

1221



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

January 5, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-1221
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 1/5/12
Time 3:40P
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 343-31 (COR), "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE GUAM FILM OFFICE", which I signed into law on January 4, 2012 as Public Law 31-159.

Senseramente,

EDDIE BAZA CALVO

Attachment: copy of Bill

2012 JAN -5 PM 4:27 08

1221

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

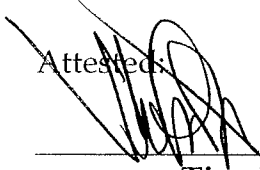
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 343-31 (COR), "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE GUAM FILM OFFICE", was on the 22nd day of December, 2011, duly and regularly passed.



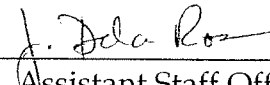
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of Dec., 2011, at
10:35 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date:

JAN 04 2012

Public Law No. 31-159

- 1 § 50402. Guam Film Office.
- 2 § 50403. Rules and Regulations.
- 3 § 50404. Powers and Duties.
- 4 § 50405. Guam Film Office Fund.
- 5 § 50406. Permits Required.
- 6 § 50407. General Exemptions.
- 7 § 50408. Local Production Companies Exempt.
- 8 § 50409. Applicants and Issuance.
- 9 § 50410. Indemnification of Government Against Liability.
- 10 § 50411. Insurance and Bonding Required.
- 11 § 50412. Effective Date.
- 12 § 50413. Severability.

13 **§ 50401. Definitions.**

- 14 (a) Administrator means the administrator of the Guam Film
15 Office, who *shall* be the Administrator of the Guam Economic
16 Development Authority or his/her designee.
- 17 (b) Charitable or student films *shall* mean commercials, motion
18 pictures, television, videotapes, or still photography produced by a
19 nonprofit organization that is registered with the Department of
20 Revenue and Taxation or the Internal Revenue Service as a
21 charitable organization or is produced by students of an
22 educational institution, and for which no person, directly or
23 indirectly, shall receive a profit from the marketing and production
24 of the film or from showing the films, tapes, or photos.
- 25 (c) Commercial films *shall* mean and include all activity attendant
26 to filming any entertainment or advertising programs for any

1 media now known or hereafter created.

2 (d) Filming/Production *shall* mean and include all activity
3 attendant to staging or shooting commercial motion pictures,
4 television shows or programs, and commercial still photography,
5 video tapes, computer-based programs, or other visual
6 reproduction technology now known or hereafter created. The
7 period of filming includes the set-up, strike and time of
8 photography.

9 (e) Government *shall* mean the government of Guam, its
10 authorized agents, officers, representatives and employees of
11 departments, agencies, autonomous agencies, offices or
12 instrumentalities.

13 (f) News Media *shall* mean the photographing, filming or
14 videotaping for the purpose of spontaneous, unplanned television
15 news broadcast or reporting for print media by journalists,
16 reporters, photographers or camera operators.

17 (g) Private Property *shall* mean any property *not* owned by the
18 government of Guam on which filming would *not* interfere with
19 public right of way, access or safety.

20 (h) Studio *shall* mean a fixed place of business where filming
21 activities (motion or still photography) are regularly conducted
22 upon the premises.

23 **§ 50402. Guam Film Office.**

24 There is hereby established within the Guam Economic Development
25 Authority a Guam Film Office. The Administrator of the Guam Economic
26 Development Authority *shall* be responsible for the administration of the

1 Guam Film Office.

2 **§ 50403. Rules and Regulations.**

3 (a) Rules and Regulations. The Administrator *shall* establish an
4 advisory committee comprised of individuals and representatives of
5 nongovernmental organizations that have substantial experience in the film,
6 video and media fields in order to cause the promulgation of rules,
7 regulations and fees to govern the form, time and location of filming
8 activity set forth within Guam. The committee *shall* allow for the full
9 participation of any member of the public during its deliberations. The rules
10 and regulations *shall* also provide for the issuance of permits, notification of
11 permit denial and a process of appeal. The rules, regulations, and fees *shall*
12 be adopted in accordance with the Administrative Adjudication Act, Title 5
13 Guam Code Annotated, Chapter 9, within ninety (90) days upon the
14 enactment of this Article. The rules and regulations *shall* be based upon the
15 following criteria:

16 (1) the health and safety of all persons;

17 (2) avoidance of undue disruption of all persons within the
18 affected area;

19 (3) the safety of property in Guam; and

20 (4) traffic congestion at particular locations in Guam

21 **§50404. Powers and Duties.** The Guam Film Office *shall* have
22 the following powers and duties:

23 (a) To promote, encourage and advertise the use of Guam facilities
24 and services for the production of films, videos, television programs, audio
25 recordings, computer-generated and other media-related products.

1 (b) To provide support services to visiting and local production
2 companies, including assistance to film, video and media producers in
3 securing necessary permits or permissions from government of Guam
4 authorized agents, officers, representatives and employees of departments,
5 agencies, autonomous agencies, offices or instrumentalities.

6 (c) To develop and update annually a resource guide of viable
7 filming locations in Guam, available video and media production facilities,
8 permitting requirements, and tax incentives.

9 (d) To work in coordination with the Guam Visitors Bureau to
10 conduct and attend trade shows and production workshops to promote
11 Guam to the national and international film industries.

12 (e) To promote and attract business activities in film, video,
13 computer-generated and other media production activity in Guam, and take
14 any other administrative action which may improve Guam's film, video and
15 media production industries in national and international markets.

16 (f) To accept any funds, gifts, donations, bequests or grants of
17 funds from private, federal, and public sources for the purpose of this Act.

18 (g) To create a "one stop permitting" process by formulating and
19 proposing rules and regulations for standardized permits which *shall* be
20 used by the government of Guam, its authorized agents, officers,
21 representatives and employees of departments, agencies, autonomous
22 agencies, offices or instrumentalities, to include any requirements set forth
23 in this Act.

24 **§ 50405. Guam Film Office Fund.** There is established a fund to
25 be known as the Guam Film Office Fund, which *shall* be administered by
26 the Guam Economic Development Authority Guam Film Office, and be

1 maintained separate and apart from any other funds of the government of
2 Guam, including the General Fund of the government of Guam.
3 Independent records and accounts *shall* be maintained in connection
4 therewith. Funds of the Guam Film Office Fund *shall* be used exclusively
5 for the administration and operations of the Guam Film Office. All funds
6 collected from fees, charges or fines levied pursuant to this Chapter *shall* be
7 deposited into the Guam Film Office Fund, and all interest earned by the
8 Guam Film Office Fund *shall* accrue. Any unencumbered funds remaining
9 in the Guam Film Office Fund at the end of each fiscal year *shall* remain in
10 that Fund. The Guam Film Office Fund *shall* be subject to audits by the
11 Office of Public Accountability.

12 **§ 50406. Permits Required.**

13 (a) Permit Required. No person shall use any government street,
14 alley, sidewalk, park, pier, way or other public property owned or controlled
15 by the government of Guam for the purpose of making commercial films
16 without first applying for and receiving a permit from the Guam Film Office
17 Administrator or his/her designee, provided, that the provisions of this
18 Chapter *shall not* apply to or be construed to affect (1) news media; and (2)
19 filming solely for private-family use.

20 (b) No person shall use any private property for the purpose of
21 making commercial films without first applying for and receiving a permit
22 from the Guam Film Office Administrator or his/her designee.
23 Notwithstanding the foregoing, the provisions of this Chapter *shall not*
24 apply to or be construed to affect the following filming on private property:

25 (1) filming which requires *no* parking variances and uses *no*
26 public property or rights of way on public property;

1 (2) filming which *does not* impair the quiet enjoyment of the
2 surrounding properties;

3 (3) filming which *does not* involve the use of any
4 pyrotechnic devices;

5 (4) a licensed business which regularly employs a licensed
6 pyrotechnic operator;

7 (5) filming by news media;

8 (6) filming solely for private-family use; *or*

9 (7) filming which *does not* interfere with the public's use of
10 government property.

11 (c) *Except* as provided herein, each applicant must comply with all
12 local and federal laws and regulations, and must obtain all necessary permits
13 and licenses as a precondition for the commencement of commercial film
14 production hereunder. Thereafter, the permittee *shall* remain in full
15 compliance with all local and federal laws, regulations, permits and licenses
16 throughout the filming.

17 (d) Upon reasonable notice by the applicant, the Administrator, or
18 his/her designee, is authorized, upon showing of good cause, to change the
19 conditions under which a permit has been issued, provided that the
20 requirements of this Chapter are met and the government of Guam
21 department, agency, autonomous agency, office or instrumentality can
22 undertake all necessary administrative review within the time requested.

23 **§ 50407. General Exemptions.** The provisions of this Article
24 *shall not* apply to *or* affect:

25 (a) News Media. Reporters, photographers or cameramen in the
26 employ of a newspaper, news service, or similar entity, engaged in the on-

1 the-spot broadcasting of news events concerning those persons, scenes or
2 occurrences which are in the news and of general public interest, including
3 sporting events.

4 (b) Private/Family Use. The filming or video taping of motion
5 pictures solely for private/family use.

6 (c) Charitable Films and Student Films. Projects produced by a
7 nonprofit organization that is registered with the Department of Revenue
8 and Taxation or the Internal Revenue Service as a charitable organization or
9 produced by a student(s) of an educational institution.

10 (d) Small Crews. If the crew *does not* exceed five (5) persons and
11 there is *no* extensive use of props, equipment, cast or other participants, the
12 small crew *shall* be exempt if the following conditions are met:

13 (1) The crew is filming a parade, demonstration or other
14 special event, and has obtained all permission that may be required.
15 The exemption *shall* allow them to operate on the same basis as a
16 citizen with a camera; or

17 (2) Pedestrian and vehicular traffic is *not* altered; and

18 (3) No special parking provisions are included; and

19 (4) No stunt work is performed; and

20 (5) Permission is obtained from controlling authorities to use
21 government of Guam property, other than sidewalks and streets; and

22 (6) Permission is obtained from owners to use private
23 property where applicable.

24 **§ 50408. Local Production Companies Exempt.** In addition to
25 the General Exemptions authorized in §50407 of this Act, the provisions of

1 this Article and the rules, regulations, and requirements authorized herein
2 *shall not* apply to or affect local production companies if:

3 (a) The production company was incorporated in Guam.

4 (b) Principal owner(s) is a resident of Guam and has filed
5 individual tax returns in Guam for a period of at least three (3) years.

6 (c) The production company maintains its headquarters in
7 Guam.

8 (d) The production company is licensed to do business in
9 Guam.

10 (e) The daily operations of the production company are
11 managed by a resident of Guam.

12 **§ 50409. Applicants and Issuance.**

13 (a) Issuing Authority. The issuing authority *shall* be the
14 Guam Film Office Administrator.

15 (b) Applications. Each application for filming under this
16 Chapter must be completed in full and filed with the Administrator, or
17 his/her designee

18 (c) The permit application *shall* be in a form the
19 Administrator, or his/her designee, may reasonably require. In lieu of
20 the foregoing, the applicant may submit the permit application on the
21 form adopted and in use by the Guam Film Office.

22 (d) The Administrator, or his/her designee, may refer the
23 application to such appropriate government department, agency,
24 autonomous agency, office or instrumentality as are directly impacted
25 by the application, and as he/she deems necessary from the nature of
26 the application for review, evaluation, investigation and

1 recommendations by the department, agency, autonomous agency,
2 office or instrumentality regarding approval or disapproval of the
3 application.

4 (e) The Administrator, or his/her designee, *shall* issue a
5 permit under this Chapter if it is determined that the following criteria
6 have been met:

7 (1) the proposed use will *not* unreasonably interfere
8 with or endanger the public peace or rights of nearby residents
9 to the quiet, peaceable enjoyment of their property, or
10 otherwise be detrimental to the public peace, health, safety or
11 general welfare;

12 (2) the proposed use will *not* unduly impede, obstruct
13 or interfere with the operation of emergency vehicles or
14 equipment in or through the permit area, or adversely affect the
15 government's ability to perform municipal functions or furnish
16 government services in the vicinity of the permitted area; and

17 (3) the proposed use will *not* constitute a fire or safety
18 hazard and all proper safety precautions will be taken as is
19 reasonably necessary to protect the public peace, health, safety
20 or general welfare.

21 (f) The Administrator, or his/her designee, *shall* deny the
22 permit if the conditions of this Chapter and all applicable laws and
23 regulations have *not* been met or if the application contains
24 incomplete or false information. No permit shall be denied without a
25 clear written explanation of the reasons compelling a denial and the
26 process by which said denial may be appealed.

1 (g) The Administrator, or his/her designee, may immediately
2 revoke or suspend a permit which has been granted, if the conditions
3 of this Chapter and all applicable laws and regulations are no longer
4 being met, if the information supplied by the applicant becomes, or is
5 determined to be, false or incomplete, or if any substantial change in
6 circumstances results in the proposed use becoming detrimental to the
7 public peace, health, safety or general welfare.

8 (h) The Guam Economic Development Authority
9 Compliance and Audit Department *shall* conduct production site
10 inspections, monitoring, and enforcement of this Act.

11 (i) Reimbursement for Personnel. The production company
12 *shall* reimburse the relevant government of Guam agency for any
13 personnel provided to the company (i.e. police, fire, traffic control,
14 medical personnel) for the purpose of assisting the production. Any
15 cost *shall* be negotiated, and approved, prior to the shoot date. A fee
16 for issuance of the permit *shall* be set by the advisory committee.

17 **§ 50410. Indemnification of Government Against Liability.**

18 (a) Prior and as a condition precedent to the granting of a permit
19 under this Chapter, each applicant *shall* agree to indemnify, defend and hold
20 the government of Guam, its authorized agents, officers, representatives and
21 employees harmless from and against any and all losses, damages, claims,
22 causes of action, costs, liabilities, penalties, judgments and expenses,
23 including without limitation, defense costs and reasonable legal fees,
24 resulting from any and all claims or damage of any nature, including any
25 accident, loss or damage to persons or property which the government may
26 incur and which arise from or relate to any activity conducted by the

1 permittee or any of its agents, employees, representatives, contractors or
2 consultants in connection with the rights granted in the permit or under this
3 Chapter. The form of the indemnification agreement *shall* be as determined
4 by the Attorney General of Guam.

5 **§ 50411. Insurance and Bonding Required.**

6 (a) Liability Insurance. As a condition of issuance of a permit
7 hereunder, every permittee must procure and maintain in full force and
8 effect during the term of the permit a policy (or policies) of insurance from
9 an insurance company licensed to do business in Guam, naming the
10 government of Guam, its officers, employees and agents as coinsured for
11 protection against claims of third persons for any and all liability of
12 permittee with respect to its obligations and liabilities under its permit and
13 this Chapter and its indemnities, including, but *not* limited to, commercial
14 general liability insurance on an “occurrence” basis against claims for
15 personal injury, including death, bodily injury or property damage liability,
16 and in an amount *no less than* One Million Dollars (\$1,000,000.00), and
17 which otherwise provides sufficient coverage that the Administrator, or
18 his/her designee, determines to be necessary and adequate under the
19 circumstances. The certificate of insurance *shall not* be subject to
20 cancellation or modification until after thirty (30) days’ written notice to the
21 Guam Film Office. Prior to issuance of any permit, a copy of the certificate
22 of insurance *shall* be provided to the Insurance Commissioner. A copy of
23 the certificate will remain on permanent file.

24 (b) Worker’s Compensation Insurance. An applicant *shall*
25 conform to all applicable federal and local requirements for worker’s
26 compensation insurance for all persons operating under a permit.

1 (c) Hold Harmless Agreement. An applicant *shall* execute a hold
2 harmless agreement as provided by the government of Guam and
3 incorporated within the permit issued under this Chapter.

4 (d) Faithful Performance Bond. To ensure cleanup and restoration
5 of any public property involved in the filming, the permittee may be
6 required to post a refundable Faithful Performance Bond (amount to be
7 determined by rules and regulations), cash surety or other comparable form
8 of security guarantee at the time application is submitted. Upon completion
9 of filming, cleanup and restoration, and a satisfactory inspection of the site
10 by Guam Film Office Administrator, or his/her designee, the bond may be
11 returned to applicant.

12 § 50412. **Effective Date.** This Article *shall* be effective one
13 hundred eighty (180) days after the date of enactment.

14 § 50413. **Severability.** *If* any provision of this law or its
15 application to any person or circumstances is found to be invalid or contrary
16 to law, such invalidity *shall not* affect other provisions or applications of
17 this law, which can be given effect without the invalid provisions or
18 applications, and to this end the provisions of this law are severable.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 12/22/11

VOTING SHEET

Bill No. 343-31(COR)

Resolution No. _____


Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	NOT VOTING/ <u>ABSTAINED</u>	OUT DURING <u>ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr. 1	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M. 11	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam 1	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

December 16, 2011

Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 343-31(COR)

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Committee Report** on **BILL NO. 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated**; Sponsored by Senator Tina Rose Muna-Barnes, and referred to the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform. Bill No. 343-31(COR) was publicly heard on December 01, 2011.

Committee votes are as follows:

TO PASS
 NOT TO PASS
 ABSTAIN
 TO REPORT OUT ONLY
 TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

**COMMITTEE REPORT
ON**

Bill 343-31 (COR)

Sponsored by:

Senator Tina Rose Muna Barnes

BILL NO. 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated.



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

December 09, 2011

MEMORANDUM

To: ALL MEMBERS
Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform.

From: Senator Dennis G. Rodriguez, Jr. *[Signature]*
Committee Chairperson

Subject: Committee Report on Bill no. 343-31(COR).

Transmitted herewith, for your consideration, is the **Committee Report on BILL NO. 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated;** Sponsored by Senator Tina Rose Muna Barnes.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 343-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 343-31 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Attachments



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE VOTING SHEET

BILL NO. 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated; Introduced by Sen. Tina Rose Muna Barnes.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman					12/16/11	
ADOLPHO B. PALACIOS, Sr. Vice Chairman					12/16/11	
JUDITH T. WON PAT, Ed.D. Speaker						
BENJAMIN J. F. CRUZ Vice-Speaker					12/16/11	
TINA ROSE MUÑA BARNES Legislative Secretary						
THOMAS C. ADA					12/16/11	
VICENTE C. PANGELINAN		✓				
RORY J. RESPICIO						
JUDITH P. GUTHERTZ, DPA					12/16/11	
FRANK F. BLAS, Jr.						
V. ANTHONY ADA						
ALINE A. YAMASHITA, Ph.D.					12/16/11	
SAM MABINI, Ph.D.						
MANA SILVA TAJERON						
CHRISTOPHER M. DUENAS					12/16/11	



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT DIGEST

Bill No. 343-31(COR)

I. OVERVIEW: The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform conducted a public hearing on December 01, 2011. The hearing convened at 9AM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL NO. 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated;** Sponsored by Senator Tina Rose Muna Barnes.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on November 23, 2011 (5-day notice), and again on November 28, 2011 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Adolpho B. Palacios, Sr.	Vice-Chairman
Senator Thomas C. Ada	Committee Member
Senator Vicente C. Pangelinan	Committee Member
Senator Aline A. Yamashita, Ph.D.	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Mana Silva Taijeron	Committee Member

The public hearing on agenda item Bill No. 343-31(COR) was called to order at 9:04AM.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Chairman Dennis G. Rodriguez, Jr., convened the Public Hearing on Bill 343-31(COR). **Chairman Rodriguez invited Sen. Muna Barnes, as the author of Bill 343-31 (COR), to explain the intent of the bill.**

Next on the agenda is Bill 343 and we'll have the author of the legislation give a brief synopsis.

Senator Tina Muna-Barnes: Si Yu'usMase Mr. Chair. And Mr. Chair I want to thank you for the opportunity that you've done to out this bill on the public hearing for the public hearing agenda today. We have been working close with GEDA and the folks, the local businesses that deal with the film industry and photography industry and I do know today that some of them are here to speak today but if I could give a brief history I want to note that there are 330 film offices on 6 continents around the world and these

offices protect the way their country is used in films. They market their country's viable film locations they increase the capacity for some local film production companies to engage in an international arena. All of these things can be done without burdening local production companies, individual users, and recreational artists. A film office does not cost additional tax dollars should this film office be created on Guam. The role of the film office, Mr. Chair, would be led by our government entity GEDA and funded by permitted fees by off-island companies and this is the main intent of this bill 343. I want to note for the record that previously we did introduce bill 324 and there were many concerns from our community we had several meetings before the introduction of the bill we had a follow up round table discussion that we had a full room of photographers and those in the film industry come and testify and share their concerns. We've strengthened the bill 343. We assured that there would be a process to continue to share any concerns and recommendations and this will be provided today. I just want to say in the interest of time as we look at showcasing Guam that Guam captures the revenues that come out of them. Using Guam I want to note for the record that Mr. James Cameron who is the film producer for avatars two and three which was a million dollar production. He would like to produce avatar three using the Mariana's trench and we all know that the Mariana's trench is right there in our own yard and I also want to say that the top two music videos that are watched in Japan that is performed by AKB48, that production was done here on Guam but Guam is not reaping any of the benefits of what was produced here. A Guam film office would link the international companies hoping to use the Guam brand with local talent I do have 13 sections of the bill Mr. Speaker in the interest of time and I do know that some of our folks here in the industry are here to speak about it and again because you open the opportunity we open the opportunity for additional comments to come in. I'll go ahead and yield to those who are here today.

Chairman: Thank you Senator Barnes. We have Karl Pangelinan from GEDA provided written testimony. Now we have Jason Triplett, James Davis, and Justin Guzman who signed up to testify and please you can start just state your name.

Jason Triplett: Hi my name is Jason Triplett of course and this is James Davis. Forgive me I don't know the formalities of a hearing so I just wanted to thank all the senators for taking this time to listen to us. I want to make it short and quick, our speaker who represents our group couldn't make it today so all I want to do is give you the concerns and Senator Tina Muna-Barnes did you get a write up by any chance?

Senator Tina Muna Barnes: I think my office just received a recent information from you folks and what we'll do is go ahead and append that and work with the committee if they is any mark ups that need to be done. I don't have the full recommendations but I do have a portion of it and if you don't mind we're going to just read it out. All right so the major concern with the bill is just that I guess two major concerns was that the local film community is allowed to and we have young film makers who are now affording cameras who want to go out and experience the whole production of film so in our mind set we just want to protect that aspect and allow the

community to grow. Our personels who were trying to do business in the community for this type of industry for us and so we can't pay our staff. All of this is just passionate work that we're trying to do so we want to just protect that and allow it to grow. That's one of the main concerns, the second one is we are totally in favor of this bill. We want it to happen because it's going to benefit us it's going to benefit the island and the list goes on. But one of the things we want to really make sure of is that if the bill does go through that the measures that are put into the bill are safe guarded from favoritism, when you mix business and politics that's a concern with the community and so number 1 if you don't mind me three anti-services that you can consider. Number 1:[reads written testimony]

These are the three measures that we want to hopefully implement. Thankyou.

Chairman: Mr. James Davis, please.

James Davis: Good Morning ladies and gentlemen. The only concern that I have is just the proper way of saying on the bill stating that the local film makers over here are really accepted because it's still not clear. I tried to gather all the cinematographers on this island and most of them are students, most of them are aspiring film makers. So they're just starting right now and most of their concerns is about the local community and all that stuff so that's my only concern. They're not here right now to speak up so I don't want to speak for them but it's the exemption on this bill. That's the only thing. Thank you.

Senator Tina Muna-Barnes: Thank you.

Chairman: Yes, thank you.

Senator Tina Muna-Barnes: thank you Mr. Chair I just want to note to Mr. Davis that on section 7 if any of those who continue to see that the policy that is done on section 7 is not prudent for then that they can recommend and make any suggestions on and what we'll do is we'll look it up with the committee and this continues to go through collaboration before it gets delivered on the floor so again our office is open to any recommendations I want those folks to make sure that regarding the exemptions which is on section 7 of the bill, please don't hesitate to come in and see us on that and that's where the key is on local exemption which would be on section seven

Chairman: Thank you. Mr. Jerry White?

Jerry White: Hi senators, my name is Jerry White. I just wanted to comment I'm in favor o the bill and I would like to give you a brief synopsis on what the current filming industry is all about. I represent an association called the Guam International Media Coordinators Association made up of about seven members. Local companies like Guam TB there's a representative, other representatives is the FM 104 others that we have Island Grip Services which provide professional Hollywood style film making equipment on Guam which a lot of people may not have heard of this before we as a non-profit organization, we've been in business for the seven

years currently also working with the department of labor and also working with the immigration services. We actually as a part of the information that Senator Barnes had mentioned that we actually do a lot of overseas filming such as AKB48 that she had mention that just to give you an overview that it's gotten on Youtube and it's gotten 32,000,000 viewers for one video which was which everything was shot on Guam not many people on Guam may know about this but the people in Japan are actually fully aware of where these locations were done and how it was shot and who were in the makings so our goal basically is by supporting the bill we would like to promote to bring over filming crews and industries from abroad to Guam and the main reason why is so they can not only utilize Guam but to promote Guam and that's what the business is for – to promote Guam. And also as she had mentioned there are actually over 330 film commission offices world wide and we are the only territory within the area without a film office so having the film office would actually create an introduction for people from overseas and to actually bring over Hollywood so called people out here to give them the opportunity to actually come out to Guam and possibly even give a chance to aspiring local film makers a chance to possibly work with these people because we do hire a lot of local people and our main crews are the local people that work with the professionals so by promoting this and helping create this bill would help Guam in the future as far as the industries so that's basically what I wanted to input in Thank you very much.

Chairman: Thank you very much Mr. White. Is there any questions or comments speaker?

Speaker Ben Pangelinan: Thank you very much Mr. Chair. I just kind of want to get a little bit of a history back in 1986 I was a special assistant for governor Ricky Bordallo for business and economic affairs and this was one of my responsibilities we actually had a coordination out of the Governor's office to facilitate media coordinators who wanted to bring in professional models to maybe do so and we actually had a pretty good industry and what really changed at that time was the itch to process of allowing these individuals to come in it became so red-taped and tangled that it wasn't profitable and easy anymore to bring these models in or their top film crew workers on a very temporary basis, 30 days 45 days to come and do the filming to work with local. We were able to work with quit a number of these production companies coming to Guam but because of changes in the federal law so I think that we still need to go back and kind of focus on some of that I'm sure you're very familiar working with the immigration of some of the changes in the law over the last years and we need to kind of work with the federal delegate here to try and if we really want to open up this ability here to grow our local film maker and talent by allowing them to collaborate with off-island professionals then we really have to engage also the federal agencies on this to make it a little easier and then facilitate it to a local coordinating office that's established like I said that was something that I did as part of my duties in the front office under business economic and foreign affairs but the establishment of something like this would help facilitate this industry so I certainly commend the author on establishing it and making it apart of our business infrastructure rather than on a basis of whether or not the policy is of an administration it shouldn't be something that is part of our business

infrastructure for facilitating off-island every time we provide a venue for this that's an export that's how you account for that in our economic statistics. Tourism is an export. They come here but its an export when you look at it from an economic aspect of what contributes to economic activity so tourism really is an export of Guam's resources in terms of the prestige business infrastructure but we want to make sure that there are protections, opportunities, and requirements for collaboration with local production companies that would bring one or two of their top guys with services to go along and help with the shooting or filming are hired locally and that gives them the ability to own heir talent and own their skills and this is something that I think will become very beneficial to our own local community as well as our economic base here. Thank you very much Mr. Chairman.

Chairman: Thank you very much.

Jason Triplett: I think Senator Tina Muna-Barnes mentioned that I think It was Jospheh Ada that also tried again so I'm just wondering what is the problem why do they make it so difficult

Speaker Ben Pangelinan: Again these are some of the issues on the federal side in terms of visas work permits and we were able to carve out some of the authority and permits from the federal jurisdiction but was has occurred is they've ringed back in the ability to approve these permits and so forth and that something that I think we just have to work on the federal side. With our congressional delegate to get try and get some of those exemptions back in from where they were at before so I think those are some of the things to their own politics over there in regards to their own national concerns, security concerns and things like that.

Jerry White: may I actually comment. Thank you very much Senator Pangelinan. I just want to give a brief update in regards to the federal regulations on what is happening and one of the main reasons we established and formed a non profit organization called GIMCA is to basically battle with that basic federal problem and since then it took six years to actually incorporate GIMCA, the filming association it's a small member as I said it was a six or seven but it was a legitimate business that all of us as small as we are have been. One of our chairman, George Johnson was our chairman so we actually had a vas experience in that field already so since then it took us about seven years in which we have been talking about immigration a person in particular, rocky minor to which he had asked us to work with the department of labor and since then we've been able to bring in filming crews. we took an example in Hawaii and how the film industry in Hawaii is doing so we kind of used their rules and regulations and applied it to us and so therefore this time at the immigration services are very aware of what we do and they accept visa waived country filming production crews to be able to come into Guam so that actually has been going on for the last five years. That has actually been up to par so that has been a promotional stance by supporting this bill in order to tell people that this is actually open and we would like to sell this bill for business on Guam.



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Speaker Ben Pangelinan: Are you bringing in the crew from non-profit or anybody can do that now?

Jerry White: There's a procedure, which is publicly known, but you would have to work with immigration but also you would have to work in conjunction with the department of labor. It's a tedious task however it's much easier right now that we could actually give these permits within a 10 day period so we don't work with the H2 visas, we don't do that anymore. So that's actually been cleared and it's been forced for the last five six years already

Speaker Ben Pangelinan: so basically a visa waived country can send in a work crew and do the work here

Jerry White: The other matter here is that we do announce all the workers of the work coming up. But these main people that we bring from overseas have their plans on doing it so what we do over here is we work with the department of labor in trying to actually list people that we need locally and a lot of the times we do have an advertisement in the department of labor listings so that we do have the opportunity to hire these people to join the filming crew so it's just the difference of standards possibly but with the professionalism that the overseas countries have we're still in the baby stages of working with the local people that they need to learn little by little. So by hopefully joining little by little that they can expand get more experience and possibly work with them and so we're trying to promote both sides as much as possible.

Speaker Ben Pangelinan: Thank you very much.

Chairman: Thank you very much speaker Ben. Senator Tom Ada? None? Senator Barnes?

Senator Tina Muna-Barnes: Just so you know for the record that we did get the email this morning so we'll go ahead and append it to today's public hearing. Thank you.

Chairman. Thank you very much, thank you for being here this morning. If there are any other testimonies they can submit it to my office or here at the mailroom of the Guam Legislature.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 343-31(COR). The committee would continue to accept written testimony for a period of ten (10) days subsequent to the public hearing.

Fiscal Note: Received on November 01, 2011, attached.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform, hereby **reports out Bill No. 343-31(COR)**, with the recommendation to report out only.

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 OCT 10 AM 11:07
HON

Bill No. 343 - 31 (cor)

Introduced by:

T. R Muña Barnes

**AN ACT TO CREATE THE GUAM FILM OFFICE BY ADDING A
NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 OF TITLE 12,
GUAM CODE ANNOTATED.**

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

2 **Section 1.** A new Article 4 is here *added* to Chapter 50 of Division 2 of Title
3 12, Guam Code Annotated, to read:

“Article 4

Guam Film Office

- | | | |
|----|-----------------|---|
| 6 | §50401. | Definitions. |
| 7 | §50402. | Guam Film Office. |
| 8 | §50403. | Rules and Regulations. |
| 9 | §50404. | Powers and Duties. |
| 10 | §50405. | Guam Film Office Fund. |
| 11 | §50406. | Permits Required. |
| 12 | §50407. | General Exemptions. |
| 13 | §50408. | Local Production Companies Exempt. |
| 14 | §50409. | Applicants and Issuance. |
| 15 | §50410. | Indemnification of Government Against Liability. |
| 16 | §504011. | Insurance and Bonding Required. |
| 17 | §504012. | Effective Date. |

1 **§50413. Severability.**

2 **§50401. Definitions.**

3 a) “Administrator” means the administrator of the Guam Film
4 Office, who *shall* be the Director of the Guam Economic
5 Development Authority or his/her designee.

6 b) “Charitable or student films” *shall* mean commercials, motion
7 pictures, television, videotapes, or still photography produced by a
8 nonprofit organization that is registered with the Department of
9 Revenue and Taxation or the Internal Revenue Service as a charitable
10 organization or is produced by students of an educational institution,
11 and for which no person, directly or indirectly, *shall* receive a profit
12 from the marketing and production of the film or from showing the
13 films, tapes, or photos.

14 c) “Commercial films,” *shall* mean and include all activity attendant
15 to filming any entertainment or advertising programs for any media
16 now known or hereafter created.

17 d) “Filming”/”Production” *shall* mean and include all activity
18 attendant to staging or shooting commercial motion pictures,
19 television shows or programs, and commercial still photography,
20 video tapes, computer-based programs, or other visual reproduction
21 technology now known or hereafter created. The period of filming
22 includes the set-up, strike and time of photography.

23 e) “Government” *shall* mean the Government of Guam, its
24 authorized agents, officers, representatives and employees of
25 departments, agencies, autonomous agencies, offices or
26 instrumentalities.

27 f) “News Media” *shall* mean the photographing, filming or

1 videotaping for the purpose of spontaneous, unplanned television
2 news broadcast or reporting for print media by journalists, reporters,
3 photographers or camera operators.

4 g) "Private Property" *shall* mean any property not owned by the
5 Government of Guam on which filming would not interfere with
6 public right of way, access or safety.

7 h) "Studio" *shall* mean a fixed place of business where filming
8 activities (motion or still photography) are regularly conducted upon
9 the premises.

10 **§50402. Guam Film Office.**

11 There is hereby established within the Guam Economic Development
12 Authority a Guam Film Office. The Administrator of the Guam Economic
13 Development Authority *shall* be responsible for the administration of the
14 Guam Film Office.

15 **§50403. Rules and Regulations.**

16 a) Rules and Regulations. The Administrator *shall* establish a
17 committee comprised of individuals and representatives of Non
18 Governmental Organizations that have substantial experience in the
19 film, video and media fields in order to cause the promulgation of rules,
20 regulations and fees to govern the form, time and location of filming
21 activity set forth within Guam. The committee *shall* allow for the full
22 participation of any member of the public during its deliberations. The
23 rules and regulations *shall* also provide for the issuance of permits,
24 notification of permit denial and a process of appeal. The rules,
25 regulations, and fees *shall* be adopted in accordance with the
26 Administrative Adjudication Act, Title 5 Guam Code Annotated,

1 Chapter 9, within ninety (90) days upon the enactment of this Article.

2 The rules and regulations *shall* be based upon the following criteria:

- 3 1. The health and safety of all persons;
- 4 2. Avoidance of undue disruption of all persons within the
5 affected area;
- 6 3. The safety of property in Guam; and
- 7 4. Traffic congestion at particular locations in Guam

8 **§50404. Powers and Duties.** The Guam Film Office *shall* have the following
9 powers and duties:

10 a) To promote, encourage and advertise the use of Guam facilities
11 and services for the production of films, videos, television programs, audio
12 recordings, computer-generated and other media-related products.

13 b) To provide support services to visiting and local production
14 companies, including assistance to film, video and media producers in
15 securing necessary permits or permissions from government of Guam
16 authorized agents, officers, representatives and employees of departments,
17 agencies, autonomous agencies, offices or instrumentalities.

18 c) To develop and update annually a resource guide of viable
19 filming locations in Guam, available video and media production facilities,
20 permitting requirements, and tax incentives.

21 d) To work in coordination with the Guam Visitors Bureau to
22 conduct and attend trade shows and production workshops to promote
23 Guam to the national and international film industries.

24 e) To promote and attract business activities in film, video,
25 computer-generated and other media production activity in Guam and take
26 any other administrative action which may improve Guam's film, video and
27 media production industries in national and international markets.

1 f) To accept any funds, gifts, donations, bequests or grants of funds
2 from private, federal, and public sources for the purpose of this Act.

3 g) To create a “one stop permitting” process by formulating and
4 proposing rules and regulations for standardized permits which *shall* be
5 used by government of Guam, its authorized agents, officers,
6 representatives and employees of departments, agencies, autonomous
7 agencies, offices or instrumentalities to include any requirements set forth
8 in this Act.

9 **§50405. Guam Film Office Fund.** There is established a fund to be known as
10 the Guam Film Office Fund, which *shall* be administered by the Guam
11 Economic Development Authority Guam Film Office and be maintained
12 separate and apart from any other funds of the government of Guam,
13 including the General Fund of the government of Guam. Independent
14 records and accounts *shall* be maintained in connection therewith. Funds of
15 the Guam Film Office Fund *shall* be used exclusively for the administration
16 and operations of the Guam Film Office. All funds collected from fees,
17 charges or fines levied pursuant to this Chapter *shall* be deposited into the
18 Guam Film Office Fund and all interest earned by the Guam Film Office
19 Fund *shall* accrue. Any unencumbered funds remaining in the Guam Film
20 Office Fund at the end of each fiscal year *shall* remain in that Fund. The
21 Guam Film Office Fund *shall* be subject to audits by the Office of Public
22 Accountability.

23 **§50406. Permits Required.**

24 a) Permit Required. No person *shall* use any government street, alley,
25 sidewalk, park, pier, way or other public property owned or controlled
26 by the Government of Guam for the purpose of making commercial
27 films without first applying for and receiving a permit from the Guam

1 Film Office Administrator or his/her designee, provided that the
2 provisions of this chapter *shall* not apply to or be construed to affect (1)
3 news media and (2) filming solely for private-family use.

4 b) No person *shall* use any private property for the purpose of making
5 commercial films without first applying for and receiving a permit from
6 the Guam Film Office Administrator or his/her designee.
7 Notwithstanding the foregoing, the provisions of this chapter *shall* not
8 apply to or be construed to affect the following filming on private
9 property:

- 10 1. Filming which requires no parking variances and uses no
11 public property or rights of way on public property;
- 12 2. Filming which does not impair the quiet enjoyment of
13 the surrounding properties;
- 14 3. Filming which does not involve the use of any
15 pyrotechnic devices;
- 16 4. A licensed business which regularly employs a licensed
17 pyrotechnic operator;
- 18 5. Filming by news media;
- 19 6. Filming solely for private-family use; or
- 20 7. Filming which does not interfere with the public's use of
21 government property.

22 c) Except as provided herein, each applicant must comply with all local
23 and federal laws and regulations, and must obtain all necessary permits
24 and licenses as a precondition for the commencement of commercial
25 film production hereunder. Thereafter, the permittee *shall* remain in full
26 compliance with all local and federal laws, regulations, permits and
27 licenses throughout the filming.

1 d) Upon reasonable notice by the applicant, the Administrator or his/her
2 designee is authorized, upon showing of good cause, to change the
3 conditions under which a permit has been issued, provided that the
4 requirements of this chapter are met and the government of Guam
5 department, agency, autonomous agency, office or instrumentality can
6 undertake all necessary administrative review within the time requested.

7 **§50407. General Exemptions.** The provisions of this Article *shall* not apply
8 to or affect:

9 A. News Media. Reporters, photographers or cameramen in the
10 employ of a newspaper, news service, or similar entity
11 engaged in the on-the-spot broadcasting of news events
12 concerning those persons, scenes or occurrences which are in
13 the news and of general public interest, including sporting
14 events.

15 B. Private/Family Use. The filming or video taping of motion
16 pictures solely for private/family use.

17 C. Charitable Films and Student Films. Projects produced by a
18 nonprofit organization that is registered with the Department
19 of Revenue and Taxation or the Internal Revenue Service as
20 a charitable organization or produced by a student(s) of an
21 educational institution.

22 D. Small Crews. If the crew does not exceed five persons and
23 there is no extensive use of props, equipment, cast or other
24 participants, the small crew *shall* be exempt if the following
25 conditions are met:

26 1. The crew is filming a parade, demonstration or other
27 special event and has obtained all permission that may

1 be required. The exemption *shall* allow them to operate
2 on the same basis as a citizen with a camera; or

3 2. Pedestrian and vehicular traffic is not altered; and

4 3. No special parking provisions are included; and

5 4. No stunt work is performed; and

6 5. Permission is obtained from controlling authorities
7 to use Government of Guam property, other than
8 sidewalks and streets; and

9 6. Permission is obtained from owners to use private
10 property where applicable.

11 **§50408. Local Production Companies Exempt.** In addition to the General
12 Exemptions authorized in §50407 of this act, the provisions of this Article
13 and the rules, regulations, and requirements authorized herein *shall* not
14 apply to or affect local production companies if:

15 1. The production company was incorporated in Guam.

16 2. Principal owner(s) is a resident of Guam and has
17 filed individual tax returns in Guam for a period of
18 at least three (3) years.

19 3. The production company maintains its headquarters
20 in Guam.

21 4. The production company is licensed to do business
22 in Guam.

23 5. The daily operations of the production company are
24 managed by a resident of Guam.

25 **§50409. Applicants and Issuance.**

26 a) Issuing Authority. The issuing authority *shall* be the Guam Film
27 Office Administrator.

1 b) Applications. Each application for filming under this chapter must
2 be completed in full and filed with the Administrator or his/her designee

3 c) The permit application *shall* be in a form the Administrator
4 or his/her designee may reasonably require. In lieu of the foregoing, the
5 applicant may submit the permit application on the form adopted and in
6 use by the Guam Film Office.

7 d) The Administrator or his/her designee may refer the application to
8 such appropriate government department, agency, autonomous agency,
9 office or instrumentality as are directly impacted by the application and
10 as he/she deems necessary from the nature of the application for review,
11 evaluation, investigation and recommendations by the department,
12 agency, autonomous agency, office or instrumentality regarding
13 approval or disapproval of the application.

14 e) The Administrator or his/her designee *shall* issue a permit under this
15 chapter if it is determined that the following criteria have been met:

16 1. The proposed use will not unreasonably interfere with or
17 endanger the public peace or rights of nearby residents to
18 the quiet, peaceable enjoyment of their property, or
19 otherwise be detrimental to the public peace, health, safety
20 or general welfare;

21 2. The proposed use will not unduly impede, obstruct or
22 interfere with the operation of emergency vehicles or
23 equipment in or through the permit area, or adversely affect
24 the government's ability to perform municipal functions or
25 furnish government services in the vicinity of the permitted
26 area; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

3. The proposed use will not constitute a fire or safety hazard and all proper safety precautions will be taken as is reasonably necessary to protect the public peace, health, safety or general welfare.

f) The Administrator or his/her designee *shall* deny the permit if the conditions of this chapter and all applicable laws and regulations have not been met or if the application contains incomplete or false information. No permit *shall* be denied without a clear written explanation of the reasons compelling a denial and the process by which said denial may be appealed.

g) The Administrator or his/her designee may immediately revoke or suspend a permit which has been granted, if the conditions of this chapter and all applicable laws and regulations are no longer being met, if the information supplied by the applicant becomes, or is determined to be, false or incomplete, or if any substantial change in circumstances results in the proposed use becoming detrimental to the public peace, health, safety or general welfare.

h) The Guam Economic Development Authority Compliance and Audit Department *shall* conduct production site inspections and monitoring.

i) Reimbursement for Personnel. The production company *shall* reimburse the Government of Guam for any personnel provided to the company, (i.e. police, fire, traffic control, medical personnel) for the purpose of assisting the production. Any cost *shall* be negotiated, and approved, prior to shoot date. A fee for issuance of the permit *shall* be set by the advisory committee.

§50410. Indemnification of Government Against Liability.

1 a) Prior and as a condition precedent to the granting of a permit under
2 this chapter, each applicant *shall* agree to indemnify, defend and hold
3 the Government of Guam, its authorized agents, officers, representatives
4 and employees harmless from and against any and all losses, damages
5 claims, causes of action, costs, liabilities, penalties, judgments and
6 expenses, including without limitation, defense costs and reasonable
7 legal fees, resulting from any and all claims or damage of any nature,
8 including any accident, loss or damage to persons or property which the
9 government may incur and which arise from or relate to any activity
10 conducted by the permittee or any of its agents, employees,
11 representatives, contractors or consultants in connection with the rights
12 granted in the permit or under this chapter. The form of the
13 indemnification agreement *shall* be as determined by the Attorney
14 General of Guam.

15 **§50411. Insurance and Bonding Required.**

16 (a) Liability Insurance. As a condition of issuance of a permit
17 hereunder, every permittee must procure and maintain in full force and
18 effect during the term of the permit a policy (or policies) of insurance
19 from an insurance company licensed to do business in Guam naming the
20 Government of Guam, its officers, employees and agents as coinsured
21 for protection against claims of third persons for any and all liability of
22 permittee with respect to its obligations and liabilities under its permit
23 and this chapter and its indemnities, including, but not limited to,
24 commercial general liability insurance on an “occurrence” basis against
25 claims for personal injury, including death, bodily injury or property
26 damage liability, and in an amount no less than one million dollars
27 (\$1,000,000.00), and which otherwise provides sufficient coverage that

1 the Administrator or his/her designee determines to be necessary and
2 adequate under the circumstances. The certificate *shall* not be subject to
3 cancellation or modification until after thirty days' written notice to the
4 Guam Film Office. Prior to issuance of any permit, a copy of the
5 certificate of insurance *shall* be provided to the Insurance
6 Commissioner. A copy of the certificate will remain on permanent file.

7 (b) Worker's Compensation Insurance. An applicant *shall* conform to
8 all applicable federal and local requirements for worker's compensation
9 insurance for all persons operating under a permit.

10 (c) Hold Harmless Agreement. An applicant *shall* execute a hold
11 harmless agreement as provided by the Government of Guam and
12 incorporated within the permit issued under this chapter.

13 (d) Faithful Performance Bond. To ensure cleanup and restoration of
14 any public property involved in the filming, the permittee may be
15 required to post a refundable Faithful Performance Bond (amount to be
16 determined by Rules and Regulations), cash surety or other comparable
17 form of security guarantee at the time application is submitted. Upon
18 completion of filming, cleanup and restoration and a satisfactory
19 inspection of the site by Guam Film Office Administrator or his/her
20 designee, the bond may be returned to applicant.

21 **§50412. Effective Date.** This Article *shall* be effective 180 days after the
22 date of enactment.

23 **§50413. Severability.** *If* any provision of this law or its application to any
24 person or circumstances is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this law, which

1 can be given effect without the invalid provisions or applications, and to
2 this end the provisions of this law are severable.”



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH & HUMAN SERVICES, ECONOMIC DEVELOPMENT,
SENIOR CITIZENS AND ELECTION REFORM
Mina'trentai Unu Na Liheslaturan Guahan • 31st Guam Legislature

PUBLIC HEARING DATE / TIME: Thursday, December 01, 2011 9am

- **AGENDA ITEM:** Bill 343-31 (COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. -Sen. TR Muna-Barnes

PRINT NAME	SIGNATURE	AGENCY or ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS
Karl Prangelina		GENDA		✓	✓		447-4332
JASON TRIPLETT	Capin	GUAM TALENT		✓	✓		969-6515
JAMES DAVIS		Guam Live with Photographers		✓	✓		797-0316
JUSTIN GUZMAN		GPG		✓	✓		687-5778
SHOJI OGAWA		GUAM TV					
	None follows						



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH & HUMAN SERVICES, ECONOMIC DEVELOPMENT,
SENIOR CITIZENS AND ELECTION REFORM
Mina'trentai Unu Na Liheslaturan Guahan • 31st Guam Legislature

PUBLIC HEARING DATE / TIME: Thursday, December 01, 2011 9am

- **AGENDA ITEM: Bill 343-31 (COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. –Sen. TR Muna-Barnes**

PRINT NAME	SIGNATURE	AGENCY or ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS
Teresa White	<i>Teresa White</i>	Gimca	Yes		Yes.		646-1419

November 29, 2011

Dear Honorable Senator,

Thank you again for allowing us to work with you to continue to strengthen Bill 343-31 and ensure that it is truly meeting the intent. Although version 2 addressed many of the original issues, it is recommended the following anti-favoritism language be added without modification or revision:

1. The Administrator, or any Guam Film Office employee, may not show favoritism by referring any entities to any other local business or group in any communications, be it verbal, print or electronic.
2. Guam Film Office will, at no charge, accept Vendor submissions of all properly-licensed Guam businesses in industries governed by this Bill. The complete Vendor List will appear in Alphabetical order in any Vendor referral communications, be it verbal, print or electronic.
3. On an annual basis the GEDA Board of Directors will elect Guam Film Office committee members. GEDA will allow for the full participation of any member of the public during this vote

Additionally, here are some concerns that still need to be addressed prior to a public hearing. It still seems unclear

Section 50403, Rules and Regulations, states: "The rules, regulations, and fees shall be adopted in accordance with the Administrative Adjudication Act, Title 5 Guam Code Annotated, Chapter 9, within ninety (90) days upon the enactment of this Article." Although this statement is clear, there is concern about the composition of the board and potential "agendas" of those members. If other suggestions made in this letter are recognized and included, then the concern about the permits and attendant requirement of liability insurance will be addressed.

In section 50405 – Guam Film Office Fund, if this office is to be self-sustaining and there are concerns as to the number of employees will be in this office and how much will be charged for permits in order to "sustain" this office. Additionally, it is known that permits are not necessary for news media and filming solely for private-family use, who will be arbiter of the latter?

In section 50408- Local Production Companies Exempt, "Principal owner(s) is a resident of Guam and has filed individual tax returns in Guam for a period of at least three (3) years." There needs to be consideration of the returning student, or the those who have been "claimed" by tax-payers residing on Guam. This would benefit the recent high school or college graduate who may not have personally been a taxpayer but whose parent or guardian have been continuous residents and were able to claim them on their income tax forms.

Finally, many filmmakers agree that if the Bill is for off island production companies, please consider a clear statement in the Bill such as: "Local Filmmakers and production companies will not be affected at all by any additional measures/regulations brought about by Bill 343-31."

JASON TRIPLET

JAMES DAVIS

JUSTIN GUZMAN



EDDIE BAZA CALVO
GOVERNOR OF GUAM
I MAGA' LAHEN GUAHAN
RAY TENORIO
LT. GOVERNOR OF GUAM
I SEGUNDO NA MAGA' LAHEN GUAHAN
KARL PANGELINAN
ADMINISTRATOR
ADMINISTRADOT

Aturidâd Inadilânton Ikunumihan Guahan

WRITTEN TESTIMONY ON
BILL 343-31 AN ACT TO CREATE THE GUAM FILM OFFICE BY ADDING A NEW ARTICLE 4 TO
CHAPTER 50 OF DIVISION 2 TITLE 12, GUAM CODE ANNOTATED.

Submitted by
KARL A. PANGELINAN
Administrator
Guam Economic Development Authority
November 28, 2011

Hafa Adai Senator Muna Barnes and members of the Committee on Municipal Affairs, Tourism, Housing and Recreation. I wish to thank you for the opportunity to provide testimony in **FULL SUPPORT** of Bill 343-31, "AN ACT TO CREATE THE GUAM FILM OFFICE BY ADDING A NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 TITLE 12, GUAM CODE ANNOTATED. "

GEDA applauds the efforts of Senator Muna Barnes in her quest to seek the establishment of the Guam Film Office. GEDA has entertained numerous requests for information regarding filming on Guam and the interaction of the Government of Guam associated with securing permits to do so. Bill 343-31 embodies a significant amount of work by Senator Muna Barnes and her staff in the drafting of a framework from which the Guam Film Office and be constructively built from both the permitting side, but more importantly the end user side.

As the intended Administrator of the Guam Film Office tasked with the establishment its Rules and Regulations, funding and the issuance of permits, I am extremely pleased to note the interaction between GEDA's Business Development and Marketing Division and Senator Muna Barnes' staff which is evidenced in Bill 343-31. GEDA was allowed to assist in the crafting of the technical side of the bill and kudos must be given for the foresight provided to us as the agency mandated to both establish and then run the Guam Film Office. GEDA had a vision for a vehicle very similar to the Guam Film Office as part of our core initiatives under the Calvo-Tenorio Administration and we are appreciative of the opportunity to input into this much needed endeavor.

GEDA recognizes the value of the resource guide required to be developed and updated annually as many inquires could have easily been addressed with just such a roadmap to video and media production facilities, filming locations and permitting requirements. GEDA pledges its ongoing support for the passage of Bill 343-31 and is truly grateful for the confidence and support from its author, Senator Tina Rose Muna Barnes, to fulfill the mandates of the Guam Film Office. Thank you and Si Yu'os Ma'ase!

KARL A. PANGELINAN
Administrator

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 343-31 (COR)**

AN ACT TO AMEND TO CREATE THE GUAM FILM OFFICE BY ADDING A NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 OF TITLE 12, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Economic Development Authority	Dept./Agency Head: Karl Pangelinan
Department's General Fund (GF) appropriation(s) to date:	
Department's Other Fund (Specify) appropriation(s) to date:	
Total Department/Agency Appropriation(s) to date:	\$0

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance			
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? /x/ Yes / / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / / N/A
- Does the Bill establish a new program/agency? /x/ Yes / / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: M Quinata Date: 10/11/11 Director: John A. Rios, BBMR Acting Director Date: 10/20/11

Footnotes:
Bill 343-31 (COR) proposes to create a Guam Film Office within the Guam Economic Development Authority. The creation of this office may require additional personnel for its administration and operations. The bill establishes a Guam Film Office Fund which proposes to generate funds from fees, charges and fines to be used to administer and operate the Office. However, in its present form, a fiscal impact can not be determined at this time.

10/14/11

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 343-31 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Other Fund:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	\$0	\$0	\$0	\$0	\$0

Comments:

The bill proposes to create a Guam Film Office Fund which will generate revenues from fees, charges, or fines levied. However, data such as a fee schedule, and the number of off-island film production companies who have used Guam is not available to determine any potential revenues.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER


Senator
Christopher M. Duenas

October 11, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Thomas C. Ada 
Acting Chairperson

Subject: Referral of Bills No. 340-31(COR) through 344-31(COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 340-31 (COR) through 344-31(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(2) Attachment

2011 OCT 11 PM 4: 27 

I Mina'Trentai Unu Na Liheslaturan Guåhan

**Bill Log Sheet
October 11, 2011**

Page 2 of 3

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
342-31 (COR)	M. Silva Tajeron	AN ACT TO AMEND §58104, CHAPTER 58, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE INCLUSION OF GREEN TECHNOLOGY AS AN ACCEPTABLE ACTIVITY FOR ELIGIBILITY OF A QUALIFYING CERTIFICATE APPLICATION.	10/10/11 10:05 a.m.	10/11/11		Committee on Health & Human Services, Senior Citizens, Economic Development and Election Reform			
343-31 (COR)	T. R. Muna Barnes	AN ACT TO CREATE THE GUAM FILM OFFICE BY ADDING A NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 OF TITLE 12, GUAM CODE ANNOTATED.	10/10/11 11:07 a.m.	10/11/11		Committee on Health & Human Services, Senior Citizens, Economic Development and Election Reform			



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

1st Notice of Public Hearing December 1, 2011

2 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Wed, Nov 23, 2011 at
11:21 AM

To: "Adolpho B. Palacios" <senator@senatorpalacios.com>, Aline Yamashita <aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, Chris Duenas <duenasenator@gmail.com>, "Dennis Rodriguez Jr." <senatorrodriguez@gmail.com>, "Dr. Sam Mabini" <senatorsam@senatormabini.com>, "Frank Blas Jr." <frank.blasjr@gmail.com>, Judi Guthertz <judiguthertz@pticom.com>, Judi Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>, Tony Ada <senatorTonyada@guamlegislature.org>
Bcc: phnotice@guamlegislature.org

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Senators,

Please find attached 1st notice of Public Hearing for December 1, 2011. Have a great day!

Sincerely,

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: [671.649.8638](tel:671.649.8638)

Email: Cherbert.senatorrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

Senators 1st Notice Public Hearing Dec. 1, 2011.pdf
88K

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>**Wed, Nov 23, 2011 at
11:29 AM**

To: clynt@spbguam.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofguam.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Erin Thompson <egthompson@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Kevin Kerrigan <kevin@spbguam.com>, Kevin Kerrigan <news@k57.com>, Lannie Walker <lannie@kuam.com>, Laura Matthews <llmatthews@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, William Gibson <breakfastshowk57@gmail.com>, aktemkar@guampdn.com

Bcc: jmesngon.senatorrodriguez@gmail.com

Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guahan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM


Hafa Adai Newsrooms!

Please find attached 1st Notice of Public Hearing for December 1, 2011
Thanks and have a Happy Thanksgiving!

[Quoted text hidden]



SENATOR DENNIS G. RODRIGUEZ, JR.

TO: ALL SENATORS
FROM: SENATOR DENNIS G. RODRIGUEZ, JR. 
CHAIRPERSON
SUBJECT: 1st NOTICE OF PUBLIC HEARING

1st NOTICE OF PUBLIC HEARING
Thursday, December 1, 2011 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on December 1, 2011, at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00AM

- **Bill 342-31(COR)**-An act to amend §58104, Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of green technology as an acceptable activity for eligibility of a qualifying certificate application. *(Introduced by M. Silva-Taijeron)*
- **Bill 343-31(COR)**- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. *(Introduced by T.R. Muna-Barnes)*
- **Bill 350-31(COR)**- An act to amend §58110 and to add a new §58110(I) both to Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of local professional advice for support as a condition of benefit for qualifying certificate beneficiaries. *(Introduced by M. Silva-Taijeron)*
- **Bill 351-31(COR)**- An act relative to regulating the practice of massage or massage therapy in Guam, by adding a new Article 23 to Chapter 12 of Title 10, Guam Code Annotated; and to adopt and codify the rules and regulations for practice of massage and massage therapy as a new Article 16 of Chapter 4 - Division 1, Title 26, Guam Administrative Rules and Regulations. *(Introduced by D.G. Rodriguez, Jr.)*
- **Bill 361-31(COR)**- An act to add a new sub section 21008.1(A)(B)(C)(D) and (E) to Chapter 21 of Title 3 Guam Code Annotated relative to providing a mechanism to enhance the registration process of the Guam Decolonization Registry by enlisting the assistance of all employers in Guam beginning with the Executive, Legislative and Judicial Branches of the Government of Guam and the Mayors' Council of Guam. *(Introduced by J.P. Guthertz)*
- **Bill 364-31(COR)**- An act to add a new Chapter 20 to Title 10 Guam Code Annotated, relative to establishing a task force on diabetes prevention and awareness. *(Introduced by B.J.F. Cruz)*

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

Ufisinan Todu Guam • 31st Guam Legislature

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com

Comments should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via hand delivery to our office at 176 Sereno Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

Fwd: December 1, 2011

1 message

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Fri, Dec 9, 2011 at 2:25 PM

To: Joseph Mesngon <jmesngon.senatorrodriguez@gmail.com>

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

From: **Clifton Herbert** <cherbert.senatorrodriguez@gmail.com>

Date: Wed, Nov 23, 2011 at 12:16 PM

Subject: December 1, 2011

To: <clynt@spbguam.com>, <dcrisostomo@guampdn.com>, <dmgeorge@guampdn.com>, <dtamondong@guampdn.com>, <editor@mvariety.com>, <gdumat-ol@guampdn.com>, <gerry@mvguam.com>, <hottips@kuam.com>, <jason@kuam.com>, <john@kuam.com>, <ityquiengco@spbguam.com>, <marvic@mvguam.com>, <mindy@kuam.com>, <mpieper@guampdn.com>, <mvariety@pticom.com>, <news@spbguam.com>, <nick.delgado@kuam.com>, <parroyo@k57.com>, <reporter3@glimpsesofofquam.com>, <ricknauta@hitradio100.com>, <sabrina@kuam.com>, <slimtiaco@guampdn.com>, <thebigshow@k57.com>, <therese.hart.writer@gmail.com>, <zita@mvguam.com>, "Amritha Alladi" <aalladi@guampdn.com>, "Erin Thompson" <egthompson@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, "gerry partido" <gerrypartido.mvquam3@gmail.com>, "James" <officemanager@hitradio100.com>, "Jesse Lujan" <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, "Jr" <news@lifeneews.com>, "Katrina" <life@guampdn.com>, "Kevin Kerrigan" <kevin@spbguam.com>, "Kevin Kerrigan" <news@k57.com>, "Lannie Walker" <lannie@kuam.com>, "Laura Matthews" <lmatthews@guampdn.com>, "Oyaol Ngirairiki" <odngirairiki@guampdn.com>, "Pacific Daily News" <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, "William Gibson" <breakfastshowk57@gmail.com>, aktemkar@guampdn.com,

--

Ufisinan Todu Guam
 SENATOR DENNIS G. RODRIGUEZ, Jr.
 I Mina'trentai Unu Na Liheslaturan Guåhan
 CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
 ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatorrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

--

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai Newsrooms!

Please find attached 1st Notice of Public Hearing for December 1, 2011
Thanks and have a Happy Thanksgiving!

Sincerely,

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatorrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

 **Public Hearing 1st Notice Dec. 1, 2011.doc**
541K

SENATOR DENNIS G. RODRIGUEZ, JR.

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

Thursday, December 1, 2011 9:00AM

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on December 1, 2011, at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00AM

- **Bill 342-31(COR)**-An act to amend §58104, Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of green technology as an acceptable activity for eligibility of a qualifying certificate application. *(Introduced by M. Silva-Taijeron)*
- **Bill 343-31(COR)**- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. *(Introduced by T.R. Muna-Barnes)*
- **Bill 350-31(COR)**- An act to amend §58110 and to add a new §58110(I) both to Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of local professional advice for support as a condition of benefit for qualifying certificate beneficiaries. *(Introduced by M. Silva-Taijeron)*
- **Bill 351-31(COR)**- An act relative to regulating the practice of massage or massage therapy in Guam, by *adding* a new Article 23 to Chapter 12 of Title 10, Guam Code Annotated; and to adopt and codify the rules and regulations for practice of massage and massage therapy as a new Article 16 of Chapter 4 - Division 1, Title 26, Guam Administrative Rules and Regulations. *(Introduced by D.G. Rodriguez, Jr.)*
- **Bill 361-31(COR)**- An act to add a new sub section 21008.1(A)(B)(C)(D) and (E) to Chapter 21 of Title 3 Guam Code Annotated relative to providing a mechanism to enhance the registration process of the Guam Decolonization Registry by enlisting the assistance of all employers in Guam beginning with the Executive, Legislative and Judicial Branches of the Government of Guam and the Mayors' Council of Guam. *(Introduced by J.P. Guthertz)*
- **Bill 364-31(COR)**- An act to add a new Chapter 20 to Title 10 Guam Code Annotated, relative to establishing a task force on diabetes prevention and awareness. *(Introduced by B.J.F. Cruz)*

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service

Ufisinan Todu Guam • 31st Guam Legislature

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520

E-mail: senatordrodriguez@gmail.com

(i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

###



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

2nd Notice of Public Hearing

1 message

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Mon, Nov 28, 2011 at 3:59 PM

To: "Dennis Rodriguez Jr." <senatorrodriguez@gmail.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Aline Yamashita <aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, Chris Duenas <duenasenator@gmail.com>, "Dr. Sam Mabini" <senatorsam@senatormabini.com>, "Frank Blas Jr." <frank.blasjr@gmail.com>, Judi Guthertz <judiguthertz@pticom.com>, Judi Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>, Tony Ada <senatorTonyada@guamlegislature.org>

Bcc: phnotice@guamlegislature.org

--

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Good Afternoon Senators,

Please find attached notice regarding the Public Hearing that is scheduled for December 1, 2011. Thank you and have a wonderful evening!

Sincerely,
Clifton

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: [671.649.8638](tel:671.649.8638)

Email: Cherbert.senatorrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

 **Senators 2nd Notice Public Hearing Dec. 1, 2011.pdf**
89K



SENATOR DENNIS G. RODRIGUEZ, JR.

TO: ALL SENATORS
FROM: SENATOR DENNIS G. RODRIGUEZ, JR. [Signature]
CHAIRPERSON
SUBJECT: 2nd NOTICE OF PUBLIC HEARING

2nd NOTICE OF PUBLIC HEARING
Thursday, December 1, 2011 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on December 1, 2011, at *Liheslaturan Guahan's* Public Hearing Room in Hagåtña, on the following:

9:00AM

- **Bill 342-31(COR)-An act to amend §58104, Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of green technology as an acceptable activity for eligibility of a qualifying certificate application. (Introduced by M. Silva-Taijeron)**
- **Bill 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. (Introduced by T.R. Muna-Barnes)**
- **Bill 350-31(COR)- An act to amend §58110 and to add a new §58110(I) both to Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of local professional advice for support as a condition of benefit for qualifying certificate beneficiaries. (Introduced by M. Silva-Taijeron)**
- **Bill 351-31(COR)- An act relative to regulating the practice of massage or massage therapy in Guam, by adding a new Article 23 to Chapter 12 of Title 10, Guam Code Annotated; and to adopt and codify the rules and regulations for practice of massage and massage therapy as a new Article 16 of Chapter 4 - Division 1, Title 26, Guam Administrative Rules and Regulations. (Introduced by D.G. Rodriguez, Jr.)**
- **Bill 361-31(COR)- An act to add a new sub section 21008.1(A)(B)(C)(D) and (E) to Chapter 21 of Title 3 Guam Code Annotated relative to providing a mechanism to enhance the registration process of the Guam Decolonization Registry by enlisting the assistance of all employers in Guam beginning with the Executive, Legislative and Judicial Branches of the Government of Guam and the Mayors' Council of Guam. (Introduced by J.P. Guthertz)**
- **Bill 364-31(COR)- An act to add a new Chapter 20 to Title 10 Guam Code Annotated, relative to establishing a task force on diabetes prevention and awareness. (Introduced by B.J.F. Cruz)**

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

Ufisinan Todu Guam • 31st Guam Legislature

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520

E-mail: senatordrodriguez@gmail.com

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)



Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>

2nd Notice of Public Hearing for December 1, 2011

2 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Mon, Nov 28, 2011 at
3:49 PM

To: clynt@spbguam.com, dcristostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofiguam.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Erin Thompson <egthompson@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Jr <news@lifeneews.com>, Katrina <life@guampdn.com>, Kevin Kerrigan <kevin@spbguam.com>, Kevin Kerrigan <news@k57.com>, Lannie Walker <lannie@kuam.com>, Laura Matthews <lmatthews@guampdn.com>, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Pacific Daily News <news@guampdn.com>, William Gibson <breakfastshowk57@gmail.com>, aktemkar@guampdn.com

Bcc: jmesngon.senatorrodriguez@gmail.com

Ufisinan Todu Guam
 SENATOR DENNIS G. RODRIGUEZ, Jr.
 I Mina'trentai Unu Na Liheslaturan Guåhan
 CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
 ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai!

Please find attached notice regarding the Pubic Hearing on December 1, 2011. Thank you and have a great evening!

Sincerely,
 Clifton

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatorrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this

data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

2 attachments

 **Public Hearing 2nd Notice Dec. 1, 2011.pdf**
350K

 **Public Hearing 2nd Notice Dec. 1, 2011.doc**
542K

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>
To: Joseph Mesngon <jmesngon.senatorrodriguez@gmail.com>

Fri, Dec 9, 2011 at 2:28 PM

[Quoted text hidden]

--

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

[Quoted text hidden]

2 attachments

 **Public Hearing 2nd Notice Dec. 1, 2011.pdf**
350K

 **Public Hearing 2nd Notice Dec. 1, 2011.doc**
542K



SENATOR DENNIS G. RODRIGUEZ, JR.

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Thursday, December 1, 2011 9:00AM

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on December 1, 2011, at *I Liheslaturan Guáhan's* Public Hearing Room in Hagåtña, on the following:

9:00AM

- **Bill 342-31(COR)-An act to amend §58104, Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of green technology as an acceptable activity for eligibility of a qualifying certificate application. (Introduced by M. Silva-Taijeron)**
- **Bill 343-31(COR)- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. (Introduced by T.R. Munabarnes)**
- **Bill 350-31(COR)- An act to amend §58110 and to add a new §58110(I) both to Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of local professional advice for support as a condition of benefit for qualifying certificate beneficiaries. (Introduced by M. Silva-Taijeron)**
- **Bill 351-31(COR)- An act relative to regulating the practice of massage or massage therapy in Guam, by adding a new Article 23 to Chapter 12 of Title 10, Guam Code Annotated; and to adopt and codify the rules and regulations for practice of massage and massage therapy as a new Article 16 of Chapter 4 - Division 1, Title 26, Guam Administrative Rules and Regulations. (Introduced by D.G. Rodriguez, Jr.)**
- **Bill 361-31(COR)- An act to add a new sub section 21008.1(A)(B)(C)(D) and (E) to Chapter 21 of Title 3 Guam Code Annotated relative to providing a mechanism to enhance the registration process of the Guam Decolonization Registry by enlisting the assistance of all employers in Guam beginning with the Executive, Legislative and Judicial Branches of the Government of Guam and the Mayors' Council of Guam. (Introduced by J.P. Guthertz)**
- **Bill 364-31(COR)- An act to add a new Chapter 20 to Title 10 Guam Code Annotated, relative to establishing a task force on diabetes prevention and awareness. (Introduced by B.J.F. Cruz)**

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a

Ufisinan Todu Guam • 31st Guam Legislature

176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520

E-mail: senatordrodriguez@gmail.com

modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

###

CLASSIFIEDS: JOBS CARS HOMES APARTMENTS BARGAINS DATING BUY & SELL PLACE AN AD

News Entertainment Weather Opinion Obituaries Lifestyle Sports Help

FEATURED: E-Edition Bridal Guide Marketplace Guam Foodie Military News

Find what you are looking for ...

SEARCH

Hagatna Events Home | Add Your Own Event

Local Events

Hagatna Events Home > Event Details

Search for

(e.g., "concert" or "theater")

Event Details

Ratings & Reviews (0)

Committee on Health and Human Services, Economic Development, Senior Citizens and Election Reform

Avg. Rating:

Legislature's public hearing room
Hagatna, GU 96910
Phone: (671)649-8638

submit your review

Share This

Print

Email this

Facebook

Committee on Health and Human Services, Economic Development, Senior Citizens and Election Reform: Public hearing 9 a.m. Dec. 1, Legislature's public hearing room, Hagatna. Bill 342-31 (cor), relative to inclusion of green technology as acceptable activity for eligibility of qualifying certificate application. Bill 343-31 (cor), creating Guam Film Office; Bill 350-31 (cor), relative to inclusion of local professional advice for support as a condition of benefit for qualifying certificate beneficiaries; Bill 351-31 (cor), regulating practice of massage or massage therapy in Guam and to adopt and codify rules and regulations for practice of massage/massage therapy; Bill 361-31 (cor), providing mechanism to enhance registration process of Guam Decolonization Registry by enlisting assistance of all employers in Guam beginning with executive, legislative and judicial branches of GovGuam and Mayors Council of Guam; Bill 364-31 (cor), establishing task force on diabetes prevention and awareness. Email testimony: senatordrodriguez@gmail.com. For special accommodations, call 649-8638.

Upgrade this Event!

Promote your Event!

Category(ies): Government

User-Submitted Photos (0)

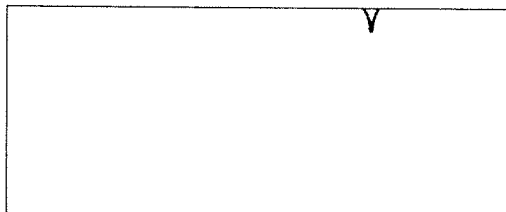
Add Your Own Photo!

Map & Nearby Locations

Legislature's public hearing room

Hagatna, GU 96910
Phone:

Display the following nearby locations on the map:





SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

AGENDA

Thursday, December 01, 2011 9am Public Hearing Room, I Liheslaturan Guahan

I. CALL TO ORDER

II. ITEMS for PUBLIC CONSIDERATION:

1. **Bill 342-31(COR)**- An act to amend §58104, Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of green technology as an acceptable activity for eligibility of a qualifying certificate application. By Sen. Mana Silva Taijeron
2. **Bill 343-31(COR)**- An act to create the Guam Film Office by adding a new Article 4 to Chapter 50 of Division 2 of Title 12, Guam Code Annotated. By Sen. Tina Muna Barnes
3. **Bill 350-31(COR)**- An act to amend §58110 and to add a new §58110(I) both to Chapter 58, Title 12 of the Guam Code Annotated relative to the inclusion of local professional advice for support as a condition of benefit for qualifying certificate beneficiaries. By Sen. Mana Silva Taijeron
4. **Bill 351-31(COR)**- An act relative to regulating the practice of massage or massage therapy in Guam, by *adding* a new Article 23 to Chapter 12 of Title 10, Guam Code Annotated; and to adopt and codify the rules and regulations for practice of massage and massage therapy as a new Article 16 of Chapter 4 - Division 1, Title 26, Guam Administrative Rules and Regulations. By Sen. Dennis G. Rodriguez, Jr.
5. **Bill 364-31(COR)**- An act to add a new Chapter 20 to Title 10 Guam Code Annotated, relative to establishing a task force on diabetes prevention and awareness. By Sen. Benjamin J. F. Cruz

III. ADJOURNMENT

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 02/10 AM 11:07
New

Bill No. 343-31 (cor)

Introduced by:

T. R Muña Barnes

**AN ACT TO CREATE THE GUAM FILM OFFICE BY ADDING A
NEW ARTICLE 4 TO CHAPTER 50 OF DIVISION 2 OF TITLE 12,
GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 4 is here *added* to Chapter 50 of Division 2 of Title 12, Guam Code Annotated, to read:

“Article 4

Guam Film Office

- §50401. **Definitions.**
- §50402. **Guam Film Office.**
- §50403. **Rules and Regulations.**
- §50404. **Powers and Duties.**
- §50405. **Guam Film Office Fund.**
- §50406. **Permits Required.**
- §50407. **General Exemptions.**
- §50408. **Local Production Companies Exempt.**
- §50409. **Applicants and Issuance.**
- §50410. **Indemnification of Government Against Liability.**
- §504011. **Insurance and Bonding Required.**
- §504012. **Effective Date.**

1 **§50413. Severability.**

2 **§50401. Definitions.**

- 3 a) “Administrator” means the administrator of the Guam Film
4 Office, who *shall* be the Director of the Guam Economic
5 Development Authority or his/her designee.
- 6 b) “Charitable or student films” *shall* mean commercials, motion
7 pictures, television, videotapes, or still photography produced by a
8 nonprofit organization that is registered with the Department of
9 Revenue and Taxation or the Internal Revenue Service as a charitable
10 organization or is produced by students of an educational institution,
11 and for which no person, directly or indirectly, *shall* receive a profit
12 from the marketing and production of the film or from showing the
13 films, tapes, or photos.
- 14 c) “Commercial films,” *shall* mean and include all activity attendant
15 to filming any entertainment or advertising programs for any media
16 now known or hereafter created.
- 17 d) “Filming”/”Production” *shall* mean and include all activity
18 attendant to staging or shooting commercial motion pictures,
19 television shows or programs, and commercial still photography,
20 video tapes, computer-based programs, or other visual reproduction
21 technology now known or hereafter created. The period of filming
22 includes the set-up, strike and time of photography.
- 23 e) “Government” *shall* mean the Government of Guam, its
24 authorized agents, officers, representatives and employees of
25 departments, agencies, autonomous agencies, offices or
26 instrumentalities.
- 27 f) “News Media” *shall* mean the photographing, filming or

1 videotaping for the purpose of spontaneous, unplanned television
2 news broadcast or reporting for print media by journalists, reporters,
3 photographers or camera operators.

4 g) "Private Property" *shall* mean any property not owned by the
5 Government of Guam on which filming would not interfere with
6 public right of way, access or safety.

7 h) "Studio" *shall* mean a fixed place of business where filming
8 activities (motion or still photography) are regularly conducted upon
9 the premises.

10 **§50402. Guam Film Office.**

11 There is hereby established within the Guam Economic Development
12 Authority a Guam Film Office. The Administrator of the Guam Economic
13 Development Authority *shall* be responsible for the administration of the
14 Guam Film Office.

15 **§50403. Rules and Regulations.**

16 a) Rules and Regulations. The Administrator *shall* establish a
17 committee comprised of individuals and representatives of Non
18 Governmental Organizations that have substantial experience in the
19 film, video and media fields in order to cause the promulgation of rules,
20 regulations and fees to govern the form, time and location of filming
21 activity set forth within Guam. The committee *shall* allow for the full
22 participation of any member of the public during its deliberations. The
23 rules and regulations *shall* also provide for the issuance of permits,
24 notification of permit denial and a process of appeal. The rules,
25 regulations, and fees *shall* be adopted in accordance with the
26 Administrative Adjudication Act, Title 5 Guam Code Annotated,

1 Chapter 9, within ninety (90) days upon the enactment of this Article.
2 The rules and regulations *shall* be based upon the following criteria:

- 3 1. The health and safety of all persons;
- 4 2. Avoidance of undue disruption of all persons within the
5 affected area;
- 6 3. The safety of property in Guam; and
- 7 4. Traffic congestion at particular locations in Guam

8 **§50404. Powers and Duties.** The Guam Film Office *shall* have the following
9 powers and duties:

10 a) To promote, encourage and advertise the use of Guam facilities
11 and services for the production of films, videos, television programs, audio
12 recordings, computer-generated and other media-related products.

13 b) To provide support services to visiting and local production
14 companies, including assistance to film, video and media producers in
15 securing necessary permits or permissions from government of Guam
16 authorized agents, officers, representatives and employees of departments,
17 agencies, autonomous agencies, offices or instrumentalities.

18 c) To develop and update annually a resource guide of viable
19 filming locations in Guam, available video and media production facilities,
20 permitting requirements, and tax incentives.

21 d) To work in coordination with the Guam Visitors Bureau to
22 conduct and attend trade shows and production workshops to promote
23 Guam to the national and international film industries.

24 e) To promote and attract business activities in film, video,
25 computer-generated and other media production activity in Guam and take
26 any other administrative action which may improve Guam's film, video and
27 media production industries in national and international markets.

1 f) To accept any funds, gifts, donations, bequests or grants of funds
2 from private, federal, and public sources for the purpose of this Act.

3 g) To create a “one stop permitting” process by formulating and
4 proposing rules and regulations for standardized permits which *shall* be
5 used by government of Guam, its authorized agents, officers,
6 representatives and employees of departments, agencies, autonomous
7 agencies, offices or instrumentalities to include any requirements set forth
8 in this Act.

9 **§50405. Guam Film Office Fund.** There is established a fund to be known as
10 the Guam Film Office Fund, which *shall* be administered by the Guam
11 Economic Development Authority Guam Film Office and be maintained
12 separate and apart from any other funds of the government of Guam,
13 including the General Fund of the government of Guam. Independent
14 records and accounts *shall* be maintained in connection therewith. Funds of
15 the Guam Film Office Fund *shall* be used exclusively for the administration
16 and operations of the Guam Film Office. All funds collected from fees,
17 charges or fines levied pursuant to this Chapter *shall* be deposited into the
18 Guam Film Office Fund and all interest earned by the Guam Film Office
19 Fund *shall* accrue. Any unencumbered funds remaining in the Guam Film
20 Office Fund at the end of each fiscal year *shall* remain in that Fund. The
21 Guam Film Office Fund *shall* be subject to audits by the Office of Public
22 Accountability.

23 **§50406. Permits Required.**

24 a) Permit Required. No person *shall* use any government street, alley,
25 sidewalk, park, pier, way or other public property owned or controlled
26 by the Government of Guam for the purpose of making commercial
27 films without first applying for and receiving a permit from the Guam

1 Film Office Administrator or his/her designee, provided that the
2 provisions of this chapter *shall* not apply to or be construed to affect (1)
3 news media and (2) filming solely for private-family use.

4 b) No person *shall* use any private property for the purpose of making
5 commercial films without first applying for and receiving a permit from
6 the Guam Film Office Administrator or his/her designee.
7 Notwithstanding the foregoing, the provisions of this chapter *shall* not
8 apply to or be construed to affect the following filming on private
9 property:

- 10 1. Filming which requires no parking variances and uses no
11 public property or rights of way on public property;
- 12 2. Filming which does not impair the quiet enjoyment of
13 the surrounding properties;
- 14 3. Filming which does not involve the use of any
15 pyrotechnic devices;
- 16 4. A licensed business which regularly employs a licensed
17 pyrotechnic operator;
- 18 5. Filming by news media;
- 19 6. Filming solely for private-family use; or
- 20 7. Filming which does not interfere with the public's use of
21 government property.

22 c) Except as provided herein, each applicant must comply with all local
23 and federal laws and regulations, and must obtain all necessary permits
24 and licenses as a precondition for the commencement of commercial
25 film production hereunder. Thereafter, the permittee *shall* remain in full
26 compliance with all local and federal laws, regulations, permits and
27 licenses throughout the filming.

1 d) Upon reasonable notice by the applicant, the Administrator or his/her
2 designee is authorized, upon showing of good cause, to change the
3 conditions under which a permit has been issued, provided that the
4 requirements of this chapter are met and the government of Guam
5 department, agency, autonomous agency, office or instrumentality can
6 undertake all necessary administrative review within the time requested.

7 **§50407. General Exemptions.** The provisions of this Article *shall* not apply
8 to or affect:

9 A. News Media. Reporters, photographers or cameramen in the
10 employ of a newspaper, news service, or similar entity
11 engaged in the on-the-spot broadcasting of news events
12 concerning those persons, scenes or occurrences which are in
13 the news and of general public interest, including sporting
14 events.

15 B. Private/Family Use. The filming or video taping of motion
16 pictures solely for private/family use.

17 C. Charitable Films and Student Films. Projects produced by a
18 nonprofit organization that is registered with the Department
19 of Revenue and Taxation or the Internal Revenue Service as
20 a charitable organization or produced by a student(s) of an
21 educational institution.

22 D. Small Crews. If the crew does not exceed five persons and
23 there is no extensive use of props, equipment, cast or other
24 participants, the small crew *shall* be exempt if the following
25 conditions are met:

26 1. The crew is filming a parade, demonstration or other
27 special event and has obtained all permission that may

1 be required. The exemption *shall* allow them to operate
2 on the same basis as a citizen with a camera; or

- 3 2. Pedestrian and vehicular traffic is not altered; and
- 4 3. No special parking provisions are included; and
- 5 4. No stunt work is performed; and
- 6 5. Permission is obtained from controlling authorities
7 to use Government of Guam property, other than
8 sidewalks and streets; and
- 9 6. Permission is obtained from owners to use private
10 property where applicable.

11 **§50408. Local Production Companies Exempt.** In addition to the General
12 Exemptions authorized in §50407 of this act, the provisions of this Article
13 and the rules, regulations, and requirements authorized herein *shall* not
14 apply to or affect local production companies if:

- 15 1. The production company was incorporated in Guam.
- 16 2. Principal owner(s) is a resident of Guam and has
17 filed individual tax returns in Guam for a period of
18 at least three (3) years.
- 19 3. The production company maintains its headquarters
20 in Guam.
- 21 4. The production company is licensed to do business
22 in Guam.
- 23 5. The daily operations of the production company are
24 managed by a resident of Guam.

25 **§50409. Applicants and Issuance.**

- 26 a) Issuing Authority. The issuing authority *shall* be the Guam Film
27 Office Administrator.

1 b) Applications. Each application for filming under this chapter must
2 be completed in full and filed with the Administrator or his/her designee

3 c) The permit application *shall* be in a form the Administrator
4 or his/her designee may reasonably require. In lieu of the foregoing, the
5 applicant may submit the permit application on the form adopted and in
6 use by the Guam Film Office.

7 d) The Administrator or his/her designee may refer the application to
8 such appropriate government department, agency, autonomous agency,
9 office or instrumentality as are directly impacted by the application and
10 as he/she deems necessary from the nature of the application for review,
11 evaluation, investigation and recommendations by the department,
12 agency, autonomous agency, office or instrumentality regarding
13 approval or disapproval of the application.

14 e) The Administrator or his/her designee *shall* issue a permit under this
15 chapter if it is determined that the following criteria have been met:

16 1. The proposed use will not unreasonably interfere with or
17 endanger the public peace or rights of nearby residents to
18 the quiet, peaceable enjoyment of their property, or
19 otherwise be detrimental to the public peace, health, safety
20 or general welfare;

21 2. The proposed use will not unduly impede, obstruct or
22 interfere with the operation of emergency vehicles or
23 equipment in or through the permit area, or adversely affect
24 the government's ability to perform municipal functions or
25 furnish government services in the vicinity of the permitted
26 area; and

1 3. The proposed use will not constitute a fire or safety hazard
2 and all proper safety precautions will be taken as is
3 reasonably necessary to protect the public peace, health,
4 safety or general welfare.

5 f) The Administrator or his/her designee *shall* deny the permit if the
6 conditions of this chapter and all applicable laws and regulations have
7 not been met or if the application contains incomplete or false
8 information. No permit *shall* be denied without a clear written
9 explanation of the reasons compelling a denial and the process by which
10 said denial may be appealed.

11 g) The Administrator or his/her designee may immediately revoke or
12 suspend a permit which has been granted, if the conditions of this
13 chapter and all applicable laws and regulations are no longer being met,
14 if the information supplied by the applicant becomes, or is determined to
15 be, false or incomplete, or if any substantial change in circumstances
16 results in the proposed use becoming detrimental to the public peace,
17 health, safety or general welfare.

18 h) The Guam Economic Development Authority Compliance and Audit
19 Department *shall* conduct production site inspections and monitoring.

20 i) Reimbursement for Personnel. The production company *shall*
21 reimburse the Government of Guam for any personnel provided to the
22 company, (i.e. police, fire, traffic control, medical personnel) for the
23 purpose of assisting the production. Any cost *shall* be negotiated, and
24 approved, prior to shoot date. A fee for issuance of the permit *shall* be
25 set by the advisory committee.

26 **§50410. Indemnification of Government Against Liability.**

1 a) Prior and as a condition precedent to the granting of a permit under
2 this chapter, each applicant *shall* agree to indemnify, defend and hold
3 the Government of Guam, its authorized agents, officers, representatives
4 and employees harmless from and against any and all losses, damages
5 claims, causes of action, costs, liabilities, penalties, judgments and
6 expenses, including without limitation, defense costs and reasonable
7 legal fees, resulting from any and all claims or damage of any nature,
8 including any accident, loss or damage to persons or property which the
9 government may incur and which arise from or relate to any activity
10 conducted by the permittee or any of its agents, employees,
11 representatives, contractors or consultants in connection with the rights
12 granted in the permit or under this chapter. The form of the
13 indemnification agreement *shall* be as determined by the Attorney
14 General of Guam.

15 **§50411. Insurance and Bonding Required.**

16 (a) Liability Insurance. As a condition of issuance of a permit
17 hereunder, every permittee must procure and maintain in full force and
18 effect during the term of the permit a policy (or policies) of insurance
19 from an insurance company licensed to do business in Guam naming the
20 Government of Guam, it's officers, employees and agents as coinsured
21 for protection against claims of third persons for any and all liability of
22 permittee with respect to its obligations and liabilities under its permit
23 and this chapter and its indemnities, including, but not limited to,
24 commercial general liability insurance on an "occurrence" basis against
25 claims for personal injury, including death, bodily injury or property
26 damage liability, and in an amount no less than one million dollars
27 (\$1,000,000.00), and which otherwise provides sufficient coverage that

1 the Administrator or his/her designee determines to be necessary and
2 adequate under the circumstances. The certificate *shall* not be subject to
3 cancellation or modification until after thirty days' written notice to the
4 Guam Film Office. Prior to issuance of any permit, a copy of the
5 certificate of insurance *shall* be provided to the Insurance
6 Commissioner. A copy of the certificate will remain on permanent file.

7 (b) Worker's Compensation Insurance. An applicant *shall* conform to
8 all applicable federal and local requirements for worker's compensation
9 insurance for all persons operating under a permit.

10 (c) Hold Harmless Agreement. An applicant *shall* execute a hold
11 harmless agreement as provided by the Government of Guam and
12 incorporated within the permit issued under this chapter.

13 (d) Faithful Performance Bond. To ensure cleanup and restoration of
14 any public property involved in the filming, the permittee may be
15 required to post a refundable Faithful Performance Bond (amount to be
16 determined by Rules and Regulations), cash surety or other comparable
17 form of security guarantee at the time application is submitted. Upon
18 completion of filming, cleanup and restoration and a satisfactory
19 inspection of the site by Guam Film Office Administrator or his/her
20 designee, the bond may be returned to applicant.

21 **§50412. Effective Date.** This Article *shall* be effective 180 days after the
22 date of enactment.

23 **§50413. Severability.** *If* any provision of this law or its application to any
24 person or circumstances is found to be invalid or contrary to law, such
25 invalidity *shall not* affect other provisions or applications of this law, which

1 can be given effect without the invalid provisions or applications, and to
2 this end the provisions of this law are severable.”