



Messages and Communications for Doc. Nos. 36GL-22-1903 through 1911*.

1 message

Committee on Rules 36GL <cor@guamlegislature.org>
To: Clerks <clerks@guamlegislature.org>, Rennae Meno <rennae@guamlegislature.org>
Cc: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Wed, Apr 13, 2022 at 10:34 AM

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-1903 to 1911 for processing:

Table with 3 columns: Doc. No., Description of Bill/Act, and Office of the Governor of Guam. Rows include bills 36GL-22-1903 through 36GL-22-1911.

Electronic and Hard Copies received and attached.

Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

"Disclaimer: This message is intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged, confidential, proprietary, or exempt from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering the message to the intended recipient, you are strictly prohibited from disclosing, distributing, copying, or in any way using this message. If you have received this communication in error, please notify the sender and immediately delete any copies you may have received. Thank you."

----- Forwarded message -----
From: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Date: Wed, Apr 13, 2022 at 9:46 AM

Subject: Messages and Communications for 36GL-22-1903 to 1911

To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-1903 to 1911.*

36GL-22-1903	BILL NO. 169-36 (LS) nka P.L. No. 36-89 - An Act to Amend Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E, All of Chapter 67, Title 9, Guam Code Annotated, Relative to Updating the List of Scheduled Controlled Substances Provided in the Guam Uniform Controlled Substances Act.*	Office of the Governor of Guam
36GL-22-1904	BILL NO. 247-36 (COR) nka P.L. No. 36-90 - An Act to Amend §§ 53101(d) and 53102, and to Add a New § 53109, All of Chapter 53, Title 11, Guam Code Annotated, Relative to Transferring the Authority to Implement the Guam Able Savings Program from the Department of Revenue and Taxation to the Department of Administration, and Authorizing the Governor to Identify and Transfer Up to Two Hundred Fifty Thousand Dollars (\$250,000) from the General Fund to Implement the Program.*	Office of the Governor of Guam
36GL-22-1905	SUBSTITUTE BILL NO. 213-36 (COR) nka P.L. No. 36-91 - An Act to Add New Subsections (a) and (b) to § 8119 of Article 1, Chapter 8, Title 12, Guam Code Annotated, Relative to Establishing an Exemption to the Guam Power Authority for the Construction of New Forty-One (41) Megawatt Ultra-Low Sulfur Diesel Units on Lots 261 and 257, U.S. Navy Apra Harbor Reservation, and be Required to Comply with the Air Quality and Emissions Limitations Contained in the U.S. Environmental Protection Agency Clean Air Act of 1990.*	Office of the Governor of Guam
36GL-22-1906	BILL NO. 224-36 (COR) nka P.L. No. 36-92 - An Act to Repeal Chapter 19, Division 3 of Title 30, Guam Administrative Rules and Regulations; and to Add a New Chapter 2 to Title 12, Guam Administrative Rules and Regulations, Relative to Clarifying Insurance Continuing Education.*	Office of the Governor of Guam
36GL-22-1907	SUBSTITUTE BILL NO. 41-36 (COR) nka P.L. No. 36-93 - An Act to Amend § 4210 of Article 2, Chapter 4, Title 19, Guam Code Annotated, Relative to Expediting Social Studies for Adoptions.*	Office of the Governor of Guam
36GL-22-1908	BILL NO. 68-36 (COR) nka P.L. No. 36-94 - An Act to Amend §§ 88103 and 88104, and to Add a New § 88103.1, All of Chapter 88, Title 5, Guam Code Annotated, Relative to Adding Youth Representation to I Kumision I Fino' CHamoru Yan I Fina'na'guen I Historia Yan I Lina'la' I Taotao Tano' (The Commission on CHamoru Language and the Teaching of the History and Culture of the Indigenous People of Guam), and Prohibiting Double Representation on I Kumision; and to Cite this Act as the "Mahoben Para I Fino'ta Act".*	Office of the Governor of Guam
36GL-22-1909	SUBSTITUTE BILL NO. 236-36 (COR) VETO - An Act to Amend § 5213 of Subarticle B, Article 3, Chapter 5, Title 5, Guam Code Annotated, Relative to Strengthening the Requirements of Small Purchases.*	Office of the Governor of Guam
36GL-22-1910	BILL NO. 123-36 (COR) VETO - An Act to Amend § 2108 of Chapter 2, Title 4, Guam Code Annotated, Relative to Requiring Employees Who Resign from Government of Guam Employment to Submit to Drug Testing to Retain Re-Employment Rights if said Resignation was Tendered Subsequent to the Employer's Announcement of Drug Testing.*	Office of the Governor of Guam
36GL-22-1911	BILL NO. 239-36 (COR) VETO - An Act to Add a New § 76206 to Article 2 of Chapter 76, Division 3, Title 11, Guam Code Annotated; and to Add a New § 13510 to Article 5 of Chapter 13, Title 19, Guam Code Annotated, Relative to Business License Requirements for Entities Engaging in Child Replacement Services.*	Office of the Governor of Guam

Note: e-Delivery received April 12, 2022 at 9:46 a.m. Hard copies received April 12, 2022 at 11:31 a.m.

Si Yu'os Ma'åse',

Marie Cruz
Community Relations Liaison

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com
website: www.senatorterlaje.com

----- Forwarded message -----

From: **Brianne LG Dunstan** <brianne.dunstan@guam.gov>

Date: Tue, Apr 12, 2022 at 9:46 AM

Subject: Statements regarding Legislative bills passed on: April 1, 2022

To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Cc: GOVERNOR Lourdes A. Leon Guerrero <governor@guam.gov>, LT. GOVERNOR Joshua F. Tenorio <lt.governor@guam.gov>, Geraldine A. Cepeda <gcepeda@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, Lisa C. Ibanez <libanez@guamcourts.gov>, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Tajeron <alice.tajeron@guam.gov>, Legal <legal@guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, <lester.carlson@bbmr.guam.gov>, BERTHA <bertha.duenas@guam.gov>, Eliza G. Dames (Chamber) <eliza.dames@guam.gov>, Shamra L.A. Chargualaf (Chamber) <shamra.chargualaf@guam.gov>, Josephine C. Cepeda (Chamber) <josephine.cepeda@guam.gov>, Kathleen C. Cepeda (COS) <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, Jessica Cruz (CF) <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, Michael D. Weakley <michael.weakley@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker,

Enclosed are copies of statements dated April 11, 2022, from the *Honorable*, Lourdes A. Leon Guerrero, regarding the following nine (9) bills:

- **BILL NO. 169-36 (LS) nka P.L. No. 36-89** – An Act to Amend Appendix A, Appendix B, Appendix C, Appendix D, and Appendix E, All of Chapter 67, Title 9, Guam Code Annotated, Relative to Updating the List of Scheduled Controlled Substances Provided in the Guam Uniform Controlled Substances Act
- **BILL NO. 247-36 (COR) nka P.L. No. 36-90** - An Act to Amend §§ 53101(d) and 53102, and to Add a New § 53109, All of Chapter 53, Title 11, Guam Code Annotated, Relative to Transferring the Authority to Implement the Guam Able Savings Program from the Department of Revenue and Taxation to the Department of Administration, and Authorizing the Governor to Identify and Transfer Up to Two Hundred Fifty Thousand Dollars (\$250,000) from the General Fund to Implement the Program
- **SUBSTITUTE BILL NO. 213-36 (COR) nka P.L. No. 36-91** - An Act to Add New Subsections (a) and (b) to § 8119 of Article 1, Chapter 8, Title 12, Guam Code Annotated, Relative to Establishing an Exemption to the Guam Power Authority for the Construction of New Forty-One (41) Megawatt Ultra-Low Sulfur Diesel Units on Lots 261 and 257, U.S. Navy Apra Harbor Reservation, and be Required to Comply with the Air Quality and Emissions Limitations Contained in the U.S. Environmental Protection Agency Clean Air Act of 1990
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- **SUBSTITUTE BILL NO. 41-36 (COR) nka P.L. No. 36-93** - An Act to Amend § 4210 of Article 2, Chapter 4, Title 19, Guam Code Annotated, Relative to Expediting Social Studies for Adoptions
- **BILL NO. 68-36 (COR) nka P.L. No. 36-94** – An Act to Amend §§ 88103 and 88104, and to Add a New § 88103.1, All of Chapter 88, Title 5, Guam Code Annotated, Relative to Adding Youth Representation to I Kumision I Fino' CHamoru Yan I Fina'na'guen I Historia Yan I Lina'la' I Taotao Tano' (The Commission on CHamoru Language and the Teaching of the History and Culture of the Indigenous People of Guam), and Prohibiting Double Representation on I Kumision; and to Cite this Act as the "Mahoben Para I Fino'ta Act"
- **SUBSTITUTE BILL NO. 236-36 (COR) VETO** - An Act to Amend § 5213 of Subarticle B, Article 3, Chapter 5, Title 5, Guam Code Annotated, Relative to Strengthening the Requirements of Small Purchases
- **BILL NO. 123-36 (COR) VETO** - An Act to Amend § 2108 of Chapter 2, Title 4, Guam Code Annotated, Relative to Requiring Employees Who Resign from Government of Guam Employment to Submit to Drug Testing to Retain Re-Employment Rights if said Resignation was Tendered Subsequent to the Employer's Announcement of Drug Testing
- **BILL NO. 239-36 (COR) VETO** - An Act to Add a New § 76206 to Article 2 of Chapter 76, Division 3, Title 11, Guam Code Annotated; and to Add a New § 13510 to Article 5 of Chapter 13, Title 19, Guam Code Annotated, Relative to Business License Requirements for Entities Engaging in Child Replacement Services

The original statements and bills will be delivered to your office today.

Respectfully,

--



Brianne LG Dunstan

Unisifan I Maga'hagan Guåhan
Office of the Governor of Guam

Office of Legal Counsel

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

brianne.dunstan@guam.gov

9 attachments

36GL-22-1905.pdf
551K

36GL-22-1904.pdf
517K

36GL-22-1907.pdf
468K

36GL-22-1906.pdf
824K

36GL-22-1909.pdf
628K

36GL-22-1908.pdf
637K

36GL-22-1910.pdf
473K

36GL-22-1911.pdf
461K

36GL-22-1903.pdf
1945K



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Statements regarding Legislative bills passed on: April 1, 2022

Brianne LG Dunstan <brianne.dunstan@guam.gov> Tue, Apr 12, 2022 at 9:48 AM
 To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>
 Cc: "GOVERNOR Lourdes A. Leon Guerrero" <governor@guam.gov>, "LT. GOVERNOR Joshua F. Tenorio" <lt.governor@guam.gov>, "Geraldine A. Cepeda" <gcepeda@guamcourts.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, "Lisa C. Ibanez" <libanez@guamcourts.gov>, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, lester.carlson@bbmr.guam.gov, BERTHA <bertha.duenas@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda (COS)" <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, "Michael D. Weakley" <michael.weakley@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

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The original statements and bills will be delivered to your office today.

Respectfully,

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Brianne LG Dunstan
 Unisifan I Maga'hågan Guåhan
 Office of the Governor of Guam
 Office of Legal Counsel
 513 West Marine Corps Drive
 Ricardo J. Bordallo Governor's Complex
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Doc Type: 36GL-22-1903-1911
 OFFICE OF THE SPEAKER
 THERESE M. TERLAJE

04-12-2022

Time: 9:46 a.m.
 Received: [Signature]

COMMITTEE ON RULES





RECEIVED:

April 13, 2022

9:46 A.M.

[Signature]

9 attachments

 Bill No. 247-36 (COR) nka P.L. 36-90.pdf 169K	<i>36GL-22-1904</i>
 Sub. Bill No. 213-36 (COR) nka P.L. 36-91.pdf 187K	<i>36GL-22-1905</i>
 Bill No. 224-36 (COR) nka P.L. 36-92.pdf 314K	<i>36GL-22-1906</i>
 Sub. Bill No. 41-36 (COR) nka P.L. 36-93.pdf 144K	<i>36GL-22-1907</i>
 Bill No. 68-36 (COR) nka P.L. 36-94.pdf 226K	<i>36GL-22-1908</i>
 Sub. Bill No. 236-36 (COR)_VETO.pdf 225K	<i>36GL-22-1909</i>
 Bill No. 123-36 (COR)_VETO.pdf 148K	<i>36GL-22-1910</i>
 Bill No. 239-36 (COR)_VETO.pdf 135K	<i>36GL-22-1911</i>
 Bill No. 169-36 (LS) nka P.L. 36-89.pdf 853K	<i>36GL-22-1903</i>

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

April 11, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: BILL NO. 123-36 (COR) – AN ACT TO AMEND § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED SUBSEQUENT TO THE EMPLOYER'S ANNOUNCEMENT OF DRUG TESTING

Hafa Adai Madame Speaker,

In the case *Skinner v. Railway Labor Executives' Assn.*, the U.S. Supreme Court held that the drug testing of employees, if done by a government agency or at the direction of a government agency, was a "search" under the Fourth Amendment of the U.S. Constitution. This means that to meet the Constitution's requirement that all searches must be reasonable, any testing is required to be based on individualized suspicion of wrongdoing. This requires specific information that an employee is under the influence of drugs or alcohol before an employee could be subjected to a drug test.

Also in *Skinner*, the Supreme Court concluded that an exception to the individualized suspicion requirement existed in situations where the individual participated in an industry that is "regulated pervasively to ensure public safety," and the drug testing was related to protecting the public safety. This type of testing is permissible for individuals in law enforcement and public safety agencies, as well as those in other agencies such as mass transit or school bus drivers.

Under the government of Guam's Drug-Free Workplace Program, which was developed in 1995, government of Guam agencies are not allowed to "announce random drug testing within a department." Pursuant to this program, employees who are subject to random drug testing are listed as working in testing designated positions. These employees are informed in writing when they begin their employment that their position is a testing designated position, and that within thirty (30) days of receiving the written notice, they are subject to random drug testing.

In order to comply with applicable U.S. Supreme Court opinions, random testing is only allowed for employees in testing designated positions. Drug testing for all other Government of Guam employees must be based on a reasonable suspicion that the employee is using drugs at work, has

To: Speaker Terlaje
Fr: Governor of Guam
Date: April 11, 2022
Re: Vetoed Bill. No. 123-36 (COR)

Page 2 of 2

been involved in a workplace accident, or that the employee has violated safety rules in the workplace.

Government of Guam agencies do not possess powers that the authors of Bill No. 123-36 assume they do. Bill No. 123-36 as written, would not be enforceable, because agencies cannot announce random testing for all employees, as the bill requires, a prerequisite to the bill's requirement of testing to retain reemployment rights. Further, a person attempting to use their reemployment rights is already required to pass a pre-employment drug test. This pre-employment test is more effective in protecting the people of Guam than a provision of a statute that is unenforceable without violating the United States Constitution.

For these reasons, I veto Bill No. 123-36.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

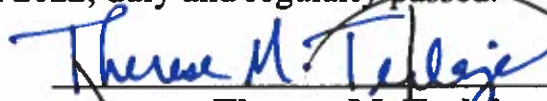
Enclosure: VETOED Bill No. 123-36 (COR)

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

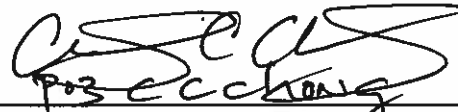
This is to certify that **Bill No. 123-36 (COR)**, "AN ACT TO *AMEND* § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED SUBSEQUENT TO THE EMPLOYER'S ANNOUNCEMENT OF DRUG TESTING," was on the 1st day of April 2022, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1 day of April,
2022, at 9:39 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/1/2022

Public Law No. _____

2022-16200
RCVD AT CENTRAL FI
APR 4 '22 AM 9:00

Flaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session

Bill No. 123-36 (COR)

As amended by the Committee on Public Accountability, Human Resources, Guam Buildup, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, and Technology; and further amended on the Floor.

Introduced by:

V. Anthony Ada
Joanne Brown
Frank Blas Jr.
Sabina Flores Perez
Christopher M. Dueñas
Telo T. Taitague
Clynton E. Ridgell
Therese M. Terlaje
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Joe S. San Agustin
Amanda L. Shelton
Jose “Pedo” Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED SUBSEQUENT TO THE EMPLOYER’S ANNOUNCEMENT OF DRUG TESTING.

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

2 **Section 1.** § 2108 of Chapter 2, Title 4, GCA is *amended* to read as follows:

3 **“§ 2108. Re-Employed Employees.**

1 (a) Former classified employees of government of Guam who were
2 in good standing at the time of resignation may be hired at not less than the
3 salary they earned at their former position if they apply for the same or
4 comparable job in the same department. This re-employment credit privilege
5 must be exercised within a four (4) year period, and employees must pass drug
6 testing upon re-employment. The employee may waive this privilege.

7 (b) Notwithstanding any other provision of law or administrative or
8 personnel rules and regulations, any employee who resigns his or her position
9 within thirty (30) days of an announcement of any government sponsored drug
10 testing within the employee's department that would subject the employee to
11 a drug testing, shall submit to and pass said drug testing prior to resignation
12 or forfeit all re-employment rights in Subsection (a) of this Section.”

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

April 11, 2022

Doc Type: 36GL-22-1910
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

04-11-2022

Time: 11:31 a.m.
Received: [Signature]

Re: **BILL NO. 123-36 (COR) – AN ACT TO AMEND § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED SUBSEQUENT TO THE EMPLOYER'S ANNOUNCEMENT OF DRUG TESTING**

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In the case *Skinner v. Railway Labor Executives' Assn.*, the U.S. Supreme Court held that the drug testing of employees, if done by a government agency or at the direction of a government agency, was a “search” under the Fourth Amendment of the U.S. Constitution. This means that to meet the Constitution's requirement that all searches must be reasonable, any testing is required to be based on individualized suspicion of wrongdoing. This requires specific information that an employee is under the influence of drugs or alcohol before an employee could be subjected to a drug test.

Also in *Skinner*, the Supreme Court concluded that an exception to the individualized suspicion requirement existed in situations where the individual participated in an industry that is “regulated pervasively to ensure public safety,” and the drug testing was related to protecting the public safety. This type of testing is permissible for individuals in law enforcement and public safety agencies, as well as those in other agencies such as mass transit or school bus drivers.

Under the government of Guam's Drug-Free Workplace Program, which was developed in 1995, government of Guam agencies are not allowed to “announce random drug testing within a department.” Pursuant to this program, employees who are subject to random drug testing are listed as working in testing designated positions. These employees are informed in writing when they begin their employment that their position is a testing designated position, and that within thirty (30) days of receiving the written notice, they are subject to random drug testing.

In order to comply with applicable U.S. Supreme Court opinions, random testing is only allowed for employees in testing designated positions. Drug testing for all other Government of Guam employees must be based on a reasonable suspicion that the employee is using drugs at work, has

To: Speaker Terlaje
Fr: Governor of Guam
Date: April 11, 2022
Re: Vetoed Bill. No. 123-36 (COR)

Page 2 of 2

been involved in a workplace accident, or that the employee has violated safety rules in the workplace.

Government of Guam agencies do not possess powers that the authors of Bill No. 123-36 assume they do. Bill No. 123-36 as written, would not be enforceable, because agencies cannot announce random testing for all employees, as the bill requires, a prerequisite to the bill's requirement of testing to retain reemployment rights. Further, a person attempting to use their reemployment rights is already required to pass a pre-employment drug test. This pre-employment test is more effective in protecting the people of Guam than a provision of a statute that is unenforceable without violating the United States Constitution.

For these reasons, I veto Bill No. 123-36.

Senseremente,

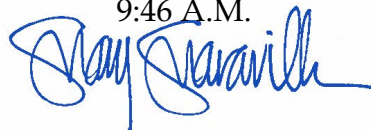


LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: VETOED Bill No. 123-36 (COR)

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws

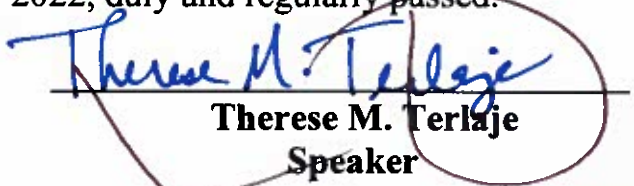
COMMITTEE ON RULES
RECEIVED:
April 13, 2022
9:46 A.M.



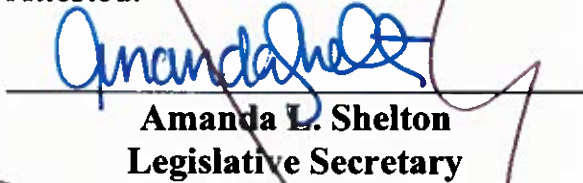
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

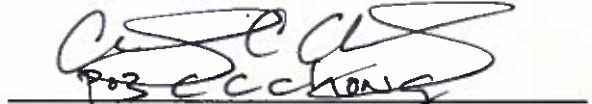
This is to certify that **Bill No. 123-36 (COR)**, "AN ACT TO *AMEND* § 2108 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYEES WHO RESIGN FROM GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT TO DRUG TESTING TO RETAIN RE-EMPLOYMENT RIGHTS IF SAID RESIGNATION WAS TENDERED SUBSEQUENT TO THE EMPLOYER'S ANNOUNCEMENT OF DRUG TESTING," was on the 1st day of April 2022, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1 day of April,
2022, at 9:39 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/11/2022

Public Law No. _____

2022-16200
RCUD AT CENTRAL FILE
APR 4 '22 AM 9:00

Flaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session

Bill No. 123-36 (COR)

As amended by the Committee on Public Accountability,
Human Resources, Guam Buildup, Hagåtña Revitalization,
Regional Affairs, Public Libraries, Telecommunications,
and Technology; and further amended on the Floor.

Introduced by:

V. Anthony Ada
Joanne Brown
Frank Blas Jr.
Sabina Flores Perez
Christopher M. Dueñas
Telo T. Taitague
Clynton E. Ridgell
Therese M. Terlaje
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Joe S. San Agustin
Amanda L. Shelton
Jose “Pedro” Terlaje
Mary Camacho Torres

**AN ACT TO AMEND § 2108 OF CHAPTER 2, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO
REQUIRING EMPLOYEES WHO RESIGN FROM
GOVERNMENT OF GUAM EMPLOYMENT TO SUBMIT
TO DRUG TESTING TO RETAIN RE-EMPLOYMENT
RIGHTS IF SAID RESIGNATION WAS TENDERED
SUBSEQUENT TO THE EMPLOYER’S
ANNOUNCEMENT OF DRUG TESTING.**

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

2 **Section 1.** § 2108 of Chapter 2, Title 4, GCA is *amended* to read as follows:

3 **“§ 2108. Re-Employed Employees.**

1 (a) Former classified employees of government of Guam who were
2 in good standing at the time of resignation may be hired at not less than the
3 salary they earned at their former position if they apply for the same or
4 comparable job in the same department. This re-employment credit privilege
5 must be exercised within a four (4) year period, and employees must pass drug
6 testing upon re-employment. The employee may waive this privilege.

7 (b) Notwithstanding any other provision of law or administrative or
8 personnel rules and regulations, any employee who resigns his or her position
9 within thirty (30) days of an announcement of any government sponsored drug
10 testing within the employee's department that would subject the employee to
11 a drug testing, shall submit to and pass said drug testing prior to resignation
12 or forfeit all re-employment rights in Subsection (a) of this Section.”