

I Mina Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
337-34 (LS) As corrected by Prime Sponsor; and amended on the Floor.	Telena C. Nelson	AN ACT TO AMEND § 3127 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE CUSTOMS AND QUARANTINE AGENCY.	8/27/18 4:50 p.m.	9/5/18	Committee on Housing, Utilities, Public Safety, and Homeland Security	9/19/18 9:00 a.m.	10/1/18 3:37 p.m.	Fiscal Note Request 9/5/18	
			AS CORRECTED 9/5/18 2:18 p.m.					Fiscal Note Waiver 9/18/18	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW	LAPSED	NOTES	
12/10/18	AN ACT TO AMEND § 3127 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE CUSTOMS AND QUARANTINE AGENCY.	12/17/18	12/17/18 5:30 p.m.	12/28/18	34-170	12/29/2018	Received: 12/31/18 Mess and Comm. Doc. No. 34GL-18-2734.		



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

DEC 31 2018

Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Vice Speaker Therese M. Terlaje

3492-18-2734

DEC 31 2018

Time: 11:35

Received by: *CTH*

Dear Madame Speaker:

Transmitted herewith is Bill No. 337-34 (LS), "AN ACT TO AMEND § 3127 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF CUSTOMS AND QUARANTINE AGENCY," which lapsed on December 29, 2018, as Public Law 34-170.

Senseramente,

EDDIE BAZA CALVO

2018 JAN -2 AM 9:25

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

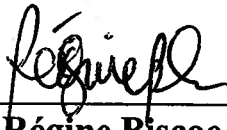
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

This is to certify that **Bill No. 337-34 (LS)**, "AN ACT TO AMEND § 3127 OF ARTICLE 1, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE QUALIFICATION REQUIREMENTS OF THE DIRECTOR OF THE CUSTOMS AND QUARANTINE AGENCY," was on the 17th day of December 2018, duly and regularly passed.



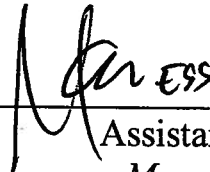
Therese M. Terlaje
Acting Speaker

Attested:



Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 17th day of Dec,
2018, at 5:30 o'clock P.M.



Assistant Staff Officer
Maga'láhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'láhen Guáhan

Date: DEC 29 2018

Public Law No. 34-170

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

Bill No. 337-34 (LS)

As corrected by Prime Sponsor; and amended on the Floor.

Introduced by:

Telena Cruz Nelson
FRANK B. AGUON, JR.
William M. Castro
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *AMEND* § 3127 OF ARTICLE 1, CHAPTER 3,
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
MANDATING THE QUALIFICATION REQUIREMENTS
OF THE DIRECTOR OF THE CUSTOMS AND
QUARANTINE AGENCY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds
3 that in order to serve the people of Guam, persons in appointed positions must be
4 able to bring experience directly applicable to the agency they are appointed. This
5 experience becomes paramount in the realm of public safety. Public safety agencies
6 on Guam with positions appointed by *I Maga'låhen Guáhan* require a certain level
7 of experience to ensure the safety of our people, and that those who work in the

1 agency are being led by someone familiar with how an agency like that operates.
2 This model may prove beneficial for the Customs and Quarantine Agency.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that for the safety
4 of the people of Guam and the protection of civil rights, the Customs and Quarantine
5 Agency is led by someone who holds the experience necessary to understand the
6 mechanisms of the agency for the future of Guam's people.

7 **Section 2.** § 3127 of Article 1, Chapter 3, Title 5, Guam Code Annotated,
8 is *amended* to read:

9 **“§ 3127. Customs and Quarantine Agency.**

10 There is hereby established within the government of Guam, the
11 Customs and Quarantine Agency (the Agency). The Director of the Agency,
12 who is the head of the Agency, *shall* be appointed by *I Maga'låhi* (the
13 Governor) with the advice and consent of *I Liheslatura* (the Legislature), and
14 *shall* meet the following qualifications:

15 (a) have no less than ten (10) years of progressive experience
16 in a law enforcement agency, including at least three (3) years in a
17 senior law enforcement position, or with equivalent executive
18 management experience in the field of public administration, business
19 administration, criminal justice, or law, or a closely related field or
20 discipline;

21 (b) graduated with a Bachelor's degree or higher in criminal
22 justice, public administration, business administration, law, or a closely
23 related field or discipline from an accredited institution recognized by
24 the Council for Higher Education Accreditation (CHEA) or its
25 successors;

26 (c) have no felony, domestic or family violence convictions;

1 (d) have no misdemeanor convictions involving moral
2 turpitude;

3 (e) submit to and pass a drug screening test, including, but not
4 limited to, urinalysis testing, unless the appointee is a current employee
5 of the government of Guam registered with the Peace Officer Standards
6 and Training (POST) Commission as a peace officer occupying a Test-
7 Designated Position (TDP) pursuant to the Department's Drug-Free
8 Workplace Program;

9 (f) be of good health and good moral character;

10 (g) submit to psychological testing;

11 (h) submit to a polygraph examination; and

12 (i) submit to a thorough investigation of his or her
13 background and moral character.

14 Compensation of Director of Customs and Quarantine Agency.

15 Notwithstanding any other provision of law, a person appointed by *I*
16 *Maga'låhen Guåhan* and confirmed by *I Liheslaturan Guåhan* to be Director
17 of the Customs and Quarantine Agency, and who at the time of his or her
18 appointment is an active member of the classified service, *shall* receive a
19 salary established by the government of Guam compensation schedule for
20 heads of agencies, or a salary equivalent to the three (3)-year average of the
21 annual income earned immediately prior to his/her appointment as the
22 Director of the Customs and Quarantine Agency, whichever is greater. Said
23 three (3)-year average *shall* be reviewed annually to determine if mandated
24 pay increases would have affected the three (3)-year average.

25 A person who is an active classified employee of the government of
26 Guam immediately prior to his or her appointment by *I Maga'låhen Guåhan*
27 and confirmation by *I Liheslaturan Guåhan* to be a Director of the Customs

1 and Quarantine Agency *shall*, if not removed for cause, be reinstated to the
2 position he or she previously held immediately prior to such appointment, or
3 to an equivalent position, upon expiration of his or her appointment as
4 Director of the Customs and Quarantine Agency.

5 The senior ranking classified Customs and Quarantine Officer within
6 the Agency *shall* act as the Deputy Director of the Agency with all the powers
7 of such a deputy but without additional compensation. The compensation of
8 the Director of the Agency and of such Director's personal secretary *shall* be
9 set by the Director of Administration."

10 **Section 3. Effective Date.** This Act *shall* be effective on January 1, 2019.

11 **Section 4. Severability.** If any provision of this Act or its application to any
12 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
13 *not* affect other provisions or applications of this Act that can be given effect without
14 the invalid provision or application, and to this end the provisions of this Act are
15 severable.