation.** There shall be provided for use by police  
9 officers, or authorized deputized peace officers, a form of summons or citation  
10 for use citing any violation of this article which does not mandate the physical  
11 arrest of the violator. The form and content of such summons or citation shall  
12 be as adopted or prescribed by the administrative judge of the Superior Court  
13 of Guam and shall be printed on a form commensurate with the form of other  
14 summonses or citations used in modern methods of arrest, so designed as to  
15 include all necessary information to make the same valid within the laws and  
16 regulations of the island.

17 **Section 3706. Rules and Regulations.** The Guam Police Department in  
18 consultation with the Department of Public Works, the Guam Hotel and Restaurant  
19 Association, Guam Visitor's Bureau and the Superior Court of Guam shall adopt and  
20 submit appropriate rules and regulations to implement this Chapter pursuant to the

1 Administrative Adjudication Law.”

2 Section 3. Severability. If any provision of this Law or its application to any  
3 person or circumstance is found to be invalid or contrary to law, such invalidity shall not  
4 affect other provisions or applications of this Law which can be given effect without the  
5 invalid provisions or application, and to this end the provisions of this Law are severable.

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

Date: 4/9/05

**VOTING SHEET**

S Bill No. 32(FC)

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.					GA
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

13    1    0    0    1

CERTIFIED TRUE AND CORRECT:


*Patricia Cepeda*  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence

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

Bill No. 32 (EC)

Introduced by:

Adolpho B. Palacios 

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1  
2 AN ACT TO ADD A NEW ARTICLE 7 OF CHAPTER 3 OF TITLE 16  
3 OF THE GUAM CODE ANNOTATED IMPLEMENTING THE  
4 "HANDBILLING ACT" RELATIVE TO THE IMPLEMENTATION  
5 OF REGULATIONS FOR THE CONTROL OF HANDBILLING  
6 WITHIN TUMON AND OTHER ECONOMIC TOURISM ZONES  
7 ON GUAM.  
8  
9

10  
11 BE IT ENACTED BY THE PEOPLE OF GUAM:

12 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahån* finds that

13 reasonable regulation of handbilling activities upon certain public streets, sidewalks, alleys  
14 and other public places within Tumon Bay and various economic tourism zones on Guam  
15 are necessary. *I Liheslaturan Guahån* finds a compelling need to ensure the safety and  
16 welfare of both motorists and pedestrians on the roadways of these economic tourism  
17 zones.

18 Tumon Bay is the heart of the island's tourist industry and a major business,  
19 entertainment and recreation area for visitors and residents alike. Similarly there are other  
20 localities on Guam that are frequented by tourists and regular pedestrian foot traffic. The  
21 island's interest in open and attractive sidewalks extends throughout Tumon and along

1 these economic tourism zones.

2 Handbilling activities conducted at or close to intersections, crosswalks, bus  
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11 areas as driveways, crosswalks, bus stops and intersections. Accordingly, this Article is  
12 designed to protect the safety of the public and to restrict handbilling activities in only  
13 those areas presenting the greatest hazards to pedestrian and motorist safety.

14 The provisions of this article are declared to be necessary for the  
15 accomplishment of the following purposes:

16 (1) To ensure that persons desiring to engage in handbilling activities within  
17 economic tourism zones are given a reasonable opportunity to do so;

18 (2) To ensure the safe, unrestricted, free and orderly flow of vehicular and  
19 pedestrian traffic on the most hazardous portions of sidewalks along economic  
20 tourism zones; and

1 (3) To protect the island's visitor industry, the heart of which includes Tumon Bay  
2 by protecting the safety of our visitors.

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1                   7.       Portion of Route 1, known as Marine Corps Drive located  
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3                   (E)    "*Sidewalk*" means the area located along the outermost, distal or leading  
4                   edge vicinity along either side of the centerline of a primary or secondary  
5                   public utility and access easement, structurally paved by an impermeable  
6                   surface for the purpose of pedestrian foot traffic. In the absence of any curb or  
7                   gutter, then the entire structural width of the pedestrian walk shall constitute a  
8                   sidewalk.

9                   **Section 3702. Short Title.** This Act shall be known as the "*Handbilling Act.*"

10                  **Section 3703. Application.** The provisions of this article shall apply to all  
11                  primary and secondary public utility and access easements inclusive to all  
12                  improvements thereon within areas designated as Economic Tourism Zones pursuant  
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14                  **Section 3704. Handbilling Restrictions.** Handbilling is permitted on all public  
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19                  bus stop or within ten (10) feet of either end of the bus stop. In areas where the  
20                  length of the bus stop is not clearly identified, the bus stop shall extend twenty-

1 five (25) feet at either direction from the bus stop sign;

2 (C) Within a mid block crosswalk area, defined as the area which falls  
3 between the two (2) lines fifteen (15) feet beyond each side of a marked mid  
4 block crosswalk (as defined by the crosswalk lines delineated on the street  
5 pavement) and perpendicular to the curb.

6 (D) On the portion of a public sidewalk crossed by a public or private  
7 driveway or within ten (10) feet of either side of the driveway; or

8 (E) Within any street corner area; defined as that area at street corners other  
9 than those subject to paragraph (B) or (C) and at the intersection of two streets,  
10 circumscribed by the curbs, the property lines abutting the sidewalk area, and  
11 the following lines:

12 (1) The line including the point along the curb of one street  
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15 crosswalk, twenty-five (25) feet from the curb line of the intersecting  
16 street and parallel to the curb line; and

17 (2) The line including the point along the curb of the  
18 intersecting street either: ten (10) feet beyond the far side of a marked  
19 corner crosswalk and perpendicular to the curb; or, where there is no  
20 marked crosswalk, twenty-five (25) feet from the curb line of the first

1 street and parallel to the curb line.

2 (F) No dispensing racks, newsstands or any other structures or enclosures  
3 whatsoever, excluded by Section 3601(B) shall be offered for sale, rent or lease.

4 **Section 3705. Penalty, Summons, and Citation.**

5 (A) **Penalty.** Any person conducting handbilling in violation of any  
6 provision of this article shall be subject to a fine of twenty-five dollars (\$25.00)  
7 for each offense.

8 (B) **Summons or Citation.** There shall be provided for use by police  
9 officers, or authorized deputized peace officers, a form of summons or citation  
10 for use citing any violation of this article which does not mandate the physical  
11 arrest of the violator. The form and content of such summons or citation shall  
12 be as adopted or prescribed by the administrative judge of the Superior Court  
13 of Guam and shall be printed on a form commensurate with the form of other  
14 summonses or citations used in modern methods of arrest, so designed as to  
15 include all necessary information to make the same valid within the laws and  
16 regulations of the island.

17 **Section 3706. Rules and Regulations.** The Guam Police Department in  
18 consultation with the Department of Public Works, the Guam Hotel and Restaurant  
19 Association, Guam Visitor's Bureau and the Superior Court of Guam shall adopt and  
20 submit appropriate rules and regulations to implement this Chapter pursuant to the

1           Administrative Adjudication Law.”

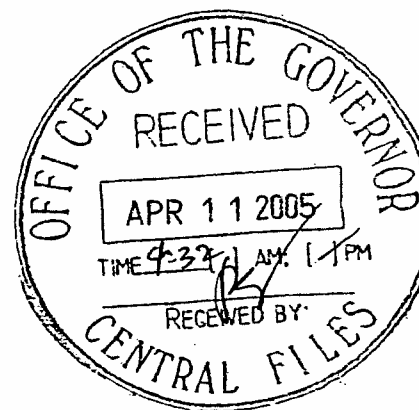
2           **Section 3. Severability.** If any provision of this Law or its application to any  
3 person or circumstance is found to be invalid or contrary to law, such invalidity shall not  
4 affect other provisions or applications of this Law which can be given effect without the  
5 invalid provisions or application, and to this end the provisions of this Law are severable.



**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)