



Refer to
Legislative Secretary

CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JAN 04 1999


The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuåttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE	
ACKNOWLEDGMENT REC'D	
Received By	<u>Arpaio</u>
Time	<u>1:33 pm</u>
Date	<u>1.6.99</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 718 (COR), "AN ACT TO *REPEAL AND RE-ENACT* §§32201, 32301(b) AND 32302(a), AND TO *ADD* §32201.1, ALL TO CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO GCC, AND THE INCLUSION OF GFD INTO THE POST COMMISSION DEFINITION", which was **vetoed** and subsequently overridden by i Liheslatura. This legislation is now designated as **Public Law No. 24-331**.

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00003

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 1/6/99
Time: 10:49am
Rec'd by: all
Print Name: Pearis

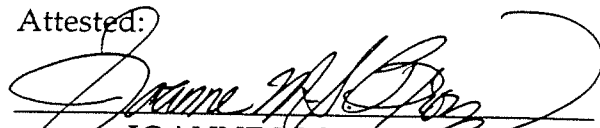
MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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


This is to certify that Substitute Bill No. 718 (COR), "AN ACT TO REPEAL AND RE-ENACT §§32201, 32301(b) AND 32302(a), AND TO ADD §32201.1, ALL TO CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO GCC, AND THE INCLUSION OF GFD INTO THE POST COMMISSION DEFINITION," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 30th day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of fifteen (15) members.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 31st day of December,
1998, at 3:10 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

Public Law No. 24-331

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 718 (COR)

As substituted by the
Subcommittee on Public Safety
and amended on the Floor.

Introduced by:

M. C. Charfauros
Felix P. Camacho
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Francisco P. Camacho
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO REPEAL AND RE-ENACT §§32201,
32301(b) AND 32302(a), AND TO ADD §32201.1, ALL
TO CHAPTER 32 OF TITLE 17 OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE
TRANSFER OF THE POLICE ACADEMY TO GCC,
AND THE INCLUSION OF GFD INTO THE POST
COMMISSION DEFINITION.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan*
3 finds that the Guam Community College ("GCC"), through its comprehensive
4 Academy training is the appropriate institution for all Public Safety
5 Departments of the government of Guam to obtain certified public safety
6 training. *I Liheslaturan Guahan* finds that the recently established Peace
7 Officer Standards and Training Commission ("POST") reinforces this position
8 to maintain all public safety training within GCC.

9 *I Liheslaturan Guahan* finds that despite the advice given to comply with
10 established legislative policy, the Guam Fire Department ("GFD") has
11 blatantly refused to comply with the law, seriously underscoring the
12 importance of this legislation. *I Liheslaturan Guahan* finds that although the
13 separation of GFD, as provided for in Public Law Number 17-78, does *not*
14 clarify the training responsibility for GFD personnel, past Fire Chiefs have
15 continued all firefighter training cycles at GCC upon review of existing law
16 and the intent of such legislation by *I Liheslaturan Guahan*.

17 Only recently has a Fire Chief decided to contradict existing public
18 policy, despite the availability of legal opinions to the contrary. For this
19 reason, *I Liheslaturan Guahan* finds it necessary to pass legislation that will
20 clear the confusion established by the present Fire Chief, and to establish the
21 clear intent of the law. *I Liheslaturan Guahan* further finds a need to hold
22 directors/agency heads personally accountable and liable for any

1 misappropriation of funds and resources with regard to training matters that
2 are contrary to the policy guidelines established by *I Liheslaturan Guahan*.

3 *I Liheslaturan Guahan* further finds that the inclusion of GFD personnel
4 in the POST academy training "Peace Officer" definition will enhance the
5 training standards of *all* fire department personnel, government-wide. It is
6 the intent of *I Liheslaturan Guahan* to clarify the GCC training purview with
7 respect to public safety academy training, and to specifically include Guam
8 firefighter personnel within the POST Commission "Peace Officer"
9 definitions.

10 **Section 2.** Section 32201 of Article 2, Chapter 32 of Title 17 of the Guam
11 Code Annotated is hereby *repealed and reenacted* to read as follows:

12 **"Section 32201. Guam Community College Training Programs**
13 **and Unauthorized Training Liability.** There is within the Guam
14 Community College a training academy, herein referred to as the Guam
15 Community College Training Programs, which shall be responsible for
16 all:

17 (1) Local public safety training of all government of Guam
18 personnel defined in accordance with Public Law Number 24-145
19 and all public safety training standards. This includes the
20 establishment of a trainer program in conjunction with the
21 respective public safety agencies/departments, as provided for in
22 §32201.1;

1 (2) All training within a technical/trade institution
2 profession. This includes all current and planned programs under
3 the Community College purview;

4 (3) Shall be the sole certification agency for recruit public
5 safety training. Any references to 'in-house' training and
6 specialized training shall be administered by the respective
7 agencies and separated from the initial requirement for academy
8 training purposes. All certification made shall be limited to POST
9 academy recruits.

10 Any taxpayer may sue pursuant to 5 GCA §7103A to hold
11 Directors of agencies/departments personally liable for expending
12 money without proper appropriation, without proper authority,
13 illegally or contrary to law with regard to training of law enforcement
14 personnel is hereby established. Any liabilities resulting from personnel
15 *not* certified under the "POST" Academy will be the personal
16 responsibility of the Director/Agency Head and shall *not* be covered
17 under the color of law."

18 **Section 3.** Section 32201.1 is hereby *added* to Article 2, Chapter 32 of
19 Title 17 of the Guam Code Annotated to read as follows:

20 "Section 32201.1. **Cadre of Trainers.** Each
21 agency/department shall designate its cadre of trainers who would be
22 assigned to coordinate all required training with the Guam Community
23 College's Pro-Tech Institute. This cadre shall fall under the direct
24 supervision and control of the Guam Community College's Pro-Tech
25 Institute for the duration of the training cycle."

1 **Section 4.** Section 32301(b) of Article 3, Chapter 32 of Title 17 of the
2 Guam Code Annotated, *as added by P.L. No. 24-145*, is hereby *repealed and*
3 *reenacted* to read as follows:

4 “(b) ‘Peace Officer’ shall mean *all* officers, including reservists, of
5 the Guam Police Department; all officers of the Guam Airport Police; all
6 officers of the Guam Port Authority Police; all uniformed Correction
7 Officers and Parole Officers of the Department of Corrections; all
8 officers of the Customs and Quarantine Agency; all employees of the
9 Department of Youth Affairs who are engaged in juvenile detention and
10 rehabilitation work, as designated by the Director of the Department of
11 Youth Affairs; all Conservation Officers of the Division of Aquatic and
12 Wildlife Resources of the Department of Agriculture; all Territorial Park
13 Patrol Officers of the Department of Parks and Recreation; those
14 employed by the Attorney General’s Office whom he specifically
15 designates; all Marshals and Probation Officers of the Superior Court of
16 Guam, and all Marshals of the Supreme Court of Guam; all Fire Fighter
17 Personnel engaged in the enforcement of the Fire Prevention Code and
18 those whom the Fire Chief specifically designates; all uniformed Airport
19 Rescue and Fire Fighting personnel of the Guam Airport Authority.”

20 **Section 5.** Section 32302(a) of Article 3, Chapter 32 of Title 17 of the
21 Guam Code Annotated, *as added by P.L. No. 24-145*, is hereby *repealed and*
22 *reenacted* to read as follows:

23 “Section 32302. Created; Membership; Compensation;
24 Meetings; Publications of Procedures; Standards for Certified

1 **Training; Powers and Duties.** (a) There is hereby created under
2 the Guam Community College's Professional-Technological Institute
3 ('Pro-Tech Institute') a Peace Officer Standards and Training
4 Commission. The Commission shall be composed of the following
5 members:

6 (1) the Chief of the Guam Police Department, or his
7 designated representative;

8 (2) the Chief of the Guam Airport Police, or his designated
9 representative;

10 (3) the Chief of the Guam Port Authority Police, or his
11 designated representative;

12 (4) the Attorney General, or his designated representative;

13 (5) the Director of Customs and Quarantine Agency, or
14 his designated representative;

15 (6) the Director of the Department of Corrections, or his
16 designated representative;

17 (7) the Director of the Department of Youth Affairs, or his
18 designated representative;

19 (8) the Superintendent of the Territorial Park Patrol
20 Officers of the Department of Parks and Recreation, or his
21 designated representative;

22 (9) the Chief of the Division of Aquatic and Wildlife
23 Resources of the Department of Agriculture, or his designated
24 representative;

25 (10) two (2) persons at large, selected by the Commission;

1 (11) one (1) representative from the University of Guam,
2 appointed by the President of the University of Guam;

3 (12) the Chief Marshall of the Superior Court of Guam, or
4 his designated representative;

5 (13) the Chief Marshall of the Supreme Court of Guam, or
6 his designated representative;

7 (14) the Fire Chief of the Guam Fire Department, or his
8 designated representative; *and*

9 (15) the Fire Chief of the Airport Rescue Fire of the Guam
10 Airport Authority, or his designated representative."

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


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 718 (COR), "AN ACT TO REPEAL AND RE-ENACT §§32201, 32301(b) AND 32302(a), AND TO ADD §32201.1, ALL TO CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO GCC, AND THE INCLUSION OF GFD INTO THE POST COMMISSION DEFINITION," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 30th day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of fifteen (15) members.




ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 31st day of December,
1998, at 3:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 718 (COR)

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Subcommittee on Public Safety
and amended on the Floor.

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12 money without proper appropriation, without proper authority,
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21 agency/department shall designate its cadre of trainers who would be
22 assigned to coordinate all required training with the Guam Community
23 College's Pro-Tech Institute. This cadre shall fall under the direct
24 supervision and control of the Guam Community College's Pro-Tech
25 Institute for the duration of the training cycle."

1 **Section 4.** Section 32301(b) of Article 3, Chapter 32 of Title 17 of the
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3 *reenacted* to read as follows:

4 “(b) ‘Peace Officer’ shall mean *all* officers, including reservists, of
5 the Guam Police Department; all officers of the Guam Airport Police; all
6 officers of the Guam Port Authority Police; all uniformed Correction
7 Officers and Parole Officers of the Department of Corrections; all
8 officers of the Customs and Quarantine Agency; all employees of the
9 Department of Youth Affairs who are engaged in juvenile detention and
10 rehabilitation work, as designated by the Director of the Department of
11 Youth Affairs; all Conservation Officers of the Division of Aquatic and
12 Wildlife Resources of the Department of Agriculture; all Territorial Park
13 Patrol Officers of the Department of Parks and Recreation; those
14 employed by the Attorney General’s Office whom he specifically
15 designates; all Marshals and Probation Officers of the Superior Court of
16 Guam, and all Marshals of the Supreme Court of Guam; all Fire Fighter
17 Personnel engaged in the enforcement of the Fire Prevention Code and
18 those whom the Fire Chief specifically designates; all uniformed Airport
19 Rescue and Fire Fighting personnel of the Guam Airport Authority.”

20 **Section 5.** Section 32302(a) of Article 3, Chapter 32 of Title 17 of the
21 Guam Code Annotated, *as added by P.L. No. 24-145*, is hereby *repealed and*
22 *reenacted* to read as follows:

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13 (5) the Director of Customs and Quarantine Agency, or
14 his designated representative;

15 (6) the Director of the Department of Corrections, or his
16 designated representative;

17 (7) the Director of the Department of Youth Affairs, or his
18 designated representative;

19 (8) the Superintendent of the Territorial Park Patrol
20 Officers of the Department of Parks and Recreation, or his
21 designated representative;

22 (9) the Chief of the Division of Aquatic and Wildlife
23 Resources of the Department of Agriculture, or his designated
24 representative;

25 (10) two (2) persons at large, selected by the Commission;

1 (11) one (1) representative from the University of Guam,
2 appointed by the President of the University of Guam;

3 (12) the Chief Marshall of the Superior Court of Guam, or
4 his designated representative;

5 (13) the Chief Marshall of the Supreme Court of Guam, or
6 his designated representative;

7 (14) the Fire Chief of the Guam Fire Department, or his
8 designated representative; *and*

9 (15) the Fire Chief of the Airport Rescue Fire of the Guam
10 Airport Authority, or his designated representative."

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



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

DEC 18 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 12/18/98
Time: 3:11
Rec'd by: [Signature]
Print Name: Laurie

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 12:46 pm

Date 12-21-98

Enclosed please find Substitute Bill No. 718 (COR), "AN ACT TO REPEAL AND RE-ENACT §§32201, 32301(b) AND 32302(a), AND TO ADD §32201.1, ALL TO CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO GCC, AND THE INCLUSION OF GFD INTO THE POST COMMISSION DEFINITION", which I have **vetoed**.

This bill was passed under a cloud of unfair handling. Testimony against this bill was offered at its public hearing by half of the departments and agencies who would be affected by the bill. The others affected were silent and did not participate. The public hearing was restricted by the Senator conducting it, and directors of agencies affected were prevented from offering testimony on how they would be affected. Please see the attached documents regarding the Guam Police Department.

The following objections to the provisions of the bill are also noted:

- 1) Guam Community College (GCC) is given the sole authority to certify the training of "public safety training". This term is not defined, yet is very broad, so positions which are not participants of the POST would also be included, although GCC does not train these positions. Examples of this are Plant Protection and Quarantine Officers, who are trained and certified now by the U. S. Department of Agriculture, and Forestry Fire Fighters trained and certified now by the U. S. Forestry Service. GCC simply is not capable of properly training and certifying all those who are employed in "public safety" positions, as would be required. In fact, under this bill, persons who have received superior and very fine training at nationally recognized institutions elsewhere would be prohibited from being hired on Guam.

- 2) Departments and agencies affected would be required to assign personnel from within their department and agency to be a "cadre of trainers" at the GCC. The "cadre" would then be under the "direct supervision and control of the Guam Community College's Pro-Tech Institute for the duration of the training cycle". Unfortunately, departments and agencies do not have any personnel that they can assign full time to the GCC. Also, the assigned "cadre", who may be law enforcement officers, would then be under the supervision of an agency which is not a law enforcement agency. They would essentially be removed from law enforcement work.
- 3) The probation officers of the Superior Court are included as "peace officers", as well as only those GFD personnel who are engaged in the enforcement of the Fire Prevention Code, but in contrast, all uniformed Airport Rescue and Fire Fighting personnel of the Guam Airport Authority. Do we really want or need to have all of these positions carrying guns?
- 4) Although probation officers at the Superior Court are included in the definition of "peace officer", probation officers are excluded from membership on the POST Commission.
- 5) This bill would remove the standards for entry level fire personnel positions set by the National Fire Protection Association and adopted in Public Law No. 20-135 along with the Uniform Fire Code. This is not desirable.

Very truly yours,



Carl T. C. Gutierrez
I Maga'lahan Guåhan
Governor of Guam

Attachment: copy attached for signed bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

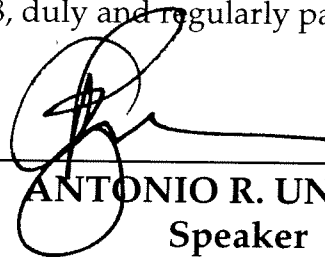
01187

Office of the Speaker
ANTONIO R. UYINGCO
Date: 12/18/98
Time: 3:11 P
Rec'd by: [Signature]
Print Name: Laurie

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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

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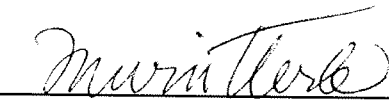
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 7th day of December, 1998,
at 1:20 o'clock P.M.



Muriel Tere
Assistant Staff Officer
Maga'laha's Office

APPROVED:



CARL T.C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

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1998 (SECOND) Regular Session

Bill No. 718 (COR)

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13 separation of GFD, as provided for in Public Law Number 17-78, does *not*
14 clarify the training responsibility for GFD personnel, past Fire Chiefs have
15 continued all firefighter training cycles at GCC upon review of existing law
16 and the intent of such legislation by *I Liheslaturan Guahan*.

17 Only recently has a Fire Chief decided to contradict existing public
18 policy, despite the availability of legal opinions to the contrary. For this
19 reason, *I Liheslaturan Guahan* finds it necessary to pass legislation that will
20 clear the confusion established by the present Fire Chief, and to establish the
21 clear intent of the law. *I Liheslaturan Guahan* further finds a need to hold
22 directors/agency heads personally accountable and liable for any

1 misappropriation of funds and resources with regard to training matters that
2 are contrary to the policy guidelines established by *I Liheslaturan Guahan*.

3 *I Liheslaturan Guahan* further finds that the inclusion of GFD personnel
4 in the POST academy training "Peace Officer" definition will enhance the
5 training standards of *all* fire department personnel, government-wide. It is
6 the intent of *I Liheslaturan Guahan* to clarify the GCC training purview with
7 respect to public safety academy training, and to specifically include Guam
8 firefighter personnel within the POST Commission "Peace Officer"
9 definitions.

10 **Section 2.** Section 32201 of Article 2, Chapter 32 of Title 17 of the Guam
11 Code Annotated is hereby *repealed and reenacted* to read as follows:

12 **"Section 32201. Guam Community College Training Programs**
13 **and Unauthorized Training Liability.** There is within the Guam
14 Community College a training academy, herein referred to as the Guam
15 Community College Training Programs, which shall be responsible for
16 all:

17 (1) Local public safety training of all government of Guam
18 personnel defined in accordance with Public Law Number 24-145
19 and all public safety training standards. This includes the
20 establishment of a trainer program in conjunction with the
21 respective public safety agencies/departments, as provided for in
22 §32201.1;

23 (2) All training within a technical/trade institution
24 profession. This includes all current and planned programs under
25 the Community College purview;

(3) Shall be the sole certification agency for recruit public safety training. Any references to 'in-house' training and specialized training shall be administered by the respective agencies and separated from the initial requirement for academy training purposes. All certification made shall be limited to POST academy recruits.

Any taxpayer may sue pursuant to 5 GCA §7103A to hold Directors of agencies/departments personally liable for expending money without proper appropriation, without proper authority, illegally or contrary to law with regard to training of law enforcement personnel is hereby established. Any liabilities resulting from personnel *not* certified under the "POST" Academy will be the personal responsibility of the Director/Agency Head and shall *not* be covered under the color of law."

Section 3. Section 32201.1 is hereby *added* to Article 2, Chapter 32 of Title 17 of the Guam Code Annotated to read as follows:

"Section 32201.1. Cadre of Trainers. Each agency/department shall designate its cadre of trainers who would be assigned to coordinate all required training with the Guam Community College's Pro-Tech Institute. This cadre shall fall under the direct supervision and control of the Guam Community College's Pro-Tech Institute for the duration of the training cycle."

1 **Section 4.** Section 32301(b) of Article 3, Chapter 32 of Title 17 of the
2 Guam Code Annotated, *as added by P.L. No. 24-145*, is hereby *repealed and*
3 *reenacted* to read as follows:

4 “(b) ‘Peace Officer’ shall mean *all* officers, including reservists, of
5 the Guam Police Department; all officers of the Guam Airport Police; all
6 officers of the Guam Port Authority Police; all uniformed Correction
7 Officers and Parole Officers of the Department of Corrections; all
8 officers of the Customs and Quarantine Agency; all employees of the
9 Department of Youth Affairs who are engaged in juvenile detention and
10 rehabilitation work, as designated by the Director of the Department of
11 Youth Affairs; all Conservation Officers of the Division of Aquatic and
12 Wildlife Resources of the Department of Agriculture; all Territorial Park
13 Patrol Officers of the Department of Parks and Recreation; those
14 employed by the Attorney General’s Office whom he specifically
15 designates; all Marshals and Probation Officers of the Superior Court of
16 Guam, and all Marshals of the Supreme Court of Guam; all Fire Fighter
17 Personnel engaged in the enforcement of the Fire Prevention Code and
18 those whom the Fire Chief specifically designates; all uniformed Airport
19 Rescue and Fire Fighting personnel of the Guam Airport Authority.”

20 **Section 5.** Section 32302(a) of Article 3, Chapter 32 of Title 17 of the
21 Guam Code Annotated, *as added by P.L. No. 24-145*, is hereby *repealed and*
22 *reenacted* to read as follows:

23 **“Section 32302. Created; Membership; Compensation;**
24 **Meetings; Publications of Procedures; Standards for Certified**
25 **Training; Powers and Duties.** (a) There is hereby created under

1 the Guam Community College's Professional-Technological Institute
2 ('Pro-Tech Institute') a Peace Officer Standards and Training
3 Commission. The Commission shall be composed of the following
4 members:

5 (1) the Chief of the Guam Police Department, or his
6 designated representative;

7 (2) the Chief of the Guam Airport Police, or his designated
8 representative;

9 (3) the Chief of the Guam Port Authority Police, or his
10 designated representative;

11 (4) the Attorney General, or his designated representative;

12 (5) the Director of Customs and Quarantine Agency, or
13 his designated representative;

14 (6) the Director of the Department of Corrections, or his
15 designated representative;

16 (7) the Director of the Department of Youth Affairs, or his
17 designated representative;

18 (8) the Superintendent of the Territorial Park Patrol
19 Officers of the Department of Parks and Recreation, or his
20 designated representative;

21 (9) the Chief of the Division of Aquatic and Wildlife
22 Resources of the Department of Agriculture, or his designated
23 representative;

24 (10) two (2) persons at large, selected by the Commission;

(11) one (1) representative from the University of Guam,
appointed by the President of the University of Guam;

(12) the Chief Marshall of the Superior Court of Guam, or
his designated representative;

(13) the Chief Marshall of the Supreme Court of Guam, or
his designated representative;

(14) the Fire Chief of the Guam Fire Department, or his
designated representative; *and*

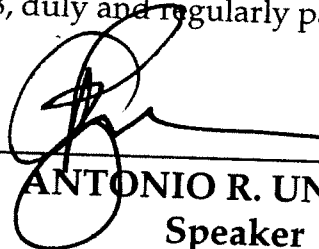
(15) the Fire Chief of the Airport Rescue Fire of the Guam
Airport Authority, or his designated representative."

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


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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

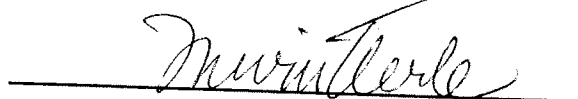
This is to certify that Substitute Bill No. 718 (COR), "AN ACT TO REPEAL AND RE-ENACT §§32201, 32301(b) AND 32302(a), AND TO ADD §32201.1, ALL TO CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO GCC, AND THE INCLUSION OF GFD INTO THE POST COMMISSION DEFINITION," was on the 3rd day of December, 1998, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 7th day of December, 1998,
at 1:20 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 718 (COR)

As substituted by the
Subcommittee on Public Safety
and amended on the Floor.

Introduced by:

M. C. Charfauros
Felix P. Camacho
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Francisco P. Camacho
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO REPEAL AND RE-ENACT §§32201,
32301(b) AND 32302(a), AND TO ADD §32201.1, ALL
TO CHAPTER 32 OF TITLE 17 OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE
TRANSFER OF THE POLICE ACADEMY TO GCC,
AND THE INCLUSION OF GFD INTO THE POST
COMMISSION DEFINITION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*

3 finds that the Guam Community College ("GCC"), through its comprehensive
4 Academy training is the appropriate institution for all Public Safety
5 Departments of the government of Guam to obtain certified public safety
6 training. *I Liheslaturan Guahan* finds that the recently established Peace
7 Officer Standards and Training Commission ("POST") reinforces this position
8 to maintain all public safety training within GCC.

9 *I Liheslaturan Guahan* finds that despite the advice given to comply with
10 established legislative policy, the Guam Fire Department ("GFD") has
11 blatantly refused to comply with the law, seriously underscoring the
12 importance of this legislation. *I Liheslaturan Guahan* finds that although the
13 separation of GFD, as provided for in Public Law Number 17-78, does *not*
14 clarify the training responsibility for GFD personnel, past Fire Chiefs have
15 continued all firefighter training cycles at GCC upon review of existing law
16 and the intent of such legislation by *I Liheslaturan Guahan*.

17 Only recently has a Fire Chief decided to contradict existing public
18 policy, despite the availability of legal opinions to the contrary. For this
19 reason, *I Liheslaturan Guahan* finds it necessary to pass legislation that will
20 clear the confusion established by the present Fire Chief, and to establish the
21 clear intent of the law. *I Liheslaturan Guahan* further finds a need to hold
22 directors/agency heads personally accountable and liable for any

1 misappropriation of funds and resources with regard to training matters that
2 are contrary to the policy guidelines established by *I Liheslaturan Guahan*.

3 *I Liheslaturan Guahan* further finds that the inclusion of GFD personnel
4 in the POST academy training "Peace Officer" definition will enhance the
5 training standards of *all* fire department personnel, government-wide. It is
6 the intent of *I Liheslaturan Guahan* to clarify the GCC training purview with
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16 all:

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19 and all public safety training standards. This includes the
20 establishment of a trainer program in conjunction with the
21 respective public safety agencies/departments, as provided for in
22 §32201.1;

23 (2) All training within a technical/trade institution
24 profession. This includes all current and planned programs under
25 the Community College purview;

1 (3) Shall be the sole certification agency for recruit public
2 safety training. Any references to 'in-house' training and
3 specialized training shall be administered by the respective
4 agencies and separated from the initial requirement for academy
5 training purposes. All certification made shall be limited to POST
6 academy recruits.

7 Any taxpayer may sue pursuant to 5 GCA §7103A to hold
8 Directors of agencies/departments personally liable for expending
9 money without proper appropriation, without proper authority,
10 illegally or contrary to law with regard to training of law enforcement
11 personnel is hereby established. Any liabilities resulting from personnel
12 *not* certified under the "POST" Academy will be the personal
13 responsibility of the Director/Agency Head and shall *not* be covered
14 under the color of law."

15 **Section 3.** Section 32201.1 is hereby *added* to Article 2, Chapter 32 of
16 Title 17 of the Guam Code Annotated to read as follows:

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18 agency/department shall designate its cadre of trainers who would be
19 assigned to coordinate all required training with the Guam Community
20 College's Pro-Tech Institute. This cadre shall fall under the direct
21 supervision and control of the Guam Community College's Pro-Tech
22 Institute for the duration of the training cycle."

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3 *reenacted* to read as follows:

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5 the Guam Police Department; all officers of the Guam Airport Police; all
6 officers of the Guam Port Authority Police; all uniformed Correction
7 Officers and Parole Officers of the Department of Corrections; all
8 officers of the Customs and Quarantine Agency; all employees of the
9 Department of Youth Affairs who are engaged in juvenile detention and
10 rehabilitation work, as designated by the Director of the Department of
11 Youth Affairs; all Conservation Officers of the Division of Aquatic and
12 Wildlife Resources of the Department of Agriculture; all Territorial Park
13 Patrol Officers of the Department of Parks and Recreation; those
14 employed by the Attorney General’s Office whom he specifically
15 designates; all Marshals and Probation Officers of the Superior Court of
16 Guam, and all Marshals of the Supreme Court of Guam; all Fire Fighter
17 Personnel engaged in the enforcement of the Fire Prevention Code and
18 those whom the Fire Chief specifically designates; all uniformed Airport
19 Rescue and Fire Fighting personnel of the Guam Airport Authority.”

20 **Section 5.** Section 32302(a) of Article 3, Chapter 32 of Title 17 of the
21 Guam Code Annotated, *as added by P.L. No. 24-145*, is hereby *repealed and*
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23 “Section 32302. **Created; Membership; Compensation;**
24 **Meetings; Publications of Procedures; Standards for Certified**
25 **Training; Powers and Duties.** (a) There is hereby created under

1 the Guam Community College's Professional-Technological Institute
2 ('Pro-Tech Institute') a Peace Officer Standards and Training
3 Commission. The Commission shall be composed of the following
4 members:

5 (1) the Chief of the Guam Police Department, or his
6 designated representative;

7 (2) the Chief of the Guam Airport Police, or his designated
8 representative;

9 (3) the Chief of the Guam Port Authority Police, or his
10 designated representative;

11 (4) the Attorney General, or his designated representative;

12 (5) the Director of Customs and Quarantine Agency, or
13 his designated representative;

14 (6) the Director of the Department of Corrections, or his
15 designated representative;

16 (7) the Director of the Department of Youth Affairs, or his
17 designated representative;

18 (8) the Superintendent of the Territorial Park Patrol
19 Officers of the Department of Parks and Recreation, or his
20 designated representative;

21 (9) the Chief of the Division of Aquatic and Wildlife
22 Resources of the Department of Agriculture, or his designated
23 representative;

24 (10) two (2) persons at large, selected by the Commission;

1 (11) one (1) representative from the University of Guam,
2 appointed by the President of the University of Guam;

3 (12) the Chief Marshall of the Superior Court of Guam, or
4 his designated representative;

5 (13) the Chief Marshall of the Supreme Court of Guam, or
6 his designated representative;

7 (14) the Fire Chief of the Guam Fire Department, or his
8 designated representative; *and*

9 (15) the Fire Chief of the Airport Rescue Fire of the Guam
10 Airport Authority, or his designated representative."

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

I MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN

1998 (SECOND) Regular Session

Date: 12/30/98

VOTING SHEET

Bill No. 718

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.		✓			
BARRETT-ANDERSON, Elizabeth					
BLAZ, Anthony C.	✓				
BROWN, Joanne M. S.	✓				
CAMACHO, Felix P.	✓				
CAMACHO, Francisco P.		✓			
CHARFAUROS, Mark C.	✓				
CRUZ, Edwardo J.	✓				
FLORES, William B.S.M.					✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
LEON GUERRERO, Lou	✓				
PANGELINAN, Vicente C.		✓			
SALAS, John C.	✓				
SANTOS, Angel L.G.	✓				
SANTOS, Francis E.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.		✓			

TOTAL

15

4

1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

I, MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN

1998 (SECOND) Regular Session

Date: 12/13/98

VOTING SHEET

Bill No. 718

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, Frank B., Jr.	✓			
BARRETT-ANDERSON, Elizabeth	✓	✓	✓	✓
BLAZ, Anthony C.	✓			
BROWN, Joanne M. S.	✓			
CAMACHO, Felix P.	✓			
CAMACHO, Francisco P.	✓			
CHARFAUROS, Mark C.	✓			
CRUZ, Eduardo J.	✓			X
FLORES, William B.S.M.				✓
FORBES, Mark	✓			
KASPERBAUER, Lawrence F.	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta A.	✓			
LEON GUERRERO, Lou	✓			
PANGELINAN, Vicente C.	✓			
SALAS, John C.	✓			
SANTOS, Angel L.G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WON PAT, Judith T.	✓			

TOTAL

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature



I Mina'Bente Kuåttro Na Liheslaturan Guåhan
SENATOR MARK C. CHARFAUROS
CHAIRMAN
SUBCOMMITTEE ON PUBLIC SAFETY

Office of Senator Mark C. Charfauros
777 Rte. 4, Sinajana, Suite 16B
Sinajana Guam 96926

Tel: (671) 472-3342/3
Fax: (671) 472-3440
Email: markchar@lte.guam.net

September 2, 1998

The Honorable Antonio R. Unpingco
Speaker
I Minà Bente Kuåttro Na Liheslaturan Guåhan
155 Hesler Street
Hagatña, Guam 96910

Dear Speaker:

The Subcommittee on Public Safety of the Committee on Judiciary, Public Safety, and Consumer Protection, to which was referred **Bill No. 718 as amended by the Committee "AN ACT TO REPEAL AND REENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 AND SUBSECTION (a) OF 32302 ALL OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION"**, has had the same under consideration, and now wishes to report back to the same with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>6</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Si Yu'os Ma'ase'


MARK C. CHARFAUROS

Attachments



I Mina' Bente Kuàttro Na Liheslaturan Guahan
SENATOR MARK C. CHARFAUROS
CHAIRMAN
SUBCOMMITTEE ON PUBLIC SAFETY

Office of Senator Mark C. Charfauros
777 Rte 4, Sinajana, Suite 16B
Sinajana Guam 96926

Tel (671) 472-3342/3
Fax (671) 472-3440
Email: markchar@ite.guam.net

August 19, 1998

MEMORANDUM

TO: SUBCOMMITTEE MEMBERS

FROM: Chairman

SUBJECT: Committee Report –BILL No. 718 as amended by the Committee “AN ACT TO REPEAL AND REENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 AND SUBSECTION (a) OF 32302 ALL OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION.”

Transmitted herewith for your information and action is the Subcommittee’s Report on the subject Bill.

The Subcommittee’s Report is accompanied by the following:

1. Original Bill 718; and the revised version as amended by the Committee
2. Committee Voting Sheet
3. Testimony and Sign-in Sheet
4. Fiscal Note/Fiscal Note Waiver
5. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

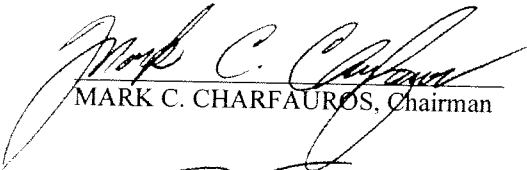

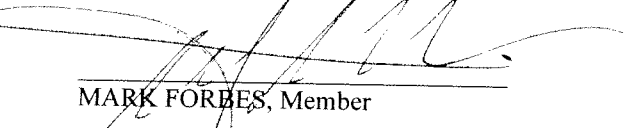
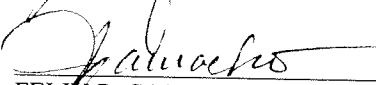
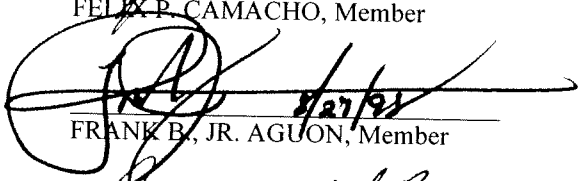
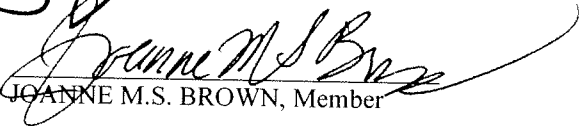
Your attention and cooperation in this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments:

SUBCOMMITTEE ON PUBLIC SAFETY
MINA' BENTE KUATTRO NA LIHESLATURAN GUÁHAN
VOTING RECORD

Bill No. 718 as amended by the Subcommittee "AN ACT TO REPEAL AND REENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 AND SUBSECTION (a) OF 32302 ALL OF CHAPTER 32 OF TITTLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION."

	<u>TO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE</u> <u>FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
 MARK FORBES, Member	✓	—	—	—
 FELIX P. CAMACHO, Member	✓	—	—	—
 FRANK B., JR. AGUON, Member	✓	—	—	—
 JOANNE M.S. BROWN, Member	✓	—	—	—
ANTONIO R. UNPINGCO, Ex-Officio Member	—	—	—	—

Bill 718 Committee Report Contents:

1. Memorandum to Subcommittee Members
2. Subcommittee Voting Sheet
3. Committee Report:
 - I. Overview
 - II. Summary of Testimonies
 - III. Findings & Recommendations
4. Amended Bill & Original Bill
5. Referral Memorandum
6. Public Hearing Notice
7. Agenda
8. Sign-in Sheet
9. Fiscal Note/Fiscal Waiver
10. Written Testimonies

**SUBCOMMITTEE ON PUBLIC SAFETY
MINA' BENTE KUÅTRO NA LIHESLATURAN GUÅHAN**

**COMMITTEE REPORT ON
BILL 718**

AUGUST 17, 1998

“AN ACT TO REPEAL AND RE-ENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 AND SUBSECTION (a) OF 32301 ALL OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION.”

I. OVERVIEW

The Subcommittee on Public Safety scheduled a public hearing on August 17, 1998 at 9:30 a.m. at the Legislative Session Hall to hear testimony on Bill 718.

Subcommittee members

Senator Mark C. Charfauros, Chairman (Present)
Senator Joanne M.S. Brown(Present)
Senator Frank B., Jr. Aguon (Present)
Senator Vicente C. Pangelinan(Present)
Senator Mark Forbes
Senator Felix P. Camacho

Senators Also Present:

Senator Thomas C. Ada
Senator Lou A. Leon Guerrero
Senator Lawrence F. Kasperbauer
Senator Francisco Camacho

Appearing before the Subcommittee to testify on the above bills were:

Bill 718

1. Guam Fire Department , Fire Chief, Mr. Gil Reyes
2. Ron Dervish, Guam Police Department
3. John Quinata, Customs & Quarantine Agency
4. Rueben Olivas, Fire Captain, GFD
5. Michael W. Kuhlmann, Director of Agriculture
6. Roy Dirigie, Guam Fire Department
7. Andrea Eberly, Medical Director, EMS DPHSS & Medical Director, Guam Fire Department.
8. Joe Tenorio, Assistant Fire Chief, GFD

II. Summary of Testimonies

1. Fire Chief, Gil Reyes. The Fire Chief presented both written and oral testimony summarizing the events leading to the impasse with the Guam Community College and the Fire Department's training academy. Chief Reyes became conciliatory only upon evidence of the subcommittee's legal review of the legitimacy of the Fire Department's "In-house" academy, credited training and the position that the Committee expressed with regard to these issues. The Chair discussed the importance of maintaining recruits strict training agenda and not to use recruits for any non-training activities. Senator Aguon raised two concerns directed to Chief Gil on the issue of in-house training and the trainer cadre. Senator Pangelinan also reiterated the Chair's comments related to training hours and recruit certification. Senator Lou Leon Guerrero commented on the issue of EMT training with that of the basic training for recruits. Senator Kasperbauer commented on the costs and the additional courses required for GFD. Senator Brown commented on the intent of Bill 718, summarized the background issues involved and offered that there should be a compromise to address these issues an administrative level. The Chair responded that there should be no compromises made with regard to training standards for academy recruits.

*Oral & Written testimony

2. Ron Dervish, Guam Police Department, Presented testimony on behalf of GPD Police Chief, James Marquez. Mr. Dervish testified that the relationship with GCC in the past has been extremely good. However, doubts the ability for the GCC particularly PROTECH to complete its Police Academy training. The Chair stressed that POST is an existing law and requested that testimony be limited to the Guam Fire Department's inclusion to POST.

*Oral testimony

3. Director, John Quinata, Customs & Quarantine Agency. Presented concerns regarding C & Q's existing specialized training. Director Quinata cited the K-9 training as a case in point and GCCs inability to accommodate such specialized training.

*Oral testimony

4. Rueben Olivas, Fire Captain, GFD. Presented individual comments- regarding the grouping of non-law enforcement agencies into POST. Expressed concerns over the non-existence of a fire service commission to oversee the standards and training of the Fire services on Guam.. Olivas referenced the written standards utilized in the Fire Services training (NFPA). Recommended the establishment of a separate commission to be fire services specific.

*Oral testimony

5. Michael W. Kuhlmann, Director of Agriculture. Director Kuhlman's comments were limited to technical points of language and their all-inclusive nature. Specific reference is made to Bill 718's undefined terminology and scope of reference. Other concerns dealt with the specialized training needs of Department of Agriculture which GCC has no current training accommodations.

*Oral & written testimony

6. Roy Dirigie, Guam Fire Department. Mr. Dirigie presented verbal testimony requesting clarification on the distinction between fire personnel assigned to enforce the fire prevention code and those not assigned to this duty. Mr. Dirigie commented on the need to address those personnel not falling under this scope. Furthermore, Mr. Dirigie pointed out the need to include GFD and Airport Rescue Firefighter representatives in the POST advisory body. Mr. Dirigie, opposed the bill in its current structure based on the above contentions.

*Oral testimony

7. Dr. Eberly, Medical Director, EMS PHSS & EMS Guam Fire Department. Dr. Eberly, presented verbal testimony alluding to the issue of law enforcement and fire department receiving the utmost in quality training. Stressed the need to upgrade the training of GFD firefighters standards to include EMT basic certification. Pointed out the need to allow for greater flexibility and not to be too cumbersome in the training curriculum. Dr. Eberly also expressed her concerns on the issue of training conflicting with uninterrupted medical services to the island. Dr. Eberly further queried the need to predifferentiate the types of training and those who wish to undergo the specialized training. Senator Pangelinan, clarified the extent of who would be required to undergo POST recruit training and the issue of uniformed training and non-uniformed training. The Chairman reiterated his position on the purpose of POST and the ability of the existing mechanism to address the various training issues.

*Oral testimony

8. Joseph T. Tenorio, Assistant Fire Chief, GFD. Comments presented focused on the integrity and regulatory role of the Bureau of Fire Prevention. Reference was also made to personnel assigned to these sections and the need to minimize reassignments and should only be removed for cause.

*Oral testimony.

III. Finding & Recommendation

The Committee finds that Bill 718 is necessary to clarify and reinforce the role of the Guam Community College's (GCC) training programs with respect to Public Safety Academy training. It further recognizes the importance of the NFPA standards for fire officer professional qualifications and the need for adherence to these standards by Guam Firefighters. As a result, GCC is required to establish both the instructional priority and the program content to prepare individuals to meet the performance objectives of the NFPA standard.

The specific issue of the Guam Fire Department conducting in-house recruit training outside the scope of GCC falls short of NFPA compliance guidelines. Ironically, the GFD maintained the importance of the NFPA standards and yet their decision to administer its in-house training contradicts the authority of GCC as the local body tasked with this responsibility.

The Committee further finds a need to ensure that all recruits under the purview of GCC during the training period shall remain under the complete control of GCC and should not be accessed for any other activity than for training purposes. Moreover, this action abets an employment dilemma by not complying with Civil Service Commission standards for qualifications for Firefighter I position. Furthermore, any reduction in the training standards for firefighters would reduce the quality and ability of GFD to perform their duties to protect public safety. This is evident in life or death situations that GFD personnel are exposed to, and their ability to react should be reflective of the quality training received under the purview of POST.

It is important that POST ensures and safeguards this uniform training for all entry-level recruits. In the case of GFD, it is this regression in uniformed public safety training that prompts this legislation to safeguard the intent of *I Lehislaturan Guåhan* relative to GCC being designated as the sole entity for recruit training. With respect to the Cadre of Trainers, the Committee finds that a need exists to maintain a mechanism that provides for a Cadre to be directly assigned to GCC for the duration of the initial training. It is also necessary to ensure that supervision and control of Cadres fall directly under the purview of POST for the same period.

The Committee further finds that some amendments to the original Bill 718 are necessary, specifically allowance for in-house training to be separated from GCC academy training and relegated to the individual agencies. Other amendments include the membership of the Guam Fire Department and Guam Airport Rescue Fire Fighter representation. The Committee finds that these revisions reflect the general concerns that were expressed on Bill 718 and provides for greater flexibility in maintaining individual agencies in-house training programs.

Accordingly, the Subcommittee on Public Safety, does hereby submit its findings and recommendation to the Mina' Bente Kuáttro Na I Liheslaturan Guåhan. To do pass Bill No. 718, as amended by the Subcommittee. "AN ACT TO REPEAL AND RE-ENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 AND SUBSECTION (a) OF 32301 ALL OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION."

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 718(COR)

As Substituted by the Subcommittee

Introduced by:

M. C. Charfauros
FELIX P. CAMACHO

**AN ACT TO REPEAL AND RE-ENACT SECTION
32201, SUBSECTION (b) OF SECTION 32301 AND
SUBSECTION (a) OF 32302 ALL OF CHAPTER 32
OF TITLE 17 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE TRANSFER OF THE POLICE
ACADEMY TO THE GUAM COMMUNITY
COLLEGE AND THE INCLUSION OF THE GUAM
FIRE DEPARTMENT INTO THE POST
COMMISSION DEFINITION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan*
finds that the Guam Community College through its comprehensive
Academy training is the appropriate institution for all Public Safety
departments of the Government of Guam to obtain certified public safety
training. *I Liheslaturan Guahan* finds that the recently established Peace
Officer Standards and Training Commission (POST) reinforces this position to
maintain all public safety training within the Guam Community College. *I*
Liheslaturan Guahan finds that despite the advice given to comply with
established legislative policy, the Guam Fire Department has blatantly

1 refused to comply with the law, seriously underscoring the importance of this
2 legislation. *I Liheslaturan Guahan* finds that although the separation of the
3 Guam Fire Department as provided for in P.L. 17-78, does not clarify the
4 training responsibility for the Guam Fire Department personnel, past Fire
5 Chiefs have continued all Firefighter training cycles at the Guam Community
6 College upon review of existing law and the intent of such legislation by *I*
7 *Liheslaturan Guahan*. Only recently has a Fire Chief decided to contradict
8 existing public policy despite the availability of legal opinions to the contrary.
9 For this reason, *I Liheslaturan Guahan* finds it necessary to pass legislation that
10 will clear the confusion established by the present Fire Chief and to establish
11 the clear intent of law. *I Liheslaturan Guahan* further finds a need to hold
12 directors/agency heads personally accountable and liable for any
13 misappropriation of funds and resources with regard to training matters that
14 are contrary to the policy guidelines established by *I Liheslaturan Guahan*. *I*
15 *Liheslaturan Guahan* further finds that the inclusion of the Government of
16 Guam Fire Department personnel in the "POST" academy training Peace
17 Officer definition will enhance the training standards of all fire department
18 personnel government-wide. It is the intent of *I Liheslaturan Guahan* to clarify
19 the Guam Community College training purview with respect to Public Safety
20 academy training and to specifically include Guam Firefighter personnel
21 within the "POST" Commission 'Peace Officer' definitions.

22 **Section 2.** Section 32201 and Subsection (b) of §32301, Subsection (a) of
23 §32302 all of Chapter 32, of Title 17 of the Guam Code Annotated is hereby
24 *repealed and reenacted* to read as follows:

1 **"Section 32201. Guam Community College Training Programs**
2 **and Unauthorized Training Liability.**

3 **(a)** There is within the Guam Community College a training academy,
4 herein referred to as the Guam Community College Training
5 Programs, which shall be responsible for all (1) Local public safety
6 training of all Government of Guam personnel defined in
7 accordance with P.L. 24-145 and all public safety training standards.
8 This includes the establishment of a trainer program in conjunction
9 with the respective public safety agencies/departments as provided
10 for in §32201.1; (2) all training within a technical/trade institution
11 profession. This includes all current and planned programs under
12 the Community College purview; (3) Shall be the sole certification
13 agency for recruit public safety training. Any references to "in-
14 house" training and specialized training shall be administered by
15 the respective agencies and separated from the initial requirement
16 for academy training purposes. All certification made shall be
17 limited to POST academy recruits.

18 **(b)** Any taxpayer may sue pursuant to 5 GCA §7103A to hold Directors
19 of Agencies/Departments personally liable for expending money
20 without proper appropriation, without proper authority, illegally or
21 contrary to law with regard to training of law enforcement
22 personnel is hereby established. Any liabilities resulting from
23 personnel not certified under the "POST" Academy will be the
24 personal responsibility of the Director/Agency Head and shall not
25 be covered under the color of law."

1 “§32201.1. **Cadre of Trainers.** Each agency/department shall
2 designate its cadre of trainers who would be assigned to
3 coordinate all required training with the Guam Community
4 College’s Pro-Tech Institute. This cadre shall fall under the direct
5 supervision and control of the Guam Community College’s Pro-
6 Tech Institute for the duration of the training cycle.”

7 **“Subsection (b) of §32301 ‘Peace Officer’.** ‘Peace Officer’ shall
8 mean all officers, including reservists, of the Guam Police Department;
9 all officers of the Guam Airport Police; all officers of the Guam Port
10 Authority Police; all uniformed Correction Officers and Parole Officers
11 of the Department of Corrections; all officers of the Customs and
12 Quarantine Agency; all employees of the Department of Youth Affairs
13 who are engaged in juvenile detention and rehabilitation-work as
14 designated by the Director of the Department of Youth Affairs; all
15 Conservation Officers of the Division of Aquatic and Wildlife Resources
16 of the Department of Agriculture; all Territorial Park Patrol Officers of
17 the Department of Parks and Recreation; those employed by the
18 Attorney General’s Office whom he specifically designates; all Marshals
19 and Probation Officers of the Superior Court of Guam and all Marshals
20 of the Supreme Court of Guam; all Fire Fighter Personnel engaged in
21 the enforcement of the Fire Prevention Code and those whom the Fire
22 Chief specifically designates; all uniformed Airport Rescue and Fire
23 Fighting personnel of the Guam Airport Authority.

24 **Subsection 32302. Created; Membership; Compensation;**
25 **Meetings; Publications of Procedures; Standards for Certified**

1 **Training; Powers and Duties.** **(a)** There is hereby created under
2 the Guam Community College's Professional-Technological Institute
3 ('Pro-Tech Institute') a Peace Officer Standards and Training
4 Commission. The Commission shall be composed of the following
5 members:

- 6 (1) the Chief of the Guam Police Department or his designated
7 representative;
- 8 (2) the Chief of the Guam Airport Police or his designated
9 representative;
- 10 (3) the Chief of the Guam Port Authority Police or his
11 designated representative;
- 12 (4) the Attorney General or his designated representative;
- 13 (5) the Director of Customs and Quarantine Agency or his
14 designated representative;
- 15 (6) the Director of the Department of Corrections or his
16 designated representative;
- 17 (7) the Director of the Department of Youth Affairs or his
18 designated representative;
- 19 (8) the Superintendent of the Territorial Park Patrol Officers of
20 the Department of Parks and Recreation or his designated
21 representative;
- 22 (9) the Chief of the Division of Aquatic and Wildlife Resources
23 of the Department of Agriculture or his designated
24 representative;

- 1 (10) two (2) persons at large, selected by the Commission;
2 (11) one (1) representative from the University of Guam,
3 appointed by the President of the University of Guam;
4 (12) the Chief Marshall of the Superior Court of Guam or his
5 designated representative;
6 (13) the Chief Marshall of the Supreme Court of Guam or his
7 designated representative;
8 (14) the Fire Chief of the Guam Fire Department, or his
9 designated representative; and
10 (15) the Fire Chief of the Airport Rescue Fire of the Guam
11 Airport Authority or his designated representative.
12

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

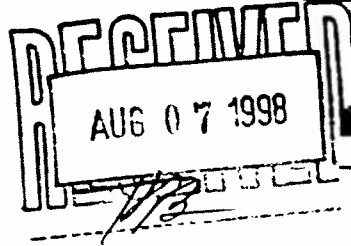


I Mina' Bente Kuattro Na Liheslaturan Guå

Kumitean Areklamento, Refotman Gubetnamento Siha, yan Asunton

Senator Mark Forbes, Cha

AUG 07 1998



Bill 718 Re: Police Academy & "POST"
#15

MEMORANDUM

TO: Chairman
Subcommittee on Public Safety of the Committee on Judiciary, Public
Safety and Consumer Protection

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 718

The above Bill is referred to your Subcommittee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 218 (cae)

Introduced by:

M. C. Charfauros *MC*

AN ACT TO REPEAL AND RE-ENACT SECTION
32201, SUBSECTION (b) OF SECTION 32301 OF
CHAPTER 32 OF TITLE 17 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE TRANSFER OF
THE POLICE ACADEMY TO THE GUAM
COMMUNITY COLLEGE AND THE INCLUSION
OF THE GUAM FIRE DEPARTMENT INTO THE
POST COMMISSION DEFINITION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan*
3 finds that the Guam Community College through its comprehensive
4 Academy training is the appropriate institution for all Public Safety
5 departments of the Government of Guam to obtain certified public safety
6 training. *I Liheslaturan Guahan* finds that the recently established Peace
7 Officer Standards and Training Commission (POST) reinforces this position to
8 maintain all public safety training within the Guam Community College. *I*
9 *Liheslaturan Guahan* finds that despite the advice given to comply with
10 established legislative policy, the Guam Fire Department has blatantly
11 refused to comply with the law, seriously underscoring the importance of this

1 legislation. *I Liheslaturan Guahan* finds that although the separation of the
2 Guam Fire Department as provided for in P.L. 17-78, does not clarify the
3 training responsibility for the Guam Fire Department personnel, past Fire
4 Chiefs have continued all Firefighter training cycles at the Guam Community
5 College upon review of existing law and the intent of such legislation by
6 *Liheslaturan Guahan*. Only recently has a Fire Chief decided to contradict
7 existing public policy despite the availability of legal opinions to the contrary.
8 For this reason, *I Liheslaturan Guahan* finds it necessary to pass legislation that
9 will clear the confusion established by the present Fire Chief and to establish
10 the clear intent of law. *I Liheslaturan Guahan* further finds that there is a need
11 to hold directors/agency heads personally accountable and liable for any
12 misappropriation of funds and resources with regard to training matters that
13 are contrary to the policy guidelines established by the *I Liheslaturan Guahan*.
14 *I Liheslaturan Guahan* further finds that the inclusion of the Government of
15 Guam Fire Department personnel in the "POST" academy training Peace
16 Officer definition will enhance the training standards of all fire department
17 personnel government-wide. It is the intent of *I Liheslaturan Guahan* to clarify
18 the Guam Community College training purview with respect to Public Safety
19 academy training and to specifically include Guam Firefighter personnel
20 within the "POST" Commission 'Peace Officer' definitions.

21 **Section 2.** Section 32201 and Subsection (b) of §32301 of Chapter 32, of
22 Title 17 of the Guam Code Annotated is hereby *repealed and reenacted* to read
23 as follows:

24 **"Section 32201. Guam Community College Training Programs**

1 **and Unauthorized Training Liability.**

- 2 (a) There is within the Guam Community College a training academy
3 herein referred to as the Guam Community College Training
4 Programs, which shall be responsible for all (1) Local public safety
5 training of all Government of Guam personnel defined in
6 accordance with P.L. 24-145 and all public safety training standards
7 This includes the establishment of a trainer program in conjunction
8 with the respective public safety agencies/departments as provided
9 for in §32201.1; (2) all training within a technical/trade institution
10 profession. This includes all current and planned programs under
11 the Community College purview; (3) Shall be the sole certification
12 agency for public safety training. All "in-house" training programs
13 shall not be recognized or deemed certifiable in keeping with
14 "POST" academy training purposes;
- 15 (b) Any taxpayer may sue pursuant to 5 GCA §7103A to hold Directors
16 of Agencies/Departments personally liable for expending money
17 without proper appropriation, without proper authority, illegally or
18 contrary to law with regard to training of law enforcement
19 personnel is hereby established. Any liabilities resulting from
20 personnel not certified under the "POST" Academy will be the
21 personal responsibility of the Director/Agency Head and shall not
22 be covered under the color of law."
- 23 "§32201.1. **Cadre of Trainers.** Each agency/department shall
24 designate its cadre of trainers who would be assigned to

1 coordinate all required training with the Guam Community
2 College's Pro-Tech Institute. This cadre shall fall under the direct
3 supervision and control of the Guam Community College's Pro-
4 Tech Institute for the duration of the training cycle."

5 "Subsection (b) of §32301 'Peace Officer'. 'Peace Officer' shall
6 mean all officers, including reservists, of the Guam Police Department;
7 all officers of the Guam Airport Police; all officers of the Guam Port
8 Authority Police; all uniformed Correction Officers and Parole Officers
9 of the Department of Corrections; all officers of the Customs and
10 Quarantine Agency; all employees of the Department of Youth Affairs
11 who are engaged in juvenile detention and rehabilitation-work as
12 designated by the Director of the Department of Youth Affairs; all
13 Conservation Officers of the Division of Aquatic and Wildlife Resources
14 of the Department of Agriculture; all Territorial Park Patrol Officers of
15 the Department of Parks and Recreation; those employed by the
16 Attorney General's Office whom he specifically designates; all Marshals
17 and Probation Officers of the Superior Court of Guam and all Marshals
18 of the Supreme Court of Guam; all Fire Fighter Personnel engaged in
19 the enforcement of the Fire Prevention Code and designated by the Fire
20 Chief; all uniformed Airport Rescue and Fire Fighting personnel of the
21 Guam Airport Authority.
22

23 **Section 3. Severability.** If any provision of this Law or its
24 application to any person or circumstance is found to be invalid or contrary to

- 1 law, such invalidity shall not affect other provisions or applications of this
- 2 Law which can be given effect without the invalid provisions or application,
- 3 and to this end the provisions of this Law are severable.



1010 S. Marine Drive
Tamuning, Guam 96911

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I Mina' Bente Kudtira Na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Notice of Public Hearing

SENATOR
MARK C. CHARFAUROS
CHAIRMAN
SUBCOMMITTEE ON PUBLIC SAFETY
Agenda

(1) **Bill No. 718(COR)** AN ACT TO REPEAL AND REENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION.

(2) **OVERSIGHT HEARING:**
GUAM FIRE DEPARTMENT

(3) **Bill No. 670** AN ACT TO AMEND SUBSECTION (d) OF §77107, TO ADD A NEW (e) TO §77133, AND TO ADD A NEW §77133.1, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE CHIEF OF POLICE TO CONTRACT AN INDEPENDENT SPECIAL ATTORNEY TO INVESTIGATE ALLEGED FELONY CHARGES AGAINST OFFICERS AND EMPLOYEES OF THE GUAM POLICE DEPARTMENT.

Date: MONDAY, August 17, 1998

Time: 9:30 a.m.

Place: I Liheslaturan Guåhan Session Hall

Individuals requiring special accommodations, auxiliary aids or services are asked to contact Senator Mark Charfauros Office at Tel: 472-3342 and ask for Taryn Chan.

THE PUBLIC IS INVITED TO ATTEND



I Mina' Bente Kuåttro Na Liheslaturan Guåhan
SENATOR MARK C. CHARFAUROS
CHAIRMAN
SUBCOMMITTEE ON PUBLIC SAFETY

Office of Senator Mark C. Charfauros
777 Rte 4, Sinajana, Suite 16B
Sinajana Guam 96926

Tel (671) 472-3342/3
Fax (671) 472-3440
Email: markchar@lte.guam.net

Mina' Bente Kuåttro Na Liheslaturan Guåhan

Subcommittee on Public Safety

Mark C. Charfauros, Chairman

Public Hearing

Monday, August 17, 1998

9:30 a.m.

I Lehislaturan Guåhan Session Hall

AGENDA

- (1) BILL No. 718(C0R) AN ACT TO REPEAL AND REENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION.
- (2) OVERSIGHT HEARING: *GUAM FIRE DEPARTMENT*
- (3) Bill No. 670 AN ACT TO AMEND SUBSECTION (d) of §77107, TO ADD A NEW (e) TO §77133, AND TO ADD A NEW §77133.1, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE CHIEF OF POLICE TO CONTRACT AN INDEPENDENT SPECIAL ATTORNEY TO INVESTIGATE ALLEGED FELONY CHARGES AGAINST OFFICERS AND EMPLOYEES OF THE GUAM POLICE DEPARTMENT.



I Mina' Bente Kuattro Na Liheslaturan Guåhan
SENATOR MARK C. CHARFAUROS
CHAIRMAN
SUBCOMMITTEE ON PUBLIC SAFETY

Office of Senator Mark C. Charfauros
777 Rte. 4, Sinajana, Suite 16B
Sinajana Guam 96926

Tel: (671) 472-3342/3
Fax: (671) 472-3440
Email: markchar@lte.guam.net

WITNESS SIGN-IN SHEET

Monday, August 17, 1998
9:30 a.m.
I Lehislaturan Guåhan Session Hall
155 Hesler Street, Hagåtña

- (1) Bill No. 718(COR) AN ACT TO REPEAL AND REENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION.

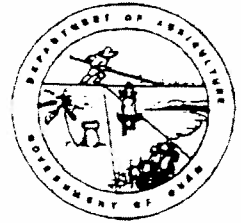
<u>NAME (Please Print)</u>	<u>Organization</u>	<u>Oral/Written</u>	<u>For/Against</u>
1. <u>GK ROYES</u>	<u>GFD</u>	<u>Oral/Written</u>	<u>For/Against</u>
2. <u>ATAMACIO T. DIAZ</u>	<u>GCC</u>	<u>Oral/Written</u>	<u>For/Against</u>
3. <u>BO DENISH</u>	<u>CPD</u>	<u>Oral/Written</u>	<u>For/Against</u>
4. <u>MIKE KULMAN</u>	<u>AGRICULTURE</u>	<u>Oral/Written</u>	<u>For/Against</u>
5. <u>RUBEN D. OLIVAS</u>	<u>GFD</u>	<u>Oral/Written</u>	<u>For/Against</u>
6. <u>JOHN RUMATA</u>	<u>CUSTOMS</u>	<u>Oral/Written</u>	<u>For/Against</u>
7. <u>Andrea Eberly</u>	<u>GFD/DPHS</u>	<u>Oral/Written</u>	<u>For/Against</u>
8. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
9. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
10. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
11. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
12. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
13. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
14. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
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16. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
17. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
18. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
19. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>
20. _____	_____	<u>Oral/Written</u>	<u>For/Against</u>



Department of Agriculture Dipattamenton Agrikottura

192 Dairy Road, Mangilao, Guam 96923

Director's Office	734-3942/43; Fax 734-6569
Agricultural Dev. Svs.	734-3946/47; Fax 734-8096
Animal Health	734-3940
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/50; Fax 734-0111
Plant Nursery	734-3949
Plant Protection & Quarantine	472-1651; 477-7822



Carl T. C. Gutierrez
Governor

Madeleine Z. Bordallo
Lt. Governor

Michael W. Kuhlmann
Director

Joseph G. Sablan
Deputy Director

TESTIMONY OF
MICHAEL W. KUHLMANN, DIRECTOR OF AGRICULTURE
BEFORE THE
SUBCOMMITTEE ON PUBLIC SAFETY
24TH GUAM LEGISLATURE
AUGUST 17, 1998

ON BILL 718

Thank you Mr. Chairman, for this opportunity to comment on Bill 718. This is a sort of repeat appearance, as you and I have discussed this general topic in previous hearings, with positive results. I am hopeful that will be the outcome again.

The title of Bill 718 refers only to the Guam Fire Department and Guam Community College training. The language, however, is far more inclusive.

Sec. 2(b) carefully defines "Peace Officer." For the Department of Agriculture, this includes conservation officers, who are peace officers, but not Plant Protection and Quarantine officers, who are law enforcement, but not peace officers. This is what was discussed during previous hearing and there is no problem for the Department of Agriculture in the bill's definition of peace officer. The bill's adherence to previous conclusions is noted and appreciated.

The heart of the bill, however, does not use the term "peace officers," but refers to "public safety," "technical/trade institution profession," and "law enforcement personnel." These terms are much broader and are not defined.

"Law enforcement" could inadvertently include PPQ officers, who are trained to federal standards and certified by the U.S. Department of Agriculture. As discussed in previous hearing, GCC has no appropriate training for these officers.

Some PPQ officers are qualified for commercial chemical



application, trained and certified by the University of Guam. Is this a "technical/trade institution profession"?

"Law enforcement" could be construed to also include public health inspectors, building inspectors, environmental protection regulators and similar personnel of numerous agencies.

"Public safety" could include the Department of Agriculture's forestry fire fighters, who provide public safety, are federally funded and are trained to U.S. Forestry Service standards. From my involvement in POST activities, I have not found that GCC has any expertise whatever in fire fighting, much less the specialized work of forestry fire fighting.

Similarly, "technical/trade" professions is broad and vague. The Department of Agriculture has employees whose job titles include "technician." These employees have specialized education beyond the GCC level, including university degrees, but they might be included in this vague term. Agriculture also has an automotive mechanic and maintenance personnel. Are they subject to this bill, and also subject to being fired if they are not trained and, for whatever reason, not certified by GCC?

It should be noted that unlike the preceding sentence, the provision for "technical/trade institution profession," is not limited to Government of Guam personnel, suggesting it also could include all of the private sector.

Mr. Chairman, if this bill is intended for what is included in the title and for personnel specifically defined in the bill as "peace officers," to avoid creating new problems, I respectfully recommend:

- (1) The "peace officer" definition section be located in the start of the bill;
- (2) All other sections carefully be limited to "peace officer," as defined in the bill;
- (3) Undefined terms, such as "law enforcement," "public safety," and "technical/trade institution profession," which could be subject to multiple interpretations, be deleted and further avoided.

Thank you, Mr. Chairman.

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TESTIMONIAL
GIL P. REYES
PUBLIC SAFETY SUB-COMMITTEE
August 17, 1998

Good Morning Mr. Chairman, and member of the Sub-Committee on Public Safety.

Thank you for allowing me here today to attempt to clear the air about a recent decision I made to commence a training cycle for fire recruits. On July 20, 1998, I gave instructions to my training staff to commence training the forty-one recruits that had been hired since as early as February of this year. This after attempts were made to negotiate plans with the Guam Community College.

Several attempts were made with GCC but to no avail. My training staff found it very difficult with GCC's staff that I personally had to meet with GCC's President, John Cruz. The President consented with my request and said he would have his staff settle at what we agreed on. However, the President's word was not heeded by his staff while he was off island.

The Guam Fire Department is quickly losing its staff of Emergency Medical Technicians that are needed to man the ambulances. Also, on November of this year, the Astumbo Fire Station will be opening and will need a full staffing of at least twenty personnel. This lack of manpower will be complemented by the timely completion of training by the new fire recruits.

I reiterate that I did not ignore asking for service from GCC. I did however, on July 20, 1998, found that we were running out of time to meet the November deadline so we started the training in-house. When the President returned earlier this month, I wrote to him asked if he would accept the training as already started and provide the accreditation for the courses given. He responded favorably, however, he wanted the actual training date to commence on August 17, 1998. I wrote back to him asking that he give me consideration for I do have to meet a deadline and to start over again, would only repeat the presentations already delivered.

I now seek your understanding and support to see that I was not acting in ignorance of adequate training, but in desperation to meet manpower demands. Thank you.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7Bill Number: 718 (COR)Amendatory Bill: YesDate Received: 8/12/98Department/Agency Affected: Guam Community CollegeDate Reviewed: 8/12/98Department/Agency Head: John CruzTotal FY Appropriation to Date: \$9,468,000

Bill Title (preamble): AN ACT TO REPEAL AND RE-ENACT SECTION 32201, SUBSECTION (b) OF SECTION 32301 OF CHAPTER 32 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF THE POLICE ACADEMY TO THE GUAM COMMUNITY COLLEGE AND THE INCLUSION OF THE GUAM FIRE DEPARTMENT INTO THE POST COMMISSION DEFINITION.

Change in Law: Repeals and re-enacts Section 32301 and Subsection (b) of §32301 of Chapter 32 of Title 17 of the GCA.

Bill's Impact on Present Program Funding:

Increase _____ Decrease _____ Reallocation _____ No Change see attached

Bill is for:

Operations X Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Public Safety			see attached

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						see attached
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A IF NO, ADD'L AMOUNT REQUIRED \$ _____

AGENCY/PERSON/DATE CONTACTED: _____

GCC/Earl Aguigui/8/13/98

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						N/A
TOTAL						

ANALYST

F. Pablo
Felicitá I. Pablo

DATE

8/14/98

DIRECTOR

Joseph E. Rivera
Joseph E. Rivera, Acting

DATE

AUG 21 1998

FOOTNOTES: See attached.

SENT BY:

8-24-98 : 1:50PM :

BBMR-

4723440:# 2/ 2

The intent of proposed legislation is to include the Guam Fire Department in the POST (Peace Officer Standard and Training) Commission. Initially under P.L. 24-145, the Guam Fire Department was not included. Its primary purpose is to provide professional standards to serve as the basis for the uniform recruitment operation of Guam's law enforcement entities.

After completion of the Guam Community College Training Programs for Law Enforcement, recruits are mandated by law to enroll in POST immediately upon graduation. Upon successful completion of the POST training program, certification will be awarded to such recruits. To date, fees for certification and core curriculum for POST training have yet to be established. According to Earl Aguigui, Executive Director of the POST Commission, enrollment into POST requires no tuition fees to be paid. However, to receive certification, a nominal fee will be assessed and that such fees are likely to be absorbed by the respective departments that employ these recruits.

At this time, a fiscal impact can not be ascertained due to the fact that fees have yet to be established by the Commission. It should be noted that upon the establishment of fees and a determination as to who will pay for such, a fiscal impact is anticipated.