

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
22-32 (COR), P.L. 32-007	T. C. Ada, B. J.F. Cruz, R. J. Respicio	AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS	1/22/13 4:47p.m.	1/23/13	Committee on General Government Operations and Cultural Affairs	02/06/2013 10:00am	2/14/13 5:20 p.m. SUPPLEMENTAL REPORT RECEIVED ON 02/18/13 2:45 p.m.	Fiscal Note Requested 2/19/13 Fiscal Note Received 03/13/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	2/22/2013	AN ACT TO AMEND §2103.12 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.	2/26/13	3:20pm	3/8/13	3/8/2013	32-007	Passed as amended on the Floor.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

March 8, 2013

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

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 3/19/13
Time 3:18 PM
Received by Faith
32-13-19S

2013 MAR 19 PM 3:29

Faith

Dear Madame Speaker:

Attached is Bill No. 22-32 (COR) entitled "**An act to amend §2103.12 of Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days**" which was enacted into law without the signature of *i Maga'lahaen Guåhan* as **Public Law 32-007**.

Under the Rule 6.009 of the DOA Personnel Rules & Regulations, an employee who is appointed to serve in an acting capacity as the head or deputy head of a department or agency is entitled to have a pay differential added to his base pay so that he essentially receives the same salary as the head of the agency.

New P.L. 32-007 effectively repeals this practice because in addition to permitting an employee to serve as acting head of an agency for up to 14 months, it also changes the method of compensation for the employee by including the following language at new Subsection 2103.12(b)(5): "*The compensation of the employee shall not be made to suffer as a result of the appointment but instead shall be maintained at the average of the preceding twelve (12) months earnings.*"

Subsection 2103.12(b)(5) is a concern because it acts as a double-edged sword. In most GovGuam agencies, the head of the department/agency earns more than the subordinate employees. Under DOA Rule 6.009, when an employee is temporarily appointed to an acting head of agency position, he receives a higher pay differential appropriate to the acting position.

There exist some agencies/departments, however, where employees who work overtime may earn more than the head of the agency/department. Under new Subsection 2103.12(b)(5) this would not be case because instead of the high pay differential, the employee's salary would only be "*maintained at the average of the preceding twelve (12) months earnings.*" The preceding 12-month earnings is basically the same salary the employee earned before taking on the

additional duties that come from being the head of an agency. This anomaly in the law would violate the principle of equal pay for equal work. It also acts as a disincentive for employees to assist their departments by stepping up to an acting appointment.

My administration fully supports the hard working employees of the Government in all respects. I therefore appeal to *i Liheslatura* to amend new Subsection 2103.12(b)(5) so to make it consistent with Rule DOA Rule 6.009 in permitting all employees who take on the extra responsibilities of an acting appointment to be fairly and justly compensated.

Senseramente,



EDDIE BAZA CALVO

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

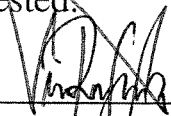
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 22-32 (COR)**, “AN ACT TO AMEND §2103.12 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS”, was on the 22nd day of February, 2013, duly and regularly passed.



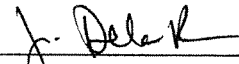
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 26th day of Feb., 2013,
at 3:20 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: March 8, 2013

Public Law No. 32-007



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

February 22, 2013

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY: *[Signature]*
TIME: 4:00 PM DATE: 2/22/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 8-32(COR), 9-32(COR), 13-32(COR), 14-32(COR), 22-32(COR), 24-32(COR), 33-32(COR) and 40-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 22, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (8)

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session**

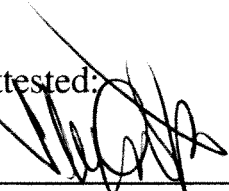
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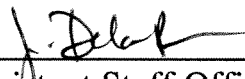
**Judith T. Won Pat, Ed.D.
Speaker**

Attested:



**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of Feb., 2013,
at 4:00 o'clock P.M.



**Assistant Staff Officer
Maga'lahaen's Office**

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 22-32 (COR)

As amended on the Floor.

Introduced by:

T. C. Ada
B. J.F. Cruz
R. J. Respicio
V. Anthony Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. M. Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
M. F.Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §2103.12 OF CHAPTER 2, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO ACTING
APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that continuity of leadership is imperative in maintaining the effectiveness of an
4 organization.

5 *I Liheslaturan Guåhan* further finds that since the War on Terror has been
6 declared by the United States, Department of Defense (DOD) and the Department

1 of Transportation (DOT) Reserve Component Units have been activated for
2 extended periods of time to engage in this War.

3 It is the intent of *I Liheslaturan Guåhan* to allow for acting appointments in
4 excess of ninety (90) days, in the event of the activation of a DOD or DOT Reserve
5 Component Unit wherein the head or director of a department, agency or
6 instrumentality is a member.

7 **Section 2.** §2103.12 of Chapter 2, Title 4 GCA is hereby *amended* to read:

8 **“§ 2103.12. Acting Capacity.**

9 (a) No person who shall be appointed to a position which requires
10 advice and consent of *I Liheslatura* may serve in an acting capacity as head
11 or director of a department, agency or instrumentality for a period in excess
12 of ninety (90) days. Any employee so appointed *shall* have the right to
13 return to the position the employee held immediately before the appointment
14 to serve in an acting capacity after the ninety (90) day period is exhausted.
15 The time limitation of this Section *may not* be circumvented by an
16 interruption in the appointment to an acting capacity *or* by transfer back to
17 the position the employee held immediately before the appointment for a
18 period of *less than* three hundred sixty (360) days *or* by a temporary transfer
19 to *any* other position for a period of *less than* three hundred sixty (360) days.

20 (b) Extended Absence Due to Military Deployment.

21 (1) In the event the legislatively confirmed head or director
22 of a department, agency or instrumentality is a member of the
23 Department of Defense or the Department of Transportation Reserve
24 Component, including, but *not* limited to, the United States Navy,
25 Marine Corps, Air Force, the Coast Guard, or the Guam National
26 Guard, and the individual’s Unit of Assignment receives a Unit call to
27 active military duty for a period in excess of ninety (90) days, the

1 appointing authority may appoint in an acting capacity a person who
2 meets the qualification requirements for the position and is a classified
3 employee of the same department, agency or instrumentality, for a
4 period of *up to* fourteen (14) months, *or* the duration of the confirmed
5 director's active military duty, whichever is shorter.

6 (2) Information specified in §2103.5, Chapter 2, Title 4 GCA
7 *shall* be transmitted to the Speaker of *I Liheslaturan Guåhan* (the
8 Guam Legislature) within ten (10) days of making the appointment to
9 serve in an acting capacity. Said appointment to acting capacity *shall*
10 become effective five (5) working days from the date of receipt of the
11 background information by the Speaker.

12 (3) Any employee so appointed *shall* have the right to return
13 to the position the employee held immediately before the appointment
14 to serve in an acting capacity after the time limit is exhausted, *or* at
15 the request of the employee.

16 (4) The time limitation of this Section *may not* be
17 circumvented by an interruption in the appointment to an acting
18 capacity or by transfer back to the position the employee held
19 immediately before the appointment for a period of *less than* three
20 hundred sixty (360) days *or* by a temporary transfer to any other
21 position for a period of *less than* three hundred sixty (360) days.

22 (5) The compensation of the employee *shall not* be made to
23 suffer as a result of the appointment to acting capacity, but instead
24 *shall* be maintained at the average of the preceding twelve (12)
25 months earnings.”

26 **Section 3. Severability.** *If* any of the provisions of this law or its
27 application to any person or circumstance is found to be invalid or contrary to law,

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



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 13, 2013

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Thomas C. Ada *[Signature]*
Acting Chairperson, Committee on Rules

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 8-32 (COR), 19-32 (COR), 22-32 (COR, and 45-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

[Signature]
2013 MAR 13 AM 11:51

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

MAR 12 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **8-32(COR), 19-32(COR), 22-32(COR), and 45-32(LS).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 22-32 (COR)**

AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Administration	Dept./Agency Head: Benita Manglona
Department's General Fund (GF) appropriation(s) to date:	27,958,631
Department's Other Fund (Specify) appropriation(s) to date: Indirect Cost and Guam Highway Fund	8,523,716
Total Department/Agency Appropriation(s) to date:	\$36,482,347

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$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 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
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? / / Yes /X/ 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? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / 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: /X/ Yes / / No
/ / Requested agency comments not received as of the due date /X/ Other: Analysis was completed by BBMR

Analyst: John AB Pangelinan Date: 3/11/13 Director: John A. Rios Date: MAR 13 2013
John AB Pangelinan, BBMR Acting Deputy Director John A. Rios, Director

Footnotes:
Please see attached comment sheet

Comments to Bill No. 22-32 (COR)

The proposed bill is seeking to extend the detail appointment of a classified employee who is detailed as the Acting Director or Acting Deputy Director should that departmental Director or Deputy Director is on military deployment. The detail appointment period of that individual would be the same as the deployment period of up to 14 months or active military duty period of those individuals deployed.

There is no added fiscal impact other than the customary fiscal costs associated with the detail appointment for the period of the appointment. This potential cost would be the same when compared with two or three other classified employees being detailed, as each detail appointment expires, to the same acting positions for either the Director or Deputy Director.



I Mina'Trentai Dos na Liheslaturan Guåhan

The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 ·

Tel: (671) 472-3465 · Fax: (671)472-3524 clerks@guamlegislature.org

www.guamlegilature.com

COPY

February 26, 2013

Honorable Eddie B. Calvo
Maga'láhen Guåhan
Executive Chambers
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

REF: Bill No. 22-32 (COR)

Dear Governor Calvo:

Enclosed is the correct version of **Bill No. 22-32 (COR) "AN ACT TO AMEND §2103.12 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS"** which was duly and regularly adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 22nd, 2013.

Bill No. 22-32 (COR), was transmitted to your office on Friday, February 22, 2013 though our records indicate that the version transmitted was incorrect.

We are, therefore, submitting to you the version of Bill 22-32 (COR) which accurately reflects the version that was passed.

Saina Ma'ase',

JUDITH T. WON PAT, Ed.D.

Speaker

TINA ROSE MUÑA BARNES

Legislative Secretary

Enclosure (1)

OFFICE OF THE GOVERNOR
CENTRAL FILES

J. Dela Rosa
RECEIVED BY
TIME 3:20 PM. DATE 2/26/13

COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

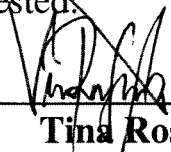
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Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 26th day of Feb., 2013,
at 3:20 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 22-32 (COR)

As amended on the Floor.

Introduced by:

T. C. Ada
B. J.F. Cruz
R. J. Respicio
V. Anthony Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. M. Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
M. F.Q. San Nicolas
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that continuity of leadership is imperative in maintaining the effectiveness of an
4 organization.

5 *I Liheslaturan Guåhan* further finds that since the War on Terror has been
6 declared by the United States, Department of Defense (DOD) and the Department

1 of Transportation (DOT) Reserve Component Units have been activated for
2 extended periods of time to engage in this War.

3 It is the intent of *I Liheslaturan Guåhan* to allow for acting appointments in
4 excess of ninety (90) days, in the event of the activation of a DOD or DOT Reserve
5 Component Unit wherein the head or director of a department, agency or
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7 **Section 2.** §2103.12 of Chapter 2, Title 4 GCA is hereby *amended* to read:

8 **“§ 2103.12. Acting Capacity.**

9 (a) No person who shall be appointed to a position which requires
10 advice and consent of *I Liheslatura* may serve in an acting capacity as head
11 or director of a department, agency or instrumentality for a period in excess
12 of ninety (90) days. Any employee so appointed *shall* have the right to
13 return to the position the employee held immediately before the appointment
14 to serve in an acting capacity after the ninety (90) day period is exhausted.
15 The time limitation of this Section *may not* be circumvented by an
16 interruption in the appointment to an acting capacity *or* by transfer back to
17 the position the employee held immediately before the appointment for a
18 period of *less than* three hundred sixty (360) days *or* by a temporary transfer
19 to *any* other position for a period of *less than* three hundred sixty (360) days.

20 (b) Extended Absence Due to Military Deployment.

21 (1) In the event the legislatively confirmed head or director
22 of a department, agency or instrumentality is a member of the
23 Department of Defense or the Department of Transportation Reserve
24 Component, including, but *not* limited to, the United States Navy,
25 Army, Marine Corps, Air Force, the Coast Guard, or the Guam
26 National Guard, and the individual’s Unit of Assignment receives a
27 Unit call to active military duty for a period in excess of ninety (90)

1 days, the appointing authority may appoint in an acting capacity a
2 person who meets the qualification requirements for the position and
3 is a classified employee of the same department, agency or
4 instrumentality, for a period of *up to* fourteen (14) months, *or* the
5 duration of the confirmed director's active military duty, whichever is
6 shorter.

7 (2) Information specified in §2103.5, Chapter 2, Title 4 GCA
8 *shall* be transmitted to the Speaker of *I Liheslaturan Guåhan* (the
9 Guam Legislature) within ten (10) days of making the appointment to
10 serve in an acting capacity. Said appointment to acting capacity *shall*
11 become effective five (5) working days from the date of receipt of the
12 background information by the Speaker.

13 (3) Any employee so appointed *shall* have the right to return
14 to the position the employee held immediately before the appointment
15 to serve in an acting capacity after the time limit is exhausted, *or* at
16 the request of the employee.

17 (4) The time limitation of this Section *may not* be
18 circumvented by an interruption in the appointment to an acting
19 capacity or by transfer back to the position the employee held
20 immediately before the appointment for a period of *less than* three
21 hundred sixty (360) days *or* by a temporary transfer to any other
22 position for a period of *less than* three hundred sixty (360) days.

23 (5) The compensation of the employee *shall not* be made to
24 suffer as a result of the appointment to acting capacity, but instead
25 *shall* be maintained at the average of the preceding twelve (12)
26 months earnings.”

1 **Section 3. Severability.** *If* any of the provisions of this law or its
2 application to any person or circumstance is found to be invalid or contrary to law,
3 such invalidity shall not affect other provisions or applications of this law which
4 can be given effect without the invalid provisions or application, and to this end the
5 provisions of this law are severable.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

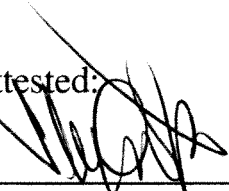
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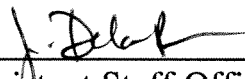
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of Feb., 2013,
at 4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 22-32 (COR)

As amended on the Floor.

Introduced by:

T. C. Ada
B. J.F. Cruz
R. J. Respicio
V. Anthony Ada
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Brant T. McCreddie
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Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §2103.12 OF CHAPTER 2, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO ACTING
APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that continuity of leadership is imperative in maintaining the effectiveness of an
4 organization.

5 *I Liheslaturan Guåhan* further finds that since the War on Terror has been
6 declared by the United States, Department of Defense (DOD) and the Department

1 of Transportation (DOT) Reserve Component Units have been activated for
2 extended periods of time to engage in this War.

3 It is the intent of *I Liheslaturan Guåhan* to allow for acting appointments in
4 excess of ninety (90) days, in the event of the activation of a DOD or DOT Reserve
5 Component Unit wherein the head or director of a department, agency or
6 instrumentality is a member.

7 **Section 2.** §2103.12 of Chapter 2, Title 4 GCA is hereby *amended* to read:

8 **“§ 2103.12. Acting Capacity.**

9 (a) No person who shall be appointed to a position which requires
10 advice and consent of *I Liheslatura* may serve in an acting capacity as head
11 or director of a department, agency or instrumentality for a period in excess
12 of ninety (90) days. Any employee so appointed *shall* have the right to
13 return to the position the employee held immediately before the appointment
14 to serve in an acting capacity after the ninety (90) day period is exhausted.
15 The time limitation of this Section *may not* be circumvented by an
16 interruption in the appointment to an acting capacity *or* by transfer back to
17 the position the employee held immediately before the appointment for a
18 period of *less than* three hundred sixty (360) days *or* by a temporary transfer
19 to *any* other position for a period of *less than* three hundred sixty (360) days.

20 (b) Extended Absence Due to Military Deployment.

21 (1) In the event the legislatively confirmed head or director
22 of a department, agency or instrumentality is a member of the
23 Department of Defense or the Department of Transportation Reserve
24 Component, including, but *not* limited to, the United States Navy,
25 Marine Corps, Air Force, the Coast Guard, or the Guam National
26 Guard, and the individual’s Unit of Assignment receives a Unit call to
27 active military duty for a period in excess of ninety (90) days, the

1 appointing authority may appoint in an acting capacity a person who
2 meets the qualification requirements for the position and is a classified
3 employee of the same department, agency or instrumentality, for a
4 period of *up to* fourteen (14) months, *or* the duration of the confirmed
5 director's active military duty, whichever is shorter.

6 (2) Information specified in §2103.5, Chapter 2, Title 4 GCA
7 *shall* be transmitted to the Speaker of *I Liheslaturan Guåhan* (the
8 Guam Legislature) within ten (10) days of making the appointment to
9 serve in an acting capacity. Said appointment to acting capacity *shall*
10 become effective five (5) working days from the date of receipt of the
11 background information by the Speaker.

12 (3) Any employee so appointed *shall* have the right to return
13 to the position the employee held immediately before the appointment
14 to serve in an acting capacity after the time limit is exhausted, *or* at
15 the request of the employee.

16 (4) The time limitation of this Section *may not* be
17 circumvented by an interruption in the appointment to an acting
18 capacity or by transfer back to the position the employee held
19 immediately before the appointment for a period of *less than* three
20 hundred sixty (360) days *or* by a temporary transfer to any other
21 position for a period of *less than* three hundred sixty (360) days.

22 (5) The compensation of the employee *shall not* be made to
23 suffer as a result of the appointment to acting capacity, but instead
24 *shall* be maintained at the average of the preceding twelve (12)
25 months earnings.”

26 **Section 3. Severability.** *If* any of the provisions of this law or its
27 application to any person or circumstance is found to be invalid or contrary to law,

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



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
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Member

Speaker
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 18, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio** 

Subject: **Supplement to Committee Report
Substitute Bill No. 22-32 (COR)**


Hafa Adai!

Transmitted herewith is a memo from Vice Speaker Benjamin J.F. Cruz, Chairperson, Committee on General Government Operations and Cultural Affairs, forwarding additional testimony on Substitute Bill No. 22-32 (COR).

Please include this memo and the attachment as a "Supplement" to the Committee Report on Substitute Bill No. 22-32 (COR).

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Si Yu'os ma'åse'!

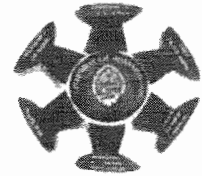
2013 FEB 18 PM 2:45
Rennae 



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Administration
(DIPATTAMENTON ATEMENSTRASION)
DIRECTOR'S OFFICE
(DIBISION KUENTA)

Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1101/1250 - Fax: (671) 477-6788



Benita A. Manglona
Director
Anthony C. Blaz
Deputy Director

February 14, 2013

The Honorable Benjamin J.F. Cruz
Vice-Speaker
Chairman, Committee on General Government
Operations and Cultural Affairs
I Mina' trentai Dos Na Liheslaturan Guåhan
Suite 107
155 Hesler St.
Hagatña, Guam 96910

RE: Bill 22-32

Buenas yan Háfa Adai Vice Speaker Cruz:

I would first like to thank *I Liheslaturan Guåhan* for the opportunity to provide comment on input for Bill 22-32.

AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.

I understand the intent of Bill 22-32 and agree that it is imperative to ensure that continuity of leadership is maintained within departments and agencies whose heads are called to duty to serve in the Department of Defense (DOD) Reserve Component Units for extended periods of time. This has been seen many times in Law Enforcement and Public Safety Agencies such as the Guam Police Department (GPD) and Guam Fire Department (GFD). I, however, cannot support the current version of Bill 22-32 because of language contained in Section 2. (b)(5).

Section 2. (b)(5) reads as follows:

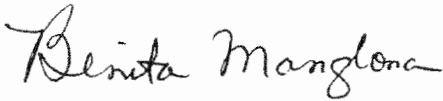
"(5) The compensation of the employee shall not be made to suffer as a result of the appointment but instead shall be maintained at the average of the preceding twelve (12) months earnings."

All proposed additions relative to amending §2103.12, Chapter 2, Title 4 GCA are appropriate when addressing the continuity of leadership within affected departments and agencies. All provisions specifically affecting the time limitation of acting appointments for those department and agency head positions which require advice and consent of the *I Liheslatura* can be equally applied except for the section stated above. Section 2(b)(5) fails to recognize and encourage organizational compensation stability when dealing with the interaction between executive level and subordinate compensation structures. Some departments and agencies have statutory advantages over other when linking the calculation of compensation to "monthly earnings". These advantages and incentives provide for an inequitable consideration of compensation when

February 14, 2013
Testimony Bill 22-32
Page 2

comparing regular classified employees versus those who are on premium pay plans and work schedules. Equal pay was created in the Unified Pay Plan established in 1991 by P.L. 21-59 at which time an executive level compensation structure was created. It is my recommendation that Section 2(b)(5) be removed in its entirety to preserve what little integrity the compensation structure has left in it. The consideration of regular employee pay, executive level pay, and monthly earnings moves the government further away from having any kind of uniformity in pay.

Senseramente,



BENITA A. MANGLONA

cc: Senators, 32nd Guam Legislature

BAM/rpe



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

February 13, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,


Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 14 AM 9:10

W

Bill No. 19-32(COR) – C.M. Duenas / B.J.F. Cruz / T.A. Morrison

AN ACT TO AMEND CHAPTER 7, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CAPTURING LICENSE FEES AND TAXES FORM GAMING OPERATORS.

Bill No. 20-32 (COR) – D.G. Rodriguez, Jr.

AN ACT TO ESTABLISH A HEALTHCARE TRUST AND DEVELOPMENT FUND, BY ADDING A NEW CHAPTER 97 TO TITLE 10, GUAM CODE ANNOTATED, AND AUTHORIZING THE EXPENDITURE OF MONIES IN THE FUND BY PUBLIC HEALTH CARE PROVIDERS FOR SPECIFIC PURPOSES PERTAINING TO EXTINGUISHING THE OUTSTANDING DEBT PAYABLES OF THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND PROVIDE EXPANDED HEALTHCARE SERVICES BY ESTABLISHING AND FUNDING A GMHA PRIMARY HEALTHCARE OR URGENT HEALTHCARE CENTER FOR NON-EMERGENCY PATIENTS; THIS ACT TO BE CITED AS "THE GMHA HEALTHCARE TRUST AND DEVELOPMENT ACT OF 2013."

Bill No. 21-32 (COR) – B.J.F. Cruz

AN ACT TO AMEND § 66104.2 OF CHAPTER 66, TITLE 10, OF THE GUAM CODE ANNOTATED; RELATIVE TO THE EMPLOYMENT OF CIVILIAN VOLUNTEER POLICE RESERVE OFFICERS.

Bill No. 22-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.

Bill No. 23-32 (COR) – A.A. Yamashita, T.R. Muna Barnes

AN ACT TO PLACE THE FORMER AGAT FIRE STATION UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR'S OFFICE OF AGAT, BY AMENDING ITEM(1) OF §40113(B) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED.

Bill No. 24-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §7120.3 OF CHAPTER 7, TITLE 16, OF THE GUAM CODE ANNOTATED RELATIVE TO WAIVER OF FEES FOR IMMEDIATE KIN OF FALLEN HEROES.

Bill No. 25-32 (COR) – D.G. Rodriguez, Jr.

AN ACT TO REPROGRAM AVAILABLE FUNDS FROM THE HIGHWAY 2001 BOND CONSTRUCTION FUND AND THE HIGHWAY 1985 BOND CONSTRUCTION FUND, AND DESIGNATE AND PRIORITIZE CERTAIN CAPITAL IMPROVEMENT PROJECTS, AND PURCHASE HEAVY EQUIPMENT NEEDED BY DPW FOR FLOOD MITIGATION.

Bill No. 26-32 (COR) – B.J.F. Cruz / V.A. Ada / T.R. Muna Barnes

AN ACT TO ADD A NEW § 8107.1 TO CHAPTER 8 OF TITLE 5, GUAM CODE ANNOATED; RELATIVE TO MANDATING THE CREATION OF THE 'GUAM PUBLIC NOTICE WEBSITE', AMENDING (A) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOTATED AND ADDING (C) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOATED.

Bill No. 27-32 (COR) – F.V. Aguon, Jr.

AN ACT TO ADD A NEW §850 TO TITLE 1, GUAM CODE ANNOTATED, TO DESIGNATE ROUTE 15 AS "AIR FORCE HIGHWAY" IN HONOR OF AND SPECIAL TRIBUTE TO THE MEN AND WOMEN OF GUAM WHO HAVE SERVED IN THE UNITED STATES AIR FORCE.

Bill No. 28-32 (COR) – A.A. Yamashita

AN ACT RELATIVE TO AUTHORIZING THE RE-ALLOCATION OF UNDISTRIBUTED COLLECTION FUNDS BY THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE FOR THE CRITICAL SUPPORT NEEDED FOR CHILD SUPPORT AND PROTECTIVE SERVICES; THROUGH AMENDING §34111 OF CHAPTER 34, TITLE 5, GUAM CODE ANNOTATED.

Bill No. 29-32 (COR) – V.C. Pangelinan

AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER 60 OF 21 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GUAM PROPERTY.

Bill No. 30-32 (COR) – M.T. Limtiaco

AN ACT TO AMEND 2 GCA § 1106 (a) AND TO REPEAL 2 GCA § 1106 (b), TO REDUCE SENATORS' SALARIES TO FIFTY-FIVE THOUSAND THREE HUNDRED SEVEN DOLLARS (\$55,307.00) PER ANNUM

Bill No. 31-32 (COR) – V.A. Ada

AN ACT TO ADD A NEW §5132 TO CHAPTER 5 OF 5GCA RELATIVE TO RETENTION OF PROCUREMENT RELATED EMAIL MESSAGES.

Bill NO. 32-32 (COR) –V.A. Ada

AN ACT TO ADD A NEW (e) TO §5008 OF CHAPTER 5 OF 5GCA RELATIVE TO PROHIBITING GOVERNMENT OF GUAM BRANCHES, DEPARTMENTS, AGENCIES AND INSTRUMENTALITIES FROM EXCLUDING LOCAL BUSINESSES FROM THE PROCUREMENT PROCESS

Bill NO. 33-32 (COR) – V.A. Ada / R.J. Respicio

AN ACT TO AMEND §7105 OF CHAPTER 7 OF 16GCA RELATIVE TO REQUIRING PROOF OF USE TAX PAYMENT AS A CONDITION OF REGISTRATION FOR VEHICLES ACQUIRED OFF-ISLAND.

Bill NO. 34-32 (COR) – V.A. Ada / R.J. Respicio

AN ADD A NEW §§ 7178 & 7179 TO 16GCA RELATIVE TO VEHICLE REGISTRATIONS

Bill No. 35-32 (COR) – V.C. Pangelinan

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS

Bill No. 36-32 (COR) - M.F.Q. San Nicolas/ V.A. Ada

AN ACT TO ADD A NEW (e) AND (f) TO §30111 OF CHAPTER 30, TITLE 22, GUAM CODE ANNOTATED AND A NEW §24307.1, §24307.2, §24307.3, §24307.4, §24307.5, §24307.6, §24307.7 TO CHAPTER 24, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REAL ESTATE APPRAISERS TO SUBMIT VALUATIONS TO THE DEPARTMENT OF REVENUE AND TAXATION AND TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO ADJUST PROPERTY TAX ASSESSMENTS THEREWITH.

Bill No. 37-32 (COR) – F.B. Aguon, Jr. / R.J. Respicio / V.A. Ada

AN ACT TO REZONE LOT NO. 2247-REM, LOT NO. 2242-R1, LOT NO. 2244-R2, LOT NO. 2247 EASTERN PART-R1, AND LOT NUMBER 2247-PART-R1 IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL ZONE (A) TO MULTIPLE DWELLING ZONE (R2).

Bill No 38-32 (COR) – Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources and Election Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

Bill No. 39-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §3103 OF CHAPTER 3, TITLE 7, OF THE GUAM CODE ANNOTATED RELATIVE TO ADDING A SUCCESSIVE TERM OF SERVICE FOR THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM.

Bill No. 40-32 (COR) – T.C. Ada/B.J.F. Cruz / R.J. Respicio

AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA

Bill No. 41-32 (LS) – B.B. Aguon, Jr. / B.J.F. Cruz/ J.T. Won Pat, Ed.D.

AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

MESSAGE CONFIRMATION

FEB-13-2013 05:59 PM WED

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 4
START TIME : FEB-13-2013 05:58PM WED
ELAPSED TIME : 00' 48"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

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February 13, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Received by:
Analya Sustagnio
2/14/13
sent by email on 2/13/13 07:10 AM

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com



IMINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
The 32nd Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-25201 • Fax: (671) 477-2522

February 13, 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

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

2013 FEB 14 PM 5:20
WJCW

RE: Committee Report on Bill No. 22-32 (COR)

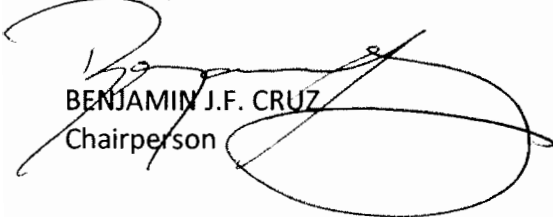
Dear Speaker Won Pat:


Transmitted herewith is the Report of Committee on General Government Operations and Cultural Affairs on Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Committee votes are as follows:

- 7 TO DO PASS
- ___ TO NOT PASS
- 2 TO REPORT OUT ONLY
- ___ TO ABSTAIN
- ___ TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson

COMMITTEE ON RULES	
Name	
Date/Time	2/13/13 2:19pm



COMMITTEE REPORT

ON

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.



February 13, 2013

MEMORANDUM

TO: All Members

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 22-32 (COR)

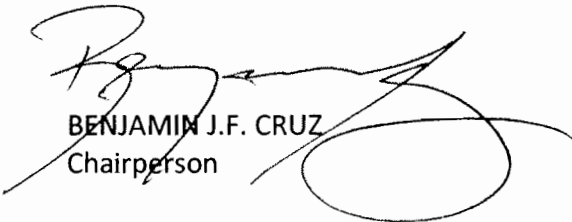
Transmitted herewith for your consideration is the Committee Report on Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 22-32 (COR)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 22-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

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.

Very truly yours,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		2/11/13				
MUÑA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member						
PANGELINAN, C. VICENTE Member				✓		
RESPICIO, RORY J. Member		2/11/13				
RODRIGUEZ, DENNIS G. JR. Member						
SAN NICOLAS, MICHAEL, F.Q. Member		2/12/13				
AGUON, Jr., FRANK B. Member		2/12/13				
ADA, V. ANTHONY Member		2/12/13				
Morrison, Thomas Member						
McCreadie, Brant Member		2/14/13				
YAMASHITA, ALINE Member				2/12/13		



Committee Report Digest

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Wednesday, February 6th, 2013 at 10:00 a.m. in the Public Hearing Room of *LiHeslatura*. Among the items on the agenda was the consideration was Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on January 30, 2013, and February 4, 2013 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz
Senator Aline A. Yamashita, Ph.D.
Senator Thomas C. Ada
Senator Vicente C. Pangelinan
Senator V. Anthony Ada
Senator Michael Limtiaco
Senator Brant McCreadie

The public hearing was called to order at 10:05 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F. Cruz announced Bill No. 22-32 (COR) and deferred to Senator Thomas C. Ada as the main sponsor.

Senator Thomas C. Ada stated that Bill No. 22-32 (COR) addresses the issue of acting appointments. Senator Ada stated that the intent of the proposed mandate is that if the director of a department, agency or instrumentality is a member of a DoD or DOT Reserve Component Unit in activation, it will allow for acting appointment in excess of ninety days. Senator Ada cited the Guam Fire Department as



a paradigm because its Chief is on active duty for likely fourteen months. Senator Ada asserted that Bill No. 22-32 (COR) seeks to mitigate the impact of a deployment by allowing the Governor to place in an acting capacity a classified member within a department for a period of fourteen months or sooner if the director or agency head returns from deployment. Senator Ada stated that the proposed mandate would provide stability within the department.

John L. Wusstig, Acting Fire Chief, provided oral testimony in support of Bill No. 22-32 (COR). Acting Fire Chief Wusstig stated that it is imperative to ensure the continuity of leadership is maintained especially within all departments. Acting Fire Chief Wusstig stated that current law limits the appointment of any one individual to serve in an acting capacity as head or director of an agency to no more than ninety days. Acting Fire Chief Wusstig stated that this means in the absence of the Fire Chief four to five individuals will be serving as the Acting Fire Chief for the period that he will be on active duty status. Acting Fire Chief Wusstig stated that this poses a problem to GFD because they only have 3 individuals that can fill in the role of Acting Fire Chief. Acting Fire Chief Wusstig asserted that pay for filling in an acting capacity must be commensurate with that of the agency director.

Senator Thomas C. Ada asked if there is senior membership in GFD that is able to fill in an acting capacity for up to fourteen months.

John L. Wusstig, Acting Fire Chief, stated the other two senior members of GFD are not interested in filling in an acting capacity, but that he is able to work in the acting capacity.

Senator Thomas C. Ada thanked Acting Fire Chief Wusstig for his response. Senator Ada asked for clarification that at one point Acting Fire Chief Wusstig's father was the Fire Chief of GFD.

John L. Wusstig, Acting Fire Chief, stated that for being correct.

Senator Cruz thanked Senator Ada and members of the panel for their comments then asserted that the record will be open for ten days so that residents may submit their testimonies.

III. FINDINGS AND RECOMMENDATION

The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days." hereby submits these

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on General Government Operations
and Cultural Affairs
Web Address: www.senatorbjcruz.com






IMINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
The 32nd Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520 • Fax: (671) 477-2522

findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Bill No. 22-32 (COR) with a recommendation **TO REPORT OUT**.

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 22-32 (CDR)

Introduced by:

T. C. Ada 
B. J. Cruz 
R. J. Respicio 

**AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO ACTING
APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.**

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

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

3 finds that continuity of leadership is imperative in maintaining the

4 effectiveness of an organization.

5 *I Liheslaturan Guåhan* further finds that since the War on Terror has

6 been declared by the United States, Department of Defense (DOD) and the

7 Department of Transportation (DOT) Reserve Component Units have been

8 activated for extended periods of time to engage in this War.

9 It is the intent of *I Liheslaturan Guåhan* that in the event of the

10 activation of a DOD or DOT Reserve Component Unit wherein the head or

11 director of a department, agency or instrumentality is a member, to allow for

12 acting appointments in excess of ninety (90) days.

2013 JAN 28 PM 4:47

1 **Section 2.** §2103.12, Chapter 2, Title 4 GCA is hereby *amended* to
2 read:

3 (a). *No person who shall be appointed to a position which requires*
4 *advice and consent of I Liheslatura may serve in an acting capacity as head*
5 *or director of a department, agency or instrumentality for a period in excess*
6 *of ninety (90) days. Any employee so appointed shall have the right to*
7 *return to the position the employee held immediately before the appointment*
8 *to serve in an acting capacity after the ninety (90) day period is exhausted.*

9 The time limitation of this Section *may not* be circumvented by an
10 interruption in the appointment to an acting capacity *or* by transfer back to
11 the position the employee held immediately before the appointment for a
12 period of *less than* three hundred sixty (360) days *or* by a temporary transfer
13 to *any* other position for a period of less than three hundred sixty (360) days.

14 (b). Extended Absence Due to Military Deployment.

15 (1) In the event the head or director of a department, agency or
16 instrumentality is a member of the Department of Defense or the
17 Department of Transportation Reserve Component including, but
18 not limited to, the United States Navy, Marine Corps, Air Force,
19 the Coast Guard, or the Guam National Guard and the individual's
20 Unit of Assignment receives a Unit call to active military duty for

1 a period in excess of ninety (90) days, the appointing authority
2 may appoint a person who is a classified employee of the same
3 department, agency or instrumentality as the acting head or
4 director of that department, agency or instrumentality, for a period
5 of up to fourteen (14) months, or the duration of the active military
6 duty whichever comes first.

7 (2) Information specified in §2103.5, Chapter 2, Title 4 GCA
8 shall be transmitted to the Speaker of the Guam Legislature within
9 ten (10) days of making the appointment. Said appointment shall
10 become effective five (5) working days from date of receipt of the
11 background information by the Speaker.

12 (3) Any employee so appointed shall have the right to return to the
13 position the employee held immediately before the appointment to
14 serve in an acting capacity after the time limits is exhausted or at
15 the request of the employee.

16 (4) The time limitation of this Section may not be circumvented
17 by an interruption in the appointment to an acting capacity or by
18 transfer back to the position the employee held immediately before
19 the appointment for a period of less than three hundred sixty (360)

1 days or by a temporary transfer to any other position for a period
2 of less than three hundred sixty (360) days.

3 (5) The compensation of the employee shall not be made to suffer
4 as a result of the appointment but instead shall be maintained at the
5 average of the preceding twelve (12) months earnings.

6 **Section 3. Severability.** If any of the provisions of this law or its
7 application to any person or circumstance is found to be invalid or contrary
8 to law, such invalidity shall not affect other provisions or applications of this
9 law which can be given effect without the invalid provisions or application,
10 and to this end the provisions of this law are severable.

11 **Section 4. Effective Date.** This Act shall become effective upon
12 enactment.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on General Government Operations
 and Cultural Affairs
 Web Address: www.senatorbjcruz.com



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PUBLIC HEARING SIGN-IN SHEET
 Wednesday, February 6, 2013
I Liheslatura • Public Hearing Room • Hagatña, Guam

Bill No. 22-32 (COR)

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
John L. WASTIG <i>WASTIG</i>	GFO	SUPPORT	✓	✓		
NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS



GUAM FIRE DEPARTMENT
DIPATTAMENTON GUAFI GUAHAN
*Professionalism * Respect * Integrity * Dedication * Empathy*



February 5, 2013

Vice-Speaker Benjamin J.F. Cruz
Chairperson, Committee on General Government Operations & Cultural Affairs
32nd Guam Legislature

Good Morning and Hafa Adai Vice-Speaker Cruz and distinguished members on the Committee on General Government Operations & Cultural Affairs.

My name is Michael F. Uncangco and I am presently an Assistant Fire Chief within the Guam Fire Department. I want to apologize to you and members of this committee for not being present to testify personally on this important piece of legislation. Urgent family matters precluded me from attending.

Mr. Vice-Speaker, I am submitting this testimony in **FULL SUPPORT** of **Bill 22-32 (COR) An Act to Amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, Relative to Acting Appointments in Excess of Ninety (90) Days.**

The underlying reason for my support of this proposed legislation is noted in the Legislative Findings and Intent of this bill which states **“continuity of leadership is imperative in maintaining the effectiveness of an organization”**.

As you may all know, the Guam Fire Department’s Fire Chief, Joey C. San Nicolas, who is a member of the Guam Army National Guard, has recently been called for military active duty in support of the War On Terror, for a period in excess of one (1) year. This of course means that an Acting Fire Chief must be appointed in his absence.

The current law as it stands limits the appointment of any one individual to serve in an acting capacity as head or director of an agency to no more than ninety (90) days. This basically means that in the absence of the Fire Chief, four (4) to five (5) individuals will be serving as the Acting Fire Chief for the period that he will be on active duty status.

The Fire Chief’s responsibilities includes, but are not limited to, providing administrative direction and leadership for all Fire Department functions, operations and personnel. He has the final say over such matters as policies and procedures; budget proposals, whether exclusively for operations or a combination of operations and administration; and major equipment purchases. He is the person totally responsible and held accountable for the success or failure of the Fire Department. Currently within GFD, there are numerous personnel with the experience and training that are fully capable of performing the duties of a Fire Chief, however, that is not the



GUAM FIRE DEPARTMENT
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*Professionalism * Respect * Integrity * Dedication * Empathy*



Eddie Baza Calvo
Governor

John L. Wusstig
Acting Fire Chief

Ray Tenorio
Lt. Governor

February 6, 2013

Honorable Senator Thomas C. Ada
Chairman, Committee on Public Safety,
Infrastructure & Maritime Transportation
I Mina'Trentai Dos Na Liheslaturan Guahan
Suite 207, Ada Plaza Center
173 Aspinall Avenue
Hagatna, Guam 96910

Buenas yan Hafa Adai,

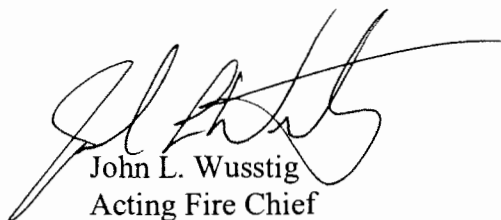
My name is John Wusstig, Battalion Chief, and I'm currently the Acting Fire Chief for the Guam Fire Department.

I would like to first thank the Legislature for the opportunity to provide comments and input for Bill 22-32.

We support the intent of Bill 22-32; we agree that it is imperative to ensure that continuity of leadership is maintained especially within departments, not only for the Guam Fire Department but for other Public Safety Agencies.

However, we must defer to the Department of Administration concerns regarding Section 2.(b).(5) and ask this body to work with the Department of Administration before moving forward to address these concerns.

Sincerely,



John L. Wusstig
Acting Fire Chief



GOVERNMENT OF GUAM
DEPARTMENT OF MILITARY AFFAIRS
(DIPATTAMENTON ASUNTON MILITAT)
430 Army Drive, Building 300, Room 113
Barrigada, Guam 96913-4421

The Adjutant General

Senator Thomas C. Ada
The 32nd Guam Legislature
155 Hessler Place
Hagatna, Guam 96910

5 February 2013

2/19/2013
8:30AM
CHRISTOPHER TENORIO

Re: Bill 22-32 (COR)

Dear Senator Ada:

I wanted to provide you with my testimony concerning the above referenced bill, which I consider to be important. I am in support of this proposed legislation, as it benefits our island and its citizen Soldiers and Airmen.

As The Adjutant General, I must be considerate of, and compassionate to the effects deployment of my Soldiers and Airmen have on the provision of services by the Government of Guam. My deployers employed by the Government of Guam impact our local government and island community. Any legislation that would limit the reverberations of deployment and its effect on the Government of Guam is worthwhile and beneficial to Guam.

This proposed legislation protects both the island and individuals deploying. First, it is beneficial in that it extends the duration for acting appointments. Secondly, it adds stability to the department involved. Finally, it adds assurances to the individual deploying that his department will be stable while he is deployed. In sum, this is very worthwhile legislation.

Thank you for this opportunity to provide testimony. Should you have questions, please do not hesitate to contact me.

Sincerely,

Benny M. Paulino
Major General, Guam National Guard
The Adjutant General



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

January 23, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 22-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 22-32(COR).

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

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
22-32 (COR)	T. C. Ada, B. J.F. Cruz, R. J. Respicio	AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS	1/22/13 4:47p.m.	1/23/13		Committee on General Government Operations and Cultural Affairs			



January 30, 2013

MEMORANDUM

To: All Members/All Senators
From: Chairman, Committee on General Government Operations and Cultural Affairs
Re: First Notice of Public Hearing – Five Day Notice – February 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, February 6, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Bill No. 26-32 (COR) - B.J.F. Cruz / V.A. Ada / T.R. Muña Barnes - An act to add a new § 8107.1 to Chapter 8 of Title 5, Guam Code Annotated; relative to mandating the creation of the 'Guam Public Notice Website'; amending (A) of §8104 Chapter 8 of Title 5 Guam Code Annotated and adding (C) of §8104 Chapter 8 of Title 5 Guam Code Annotated.

The committee will reconvene at 11:00AM with the following agenda:

Bill No. 21-32 (COR) - B.J.F. Cruz - An act to amend § 66104.2 of Chapter 66, Title 10, of the Guam Code Annotated; relative to the employment of civilian volunteer police reserve officers.

Informational Roundtable Hearing to Assess the State of the Guam Police Department

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520



Mike Lidia <mike.lidia@senatorbjcruz.com>

First Notice of Public Hearing – Five Day Notice – February 6, 2013 (Attachment Included)

30 messages

Mike Lidia <mike.lidia@senatorbjcruz.com> Wed, Jan 30, 2013 at 10:02 AM
 To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com, Pacific News Center <news@spbguam.com>, parroyo@k57.com, Ray Gibson <rgibson@k57.com>, sabrina@kuam.com, thebigshow@k57.com, therese.hart.writer@gmail.com, Travis Coffman <travis.coffman@gmail.com>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <responsibleguam@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, "V. Anthony Ada" <tony@tonyada.com>, vicente 'ben' pangelinan <senbenp@guam.net>, "Rory J. Respicio" <rorjforguam@gmail.com>, Guam Legislature Clerks <clerks@guamlegislature.org>, Therese Terlaje <tterlaje@guam.net>, Malo Leon Guerrero <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, tjtaitano@cs.com, mlwheeler2000@yahoo.com, phillipsguam@gmail.com, avon.guam@gmail.com, jennifer.lj.dulla@gmail.com, marymaravilla19@gmail.com, chechsantos@gmail.com, committee@frankaguonjr.com, admin@frankaguonjr.com, cipo@guamlegilature.org, chris.budasi@guamlegilature.org, aokada@guamlegilature.org, smendiola@guamlegilature.org, avillaverde@guamlegilature.org, ahernandez@guamlegilature.org, sonedera-salas@guamlegilature.org, berthaduenas@gmail.com, emqcho@gmail.com, senatorsannicolas@gmail.com, alerta.jermaine@gmail.com, louise@tonyada.com, pete@tonyada.com, ed@tonyada.com, santos.duenas@gmail.com, mcarlson@guamlegislature.org, ang.duenas@gmail.com, angela.lgrios@gmail.com, conedera@mikelimtiaco.com, cos@senatormorrison.com, manuela@senatormorrison.com, ryanjames@senatormorrison.com, tanya4families@gmail.com, lou4families@gmail.com, evelyn4families@gmail.com, jcamacho@senatorada.org, cyrus@senatorada.org, nsantos@senatorada.org, Juliette@senatorada.org, office@senatorada.org, coy@senatorada.org, carlaborja.73@gmail.com, baza.matthew@gmail.com, clifton@toduguam.com, cherbert.senatordrodriguez@gmail.com, rteeahan@yahoo.com, amanda@toduguam.com, nicole@toduguam.com, joe@toduguam.com, jmesngon.senatordrodriguez@gmail.com, sitarose2@yahoo.com, meia@toduguam.com, menchu@toduguam.com
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January 30, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: First Notice of Public Hearing – Five Day Notice – February 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, February 6, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Bill No. 26-32 (COR) - B.J.F. Cruz / V.A. Ada / T.R. Muña Barnes - An act to add a new § 8107.1 to Chapter 8 of Title 5, Guam Code Annotated; relative to mandating the creation of the 'Guam Public Notice Website'; amending (A) of §8104 Chapter 8 of Title 5 Guam Code Annotated and adding (C) of §8104 Chapter 8 of Title 5 Guam Code Annotated.

The committee will reconvene at 11:00AM with the following agenda:

Bill No. 21-32 (COR) - B.J.F. Cruz - An act to amend § 66104.2 of Chapter 66, Title 10, of the Guam Code Annotated; relative to the employment of civilian volunteer police reserve officers.

Informational Roundtable Hearing to Assess the State of the Guam Police Department

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155

Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.


Senseramente,

Mike Lidia

Research Analyst

Office of Vice Speaker Cruz

477-2520

 01302013 B.J. Cruz First Notice of Public Hearing for 02062013.doc
128K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: mike.lidia@senatorbjcruz.com

Wed, Jan 30, 2013 at 10:02 AM

Delivery to the following recipient failed permanently:

carlene.okiyama@guam.gov

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain guam.gov by aspmx.l.google.com. [173.194.73.26].

The error that the other server returned was:

550-5.1.1 The email account that you tried to reach does not exist. Please try
550-5.1.1 double-checking the recipient's email address for typos or
550-5.1.1 unnecessary spaces. Learn more at
550 5.1.1 http://support.google.com/mail/bin/answer.py?answer=6596 p6si10139146vdv.97 - gsmtip

----- Original message -----

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29 Jan 2013 16:02:57 -0800 (PST)
Received: by 10.220.107.137 with HTTP; Tue, 29 Jan 2013 16:02:56 -0800 (PST)
X-Originating-IP: [202.128.4.44]
Date: Wed, 30 Jan 2013 10:02:56 +1000
Message-ID: <CAFRf6VaKYOEJgANDpPFANO4vz7s_eqwbJXAezegkCDsYGH-CLw@mail.gmail.com>
Subject: =?windows-1252?Q?First_Notice_of_Public_Hearing_96_Five_Day_Notice_?=



February 4, 2013

MEMORANDUM

To: All Members/All Senators
From: Chairman, Committee on General Government Operations and Cultural Affairs
Re: Second Notice of Public Hearing – Two Day Notice – February 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, February 6, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Bill No. 26-32 (COR) - B.J.F. Cruz / V.A. Ada / T.R. Muña Barnes - An act to add a new § 8107.1 to Chapter 8 of Title 5, Guam Code Annotated; relative to mandating the creation of the 'Guam Public Notice Website'; amending (A) of §8104 Chapter 8 of Title 5 Guam Code Annotated and adding (C) of §8104 Chapter 8 of Title 5 Guam Code Annotated.

The committee will reconvene at 11:00AM with the following agenda:

Bill No. 21-32 (COR) - B.J.F. Cruz - An act to amend § 66104.2 of Chapter 66, Title 10, of the Guam Code Annotated; relative to the employment of civilian volunteer police reserve officers.

Informational Roundtable Hearing to Assess the State of the Guam Police Department

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520



Mike Lidia <mike.lidia@senatorbjcruz.com>

Second Notice of Public Hearing – Two Day Notice – February 6, 2013 (Attachment Included)

25 messages

Mike Lidia <mike.lidia@senatorbjcruz.com> Mon, Feb 4, 2013 at 7:50 AM
 To: bmkelman@guampdn.com, clynt@spbguam.com, Janela <janela@mvguam.com>, Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Krystal Paco <krystal@kuam.com>, KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com, Pacific News Center <news@spbguam.com>, parroyo@k57.com, Ray Gibson <rgibson@k57.com>, sabrina@kuam.com, thebigshow@k57.com, therese.hart.writer@gmail.com, Travis Coffman <travis.coffman@gmail.com>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, ""Michael F. Q. San Nicolas"" <responsibleguam@gmail.com>, ""Michael T. Limtiaco"" <mike@mikelimtiaco.com>, ""Thomas (Tommy) Morrison"" <tommy@senatormorrison.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasator@gmail.com>, "Dennis G. Rodriguez" <senatorrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. 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February 4, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: Second Notice of Public Hearing – Two Day Notice – February 6, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Wednesday, February 6, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Bill No. 26-32 (COR) - B.J.F. Cruz / V.A. Ada / T.R. Muña Barnes - An act to add a new § 8107.1 to Chapter 8 of Title 5, Guam Code Annotated; relative to mandating the creation of the 'Guam Public Notice Website'; amending (A) of §8104 Chapter 8 of Title 5 Guam Code Annotated and adding (C) of §8104 Chapter 8 of Title 5 Guam Code Annotated.

The committee will reconvene at 11:00AM with the following agenda:

Bill No. 21-32 (COR) - B.J.F. Cruz - An act to amend § 66104.2 of Chapter 66, Title 10, of the Guam Code Annotated; relative to the employment of civilian volunteer police reserve officers.


Informational Roundtable Hearing to Assess the State of the Guam Police Department

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia
Research Analyst
Office of Vice Speaker Cruz
477-2520

 02042013 B.J. Cruz Second Notice of Public Hearing for 02062013.doc
128K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: mike.lidia@senatorbjcruz.com

Mon, Feb 4, 2013 at 7:50 AM

Delivery to the following recipient failed permanently:

mermae.cepeda@guam.gov

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain guam.gov by aspmx.l.google.com. [2a00:1450:4010:c04::1a].

The error that the other server returned was:

550-5.1.1 The email account that you tried to reach does not exist. Please try
550-5.1.1 double-checking the recipient's email address for typos or
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----- Original message -----

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h=mime-version:x-received:x-originating-ip:date:message-id:subject
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bj8w==

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X-Received: by 10.152.127.202 with SMTP id ni10mr17380371lab.6.1359928243460;

Sun, 03 Feb 2013 13:50:43 -0800 (PST)

Received: by 10.112.136.106 with HTTP; Sun, 3 Feb 2013 13:50:42 -0800 (PST)

X-Originating-IP: [114.142.207.66]

Date: Mon, 4 Feb 2013 07:50:42 +1000

Message-ID: <CAFRf6VbhOQ9Ams_6jTu_9cCLoVSyMuJconMifTErb62buS+s_A@mail.gmail.com>

Subject: =?windows-1252?Q?Second_Notice_of_Public_Hearing_96_Two_Day_Notice_?=

=?windows-1252?Q?96_February_6=2C_2013_?=28Attachment_Included=29?=>

From: Mike Lidia <mike.lidia@senatorbjcruz.com>

To: bmkelman@guampdn.com, clynt@spbgum.com, Janela <janela@mvguam.com>,
Jason Salas <jason@kuam.com>, Kevin Kerrigan <kevin@spbgum.com>, Krystal Paco <krystal@kuam.com>,
KUAM <hottips@kuam.com>, Mindy Aguon <mindy@kuam.com>, news@guampdn.com, news@k57.com,
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thebigshow@k57.com, therese.hart.writer@gmail.com,
Travis Coffman <travis.coffman@gmail.com>,
=?windows-1252?Q?93Benjamin_JF_Cruz=94?=<senator@senatorbjcruz.com>,
=?windows-1252?Q?93Brant_McCreadie=94?=<brantforguam@gmail.com>,
=?windows-1252?Q?93Michael_F=2E_Q=2E_San_Nicolas=94?=<responsibleguam@gmail.com>,
=?windows-1252?Q?93Michael_T=2E_Limtiaco=94?=<mike@mikelimtiaco.com>,
=?windows-1252?Q?93Thomas_=28Tommy=29_Morrison=94?=<tommy@senatormorrison.com>,
"Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>,



PUBLIC HEARING AGENDA

Wednesday, February 6, 2013 – 10:00AM

I Liheslatura • Public Hearing Room • Hagatña, Guam

Bill No. 22-32 (COR) - T.C. Ada / B.J.F. Cruz / R.J. Respicio - An act to amend §2103.12, Chapter 2, Title 4, Guam Code Annotated, relative to acting appointments in excess of ninety (90) days.

Bill No. 26-32 (COR) - B.J.F. Cruz / V.A. Ada / T.R. Muña Barnes - An act to add a new § 8107.1 to Chapter 8 of Title 5, Guam Code Annotated; relative to mandating the creation of the 'Guam Public Notice Website'; amending (A) of §8104 Chapter 8 of Title 5 Guam Code Annotated and adding (C) of §8104 Chapter 8 of Title 5 Guam Code Annotated.

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Informational Roundtable Hearing to Assess the State of the Guam Police Department



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

February 22, 2013

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY: *[Signature]*
TIME: 4:00 PM DATE: 2/22/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 8-32(COR), 9-32(COR), 13-32(COR), 14-32(COR), 22-32(COR), 24-32(COR), 33-32(COR) and 40-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 22, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (8)



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

January 23, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 22-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **22-32(COR)**.

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

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




Si Yu'os Ma'åse!

Attachment

I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 22-32(CDR)

Introduced by:

T. C. Ada 
B. J. Cruz 
R. J. Respicio 

**AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4,
GUAM CODE ANNOTATED, RELATIVE TO ACTING
APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.**

2013 JAN 22 PM 4:47

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that continuity of leadership is imperative in maintaining the
4 effectiveness of an organization.

5 *I Liheslaturan Guåhan* further finds that since the War on Terror has
6 been declared by the United States, Department of Defense (DOD) and the
7 Department of Transportation (DOT) Reserve Component Units have been
8 activated for extended periods of time to engage in this War.

9 It is the intent of *I Liheslaturan Guåhan* that in the event of the
10 activation of a DOD or DOT Reserve Component Unit wherein the head or
11 director of a department, agency or instrumentality is a member, to allow for
12 acting appointments in excess of ninety (90) days.

1 **Section 2.** §2103.12, Chapter 2, Title 4 GCA is hereby *amended* to
2 read:

3 (a). *No person who shall be appointed to a position which requires*
4 *advice and consent of I Liheslatura may serve in an acting capacity as head*
5 *or director of a department, agency or instrumentality for a period in excess*
6 *of ninety (90) days. Any employee so appointed shall have the right to*
7 *return to the position the employee held immediately before the appointment*
8 *to serve in an acting capacity after the ninety (90) day period is exhausted.*

9 The time limitation of this Section *may not* be circumvented by an
10 interruption in the appointment to an acting capacity *or* by transfer back to
11 the position the employee held immediately before the appointment for a
12 period of *less than* three hundred sixty (360) days *or* by a temporary transfer
13 to *any* other position for a period of less than three hundred sixty (360) days.

14 (b). Extended Absence Due to Military Deployment.

15 (1) In the event the head or director of a department, agency or
16 instrumentality is a member of the Department of Defense or the
17 Department of Transportation Reserve Component including, but
18 not limited to, the United States Navy, Marine Corps, Air Force,
19 the Coast Guard, or the Guam National Guard and the individual's
20 Unit of Assignment receives a Unit call to active military duty for

1 a period in excess of ninety (90) days, the appointing authority
2 may appoint a person who is a classified employee of the same
3 department, agency or instrumentality as the acting head or
4 director of that department, agency or instrumentality, for a period
5 of up to fourteen (14) months, or the duration of the active military
6 duty whichever comes first.

7 (2) Information specified in §2103.5, Chapter 2, Title 4 GCA
8 shall be transmitted to the Speaker of the Guam Legislature within
9 ten (10) days of making the appointment. Said appointment shall
10 become effective five (5) working days from date of receipt of the
11 background information by the Speaker.

12 (3) Any employee so appointed shall have the right to return to the
13 position the employee held immediately before the appointment to
14 serve in an acting capacity after the time limits is exhausted or at
15 the request of the employee.

16 (4) The time limitation of this Section may not be circumvented
17 by an interruption in the appointment to an acting capacity or by
18 transfer back to the position the employee held immediately before
19 the appointment for a period of less than three hundred sixty (360)

1 days or by a temporary transfer to any other position for a period
2 of less than three hundred sixty (360) days.

3 (5) The compensation of the employee shall not be made to suffer
4 as a result of the appointment but instead shall be maintained at the
5 average of the preceding twelve (12) months earnings.

6 **Section 3. Severability.** If any of the provisions of this law or its
7 application to any person or circumstance is found to be invalid or contrary
8 to law, such invalidity shall not affect other provisions or applications of this
9 law which can be given effect without the invalid provisions or application,
10 and to this end the provisions of this law are severable.

11 **Section 4. Effective Date.** This Act shall become effective upon
12 enactment.