

Transmission Report

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MINA BENTE OCHO NA LIHESLATURAN GUAHAN
TWENTY-EIGHTH GUAM LEGISLATURE
Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE
OFFICE OF FINANCE AND BUDGET

E-Mail address: senatorcalvo@hotshot.com
155 Heslar Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8809

March 15, 2005

Public and Confirmation Hearing Notice

5 GCA §8108 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings on Thursday, March 17, 2005, 9:30 a.m., at *I Liheslaturan Guahan's* Public Hearing Room. The Committee solicits any written and verbal testimonies from the Public on the following measures:

- **Bill 16 (LS):** "An Act To Amend § 90100, § 90103, § 90107, And Add A New Subsection (6) To § 90105, Chapter 90, Division 4, Of Title 10, Guam Code Annotated, Relative To The Regulation Of Smoking Activities, To Be Known As The "Natsaha Protection Act."
- **Bill 74 (EC):** An Act Authorizing *I Magsaluden Guahan* To Borrow Or To Arrange For A Line Of Credit Not To Exceed Ten (10) Million Dollars With Locally Licensed Financial Institutions, Government Of Guam Autonomous Agencies, Or Government Of Guam Instrumentalities.

The Committee also solicits any written or verbal testimonies from the Public on the following appointments transmitted by *I Magsaluden Guahan*:

- Appointment of Mr. Carlos E.F. Bordallo, Jr. to serve as the Director of the Bureau of Budget Management and Research.
- Appointment of Mr. Edward John Calvo to serve as a Member of the Guam Economic Development and Commerce Authority Board.

Individuals wanting to submit written testimony or requiring special accommodations or services should contact the Office of Senator Edward J.B. Calvo at 475-8801/2 or send an e-mail to senatorcalvo@hotsheet.com.

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C: Error Correct C: Broadcast Send P: Completed S: Host Scan F: Host Fax	RE: Resend MP: Multi-Poll RM: Receive to Memory HP: Host Print HR: Host Receive	PD: Polled by Remote PG: Polling a Remote DR: Document Removed FO: Forced Output FM: Forward Mailbox Doc.	MB: Receive to Mailbox PI: Power Interruption TM: Terminated by user WT: Waiting Transfer WS: Waiting Send
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155 Healer Street Hagåtña, Guam 96910

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March 15, 2005

Public and Confirmation Hearing Notice

5 GCA §8108 (Special)

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Notes :

EC: Error Correct
BC: Broadcast Send
CP: Completed
HS: Host Scan
HF: Host Fax

RE: Resend
MP: Multi-Poll
RM: Receive to Memory
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Facsimile: (672) 475-8803

March 15, 2005

Public and Confirmation Hearing Notice

5 GCA §8108 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings on Thursday, March 17, 2005, 9:30 a.m., at *Lineslaturan Guåhan's* Public Hearing Room. The Committee solicits any written and verbal testimonies from the Public on the following measures:

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Notes :

C: Error Correct BC: Broadcast Send P: Completed S: Host Scan F: Host Fax	RE: Resend MP: Multi-Poll RM: Receive to Memory HP: Host Print HR: Host Receive	PD: Polled by Remote PG: Polling a Remote DR: Document Removed FO: Forced Output FM: Forward Mailbox Doc.	MB: Receive to Mailbox PI: Power Interruption TM: Terminated by user WT: Waiting Transfer WS: Waiting Send
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3-15-05; 8:39AM
671 4758805
SENATOR E. CALVO
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Facsimile: (671) 475-8809

March 15, 2005

Public and Confirmation Hearing Notice

3 GCA §8108 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings on Thursday, March 17, 2005, 9:30 a.m., at the Legislature's Public Hearing Room. The Committee solicits any written and verbal testimonies from the Public on the following measures:

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- **BILL 74 (RC):** An Act Authorizing *I Mags'ihen Guåhan* To Borrow Or To Arrange For A Line Of Credit Not To Exceed Ten (10) Million Dollars With Locally Licensed Financial Institutions, Government Of Guam Autonomous Agencies, Or Government Of Guam Instrumentalities.

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1	478	KUAM NEWS	3-15-05; 8:39AM	31"	1/ 1	EC		CP 26. 4

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C: Broadcast Send
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S: Host Scan
F: Host Fax

RE: Resend
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March 15, 2005

Public and Confirmation Hearing Notice

S.G.A. §8108 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings on Thursday, March 17, 2005, 9:30 a.m., at the *Liheslaturan Guahan's* Public Hearing Room. The Committee solicits any written and verbal testimonies from the Public on the following measures:

- **BILL 16 (LS):** "An Act To Amend § 90100, § 90103, § 90107, And Add A New Subsection (6) To § 90108, Chapter 90, Division 4, Of Title 10, Guam Code Annotated, Relative To The Regulation Of Smoking Activities, To Be Known As The "Natasha Protection Act."
- **BILL 74 (EC):** An Act Authorizing *I Mags'lahen Guahan* To Borrow Or To Arrange For A Line Of Credit Not To Exceed Ten (10) Million Dollars With Locally Licensed Financial Institutions, Government Of Guam Autonomous Agencies, Or Government Of Guam Instrumentalities.

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cc: All Senator Executive Committee Executive Director Clerk's Office Protocol Office Audio/Visual All Media Central Files

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1	480	GLIMPSES OF GUAM INC	3-15-05; 8:39AM	31"	1/ 1	EC		CP 26. 4

Notes :

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ⓑ: Broadcast Send
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ⓔ: Host Scan
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RE: Resend
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TM: Terminated by user
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3-15-05; 8:36AM
671 4758805
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MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
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Facsimile: (671) 475-8805

March 15, 2005

Public and Confirmation Hearing Notice

3 GCA §8101 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings on Thursday, March 17, 2005, 9:30 a.m., at the *Liheslaturan Guåhan's* Public Hearing Room. The Committee solicits any written and verbal testimonies from the Public on the following measures:

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- BILL 24 (RC):** An Act Authorizing *I Mags'ihen Guåhan* To Borrow Or To Arrange For A Line Of Credit Not To Exceed Ten (10) Million Dollars With Locally Licensed Financial Institutions, Government Of Guam Autonomous Agencies, Or Government Of Guam Instrumentalities.

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cc: All Senators
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Notes :

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S: Host Scan
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RE: Resend
MP: Multi-Poll
RM: Receive to Memory
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3-15-05; 8:37AM
871 4758805
SENATOR E. CALVO
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March 15, 2005

Public and Confirmation Hearing Notice

3 GCA #8108 (Special)

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C: Broadcast Send
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PI: Power Interruption
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3-15-05; 8:38AM
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March 15, 2005

Public and Confirmation Hearing Notice

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1	475	4773079	3-15-05; 8:37AM	49"	1/ 1	EC		CP 14.4

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871 4758805
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March 15, 2005

Public and Confirmation Hearing Notice

5 GCA §1108 (Special)

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1	487	4777136	3-15-05; 8:45AM	27"	1 / 1	EC		CP 28.8

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March 15, 2005

Public and Confirmation Hearing Notice

5 GCA §1108 (Special)

The Committee on Finance, Taxation, and Commerce has scheduled public and confirmation hearings on Thursday, March 17, 2005, 9:30 a.m., at the *Lihaslaturan Guahan's* Public Hearing Room. The Committee solicits any written and verbal testimonies from the Public on the following measures:

- **Bill 16 (LS):** "An Act To Amend § 90103, § 90103, § 90107, And Add A New Subsection (6) To § 90106, Chapter 90, Division 4, Of Title 10, Guam Code Annotated, Relative To The Regulation Of Smoking Activities, To Be Known As The "Natasha Protection Act."
- **Bill 24 (SC):** An Act Authorizing *I Mags'lahen Guahan* To Borrow Or To Arrange For A Line Of Credit Not To Exceed Ten (10) Million Dollars With Locally Licensed Financial Institutions, Government Of Guam Autonomous Agencies, Or Government Of Guam Instrumentalities.

The Committee also solicits any written or verbal testimonies from the Public on the following appointments transmitted by *I Mags'lahen Guahan*:

- Appointment of Mr. Carlos E.P. Bordallo, Jr. to serve as the Director of the Bureau of Budget Management and Research.
- Appointment of Mr. Edward John Calvo to serve as a Member of the Guam Economic Development and Commerce Authority Board.

Individuals wanting to submit written testimony or requiring special accommodations or services should contact the Office of Senator Edward J.B. Calvo at 475-8801/2 or send an e-mail to senatorcalvo@hotmail.com.

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RE: Resend
MP: Multi-Poll
RM: Receive to Memory
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PD: Polled by Remote
PG: Polling a Remote
DR: Document Removed
FO: Forced Output
FM: Forward Mailbox Doc.

MB: Receive to Mailbox
PI: Power Interruption
TM: Terminated by user
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WS: Waiting Send

Marshall Islanders may face charges for photos

guampdn.com Pacific Daily News, Monday, March 14, 2005

SPRINGDALE, Arkansas (AP) — A couple living in the largest settlement of Marshall Islanders in the United States has been arrested and may face sexual abuse charges for photos they took while playing with their 4-year-old son.

Prosecutors say they will consider cultural differences in deciding whether to charge Imata Ejmi, 33, and his wife, Make Lanje, 24. A police report says one photo shows Ejmi grasping his son's clothed buttock. Another shows Ejmi pulling the boy's underpants down to reveal one buttock. Another shows Ejmi clothed, lying next to the boy, who is naked from the knees up.

A manager at the Wal-Mart store where the photos were developed turned images over to police Feb. 25.

Police arrested the couple Tuesday on felony charges — Ejmi on suspicion of second-degree sexual assault, Lanje on a charge of permitting abuse of a minor and both on charges of engaging children in sexually explicit conduct for visual or print medium.

Lanje told police she saw nothing wrong with taking the photos. Her son doesn't like having his pants

ON THE NET
 ▲ Information from Arkansas Democrat-Gazette:
<http://www.ardemgaz.com>

off, and she and her husband were teasing him, she said. They said such behavior is acceptable in their native Marshall Islands.

Carmen S. Chong Gum of the Cultural Resource Center in Springdale, who is serving as a spokesperson for the couple, says children in the Marshall Islands play nude in public and sleep with their parents until age nine or ten.

The Department of Human Services took custody of the 4-year-old and the couple's three other children, ages 6, 2 and 7 months, Chong Gum said.

Washington County prosecutor Terry Jones said he'll consider the context in which the photos were taken and the couple's cultural beliefs, although he's never dealt with a case involving Marshallese culture before. Ejmi and Lanje are among about 3,000 people who have migrated from the Marshall Islands to Springdale in the past decade.

GOVERNMENT MEETINGS

▲ Continued from Page 7

and Urban Renewal Authority Board of Commissioners, 9 a.m. March 16, Legislature's public hearing room, Hagåtña. Ricardo C. Blas has been nominated by Gov. Felix Camacho to be Customs and Quarantine Agency Director; Lolita R. Meno has been nominated to be a member of the GHURA board. Public testimony is welcome. Written testimony may be mailed or delivered to the office of Sen. Jesse Lujan, Ada's Commercial and Professional Center, Hagåtña, or fax 477-8478. Call 477-8477.

GUAM BOARD OF EXAMINERS FOR DENTISTRY: 2 p.m. March 16, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Call Jane Diego, 735-7406/11.

GUAM BOARD OF MEDICAL EXAMINERS: Noon, March 16, Guam Memorial Hospital Auditorium.

Guam International Airport; D. Yamasta v. Department of Public Works; contract: A. Sweet-Guam Memorial Hospital. Call Biarica, 647-1855/7 or TDD 647-1872.
COMMITTEE ON FINANCE, TAXATION AND COMMERCE: Public and confirmation hearings 9:30 a.m. March 17, Legislature's public hearing room. Bill 16, relative to the regulation of smoking activities, to be known as The Natasha Protection Act; Bill 74, to borrow or arrange for a line of credit not to exceed \$10 million with locally licensed financial institutions, government of Guam autonomous agencies or GovGuam instrumentalities; appointment of Carlos E.P. Bordallo Jr. to serve as Director of the Bureau of Budget Management and Research; appointment of Edward John Calvo to serve as a member of the Guam Economic Development and Commerce Authority board. To submit written testimony, or for special accommodations, call the office of Sen. Edward Calvo, 475-8801/2 or e-mail: sen-

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1 only incidental to the consumption of such beverages. Although a restaurant
2 may---contain a bar, the term bar shall not include the restaurant dining area.

3 *Business* means any sole proprietorship, partnership, corporation or other
4 business entity formed for profit-making purposes, including retail
5 establishments as well as professional corporations and other entities where
6 legal, medical, or other professional services are delivered.

7 *Dining Area* means any enclosed area containing a counter or tables upon
8 which meals are served.

9 *Employee* means any person who is employed by an employer in
10 consideration of direct or indirect monetary wages or profit.

11 *Employer* means any business, including the government of Guam and any
12 of its autonomous agencies, which employs the services of one (1) or more
13 persons.

14 *Enclosed Area* means all space between a floor and ceiling which is
15 enclosed on all sides by solid walls or windows (exclusive of doors and
16 passageways).

17 *Place of Employment* means any enclosed area under the control of an
18 employer which employees normally frequent during the course of employment,
19 including, but not limited to, work areas, employee lounges and restrooms,
20 conference rooms, and hallways. A private residence is not a "place of
21 employment" unless it is used as a child care or health care facility.

22 *Public Place* means any enclosed area to which the public is invited or in
23 which the public is permitted, including but not limited to, banks, health care
24 facilities, public transportation facilities, reception areas, restaurants, retail food
25 production and marketing establishments, retail stores, theaters and waiting
26 rooms.

1 ~~Restaurant means any coffee shop, cafeteria, public school cafeteria or~~
2 ~~eating establishment which is operated by, under contract to, or on behalf of a~~
3 ~~business or employer as defined in this § 90103.~~

4 Restaurant means any retail eating establishment where food is served or
5 provided for on-site consumption by seated patrons that is authorized by the
6 Guam Department of Public Health and Social Services to operate as a food
7 establishment, including any private food establishment or club in which only
8 members or their guests are permitted. If a restaurant includes an area devoted
9 to the serving of alcoholic beverages, that area shall be deemed part of the
10 "restaurant," not a separate "bar," for this article. An establishment that is a
11 "restaurant" shall have that status for all hours of operation.

12 *Retail Tobacco Store* means a retail store utilized primarily for the sale of
13 tobacco products and accessories and in which the sale of other products is
14 merely incidental.

15 *Service Line* means any indoor line at which one (1) or more persons are
16 waiting for or receiving services of any kind.

17 *Smoking* means inhaling, exhaling, or burning any lighted cigar, cigarette,
18 or other tobacco product.

19 *Sports Arena* means the enclosed area of any sports pavilions,
20 gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys
21 and other similar places where members of the general public assemble either to
22 engage in physical exercise, participate in athletic competition or witness sports
23 events."

24 **ection 4. Section 90107 Chapter 90, Division 4 is hereby amended to**
25 **read as follows:**

26 "§ 90107. Where smoking not regulated.

1 (a) Notwithstanding any other provisions of this chapter, the following
2 areas shall not be subject to the smoking restrictions of this chapter:

3 (1) Bars.

4 (2) Private residences, except when used as child care facility or
5 health care facility.

6 (3) Hotel and motel rooms rented to guests.

7 (4) Retail tobacco stores.

8 ~~(5) Restaurants, hotel and motel conference or meeting rooms, and~~
9 ~~public and private assembly rooms while these places are being used for private~~
10 ~~functions.~~

11 (5) ~~(6)~~ A private enclosed office work place occupied exclusively by
12 one (1) or more smokers."

13 **Section 5. Section 90105 Chapter 90, Division 4 is hereby amended to**
14 **read as follows:**

15 "§ 90105. Prohibition of smoking in public places. Smoking shall be
16 prohibited in all enclosed public places, including, but not limited to the
17 following places:

18 (1) Elevators.

19 (2) Buses, taxicabs, airplanes, and other means of public transit, and ticket,
20 boarding, and waiting areas of public transport depots.

21 (3) Restrooms.

22 (4) Service lines.

23 (5) All areas available to and customarily used by the general public in all
24 businesses patronized by the public.

25 (6) Restaurants. ~~; provided, however, that this prohibition does not~~
26 ~~prevent (i) designation of a contiguous area within a restaurant that contains a~~

1 ~~maximum of not more than fifty percent (50%) of the seating capacity of the~~
2 ~~restaurant as a smoking area, or (ii) providing separate rooms for smokers and~~
3 ~~nonsmokers, so long as the rooms designated for smoking do not contain more~~
4 ~~than fifty percent (50%) of the seating capacity of the restaurant.~~

5 (7) Public area of aquariums, galleries, libraries, and museums when open
6 to the public; provided, however, that this prohibition does not prevent the
7 designation of a separate room for smoking in such areas.

8 (8) Any building not open to the sky which is primarily used for
9 exhibiting motion pictures, stage shows, musical recitals or other performances,
10 except when smoking is part of a stage production.

11 (9) Sports arenas and convention halls, except in designated smoking
12 areas therein with adequate and effective ventilation which removes smoke and
13 purifies the recirculated air.

14 (10) Every place of meeting or public assembly during such time as a
15 public meeting is in progress.

16 (11) Waiting rooms, hallways, wards and semi-private rooms for health
17 facilities, including, but not limited to, hospitals, clinics, physical therapy
18 facilities, doctors' offices and dentists' offices.

19 (12) Polling places."

20 **Section 6. Severability.** *If any provisions of this Act or its application to*
21 *any person or circumstance is found to be invalid or contrary to law, such*
22 *invalidity shall not affect other provisions or applications of this Act which can*
23 *be given effect without the invalid provisions or applications, and to this end the*
24 *provisions of this Act are severable.*