

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
189-32 (COR), P.L. 32-088	Dennis G. Rodriguez, Jr.	AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.	9/18/2013 2:44 p.m.	09/19/13	Committee on General Governmental operations and Cultural Affairs	10/7/13 10 a.m.	10/29/13 8:25 a.m.	Fiscal Note Requested 09/24/13 Fiscal Note Waiver received 11/22/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS.	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-088	Passed

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

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

32-13-1025
Office of the speaker
Judith T. Won Pat, Ed. D.
Date 11.29.13
Time 9:57am
Received by: [Signature]

2013 NOV 29 AM 11:11

Dear Madame Speaker:

Transmitted herewith is Bill No. 189-32 (COR) "AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS" which I signed into law on November 27, 2013 as Public Law 32-088.

Senseramente,

EDDIE BAZA CALVO

1025



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. 189-32 (COR)**, "AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS", was on the 12th day of November 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 15th day of Nov.,
2013, at 11:28 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-088

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

Bill No. 189-32 (COR)

Introduced by:

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

**AN ACT TO AMEND § 6229.14 OF ARTICLE 2,
CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED;
AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND
ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE
8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE
ANNOTATED, RELATIVE TO FACILITATING THE
RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH
PROFESSIONAL POSITIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Department of Public Health and Social Services is having great
4 difficulty in recruiting qualified professional personnel in the allied health fields

1 for hard-to-fill positions due to conflicting statutory constraints which impede the
2 hiring of critically needed personnel. Although the impeding statutes were actually
3 intended to facilitate the hiring process, it inadvertently does just the opposite.

4 *I Liheslaturan Guåhan* takes due note of the June 21, 2011, Information and
5 Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney
6 General, to the Department of Public Health and Social Services, relative to
7 “Hiring Nutritionists from off-island.” It states, in part, “*GovGuam has always*
8 *encountered difficulty in hiring personnel from off-island, but government*
9 *licensing requirements render it even more difficult to hire professionals. Title 10*
10 *G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian’s license to*
11 *be either a Guam resident or a United States citizen, but Title 10 G.C.A. § 122103*
12 *states that the Board may license any Registered Dietitian, i.e., a dietitian*
13 *registered with certain national credentialing bodies.”* The memorandum also
14 notes that, “*the Director of Administration has opined that § 6229.14 of Chapter 6,*
15 *Title 4, Guam Code Annotated, requires that all health professionals be licensed*
16 *before they apply for government of Guam employment [See HRD No. OG11-*
17 *0177].”* “*The net effect of these statutes is to restrict government hiring to*
18 *dietitians and nutritionists who are U.S. citizens and Guam residents and who are*
19 *already licensed on Guam, which renders it extremely difficult to hire from either*
20 *the Philippines or the U.S. mainland.”* (Information and Guidance (Ref: DPHSS
21 11-0220)).

22 *I Liheslaturan Guåhan* further finds that the Bureau of Nutrition Services
23 and the Women Infant and Children Nutrition Office of the Department of Public
24 Health and Social Services is having great difficulty in recruiting for the hard-to-
25 fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two
26 nutritionist positions have remained vacant since 2005 and 2006, respectively, with
27 a recent vacancy in December, 2011.

1 It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these
2 and other hard-to-fill allied health positions by the Department of Public Health
3 and Social Services, as well other agencies and public instrumentality's providing
4 health care services.

5 **Section 2.** §6229.14 of Article 2, Chapter 6 of Title 4, Guam Code
6 Annotated, is *amended* to read:

7 **“§ 6229.14. Recruitment Process.**

8 All government of Guam agencies *shall* be exempted from the
9 government of Guam Department of Administration recruitment process for
10 the hiring of nurses and other healthcare professional positions. All nursing
11 and other healthcare professional applicants, who have a license to practice
12 on Guam *or* who qualify for a waiver of examination requirements and
13 licensure by endorsement under Title 10 GCA, Chapter 12, relative to the
14 healthcare professional position for which they are applying, and meet the
15 minimum requirements of the class specifications, may be scheduled for an
16 interview and may be recruited, using the Director of Administration
17 education/experience pay adjustment schedule. Any action taken to recruit
18 an applicant who is *not* licensed or qualified to be licensed by endorsement,
19 does *not* meet the minimum requirements, and/or did *not* comply with the
20 Director of Administration education/experience pay adjustment schedule,
21 *shall* be declined and/or voided by the Department of Administration.”

22 **Section 3.** Item (10) of Subsection (a), and Item (5) of Subsection (b) of
23 §12805, Article 8, Chapter 12, Part 1 of Title 10, Guam Code Annotated, are
24 hereby *repealed*.

25 **Section 4. Severability.** *If* any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity shall *not* affect other provisions or applications of this Act which can be

- 1 given effect without the invalid provisions or application, and to this end the
- 2 provisions of this Act 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 E.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 22, 2013

MEMORANDUM

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

From: **Senator Rory J. Respicio**

Subject: **Fiscal Notes & Waivers**

Hafa Adai!

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

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'ase'!

2013 NOV 22 PM 4:46

**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

OCT 30 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

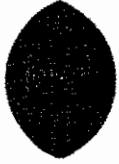
Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **98-32(LS), 153-32(COR), 195-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 165-32(COR), 189-32(COR), and 193-32(COR).**

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

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

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

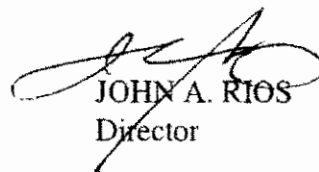
RAY S. TENORIO
LIEUTENANT GOVERNOR

OCT 30 2013

The Bureau requests that Bill No(s) 189-32 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The proposed legislation is an act to facilitate the recruitment of hard-to-fill Allied Health Professional positions, by amending §6229.14 of Chapter 6, Title 4, Guam Code Annotated and Subsection (a) of §12805, Article 8, Chapter 12, Part 1, Title 10, Guam Code Annotated. These provisions, currently in effect, are conflicting statutory mandates. Although the impending statutes were meant to facilitate the hiring process, it was in effect doing the opposite thereby causing further delays for agencies and other public instrumentalities from hiring critical health professionals due to licensing requirements. There is no component of the Bill that requires an act to create more positions or make any changes to the current employee structure.

Therefore, the intent of the proposed measure is administrative in nature and, as such, poses no additional fiscal impact to any funds of the government of Guam.


JOHN A. RIOS
Director



FILE COPY

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

November 13, 2013

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

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED BY
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

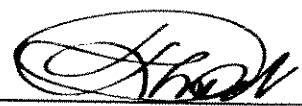
Enclosures (38)

FILE 2013

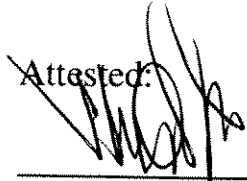
**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session**

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

This is to certify that **Bill No. 189-32 (COR), "AN ACT TO AMEND § 6229.14 OF ARTICLE 2, CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED; AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND ITEM (5) OF SUBSECTION (b) OF § 12805 OF ARTICLE 8, CHAPTER 12, PART 1 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FACILITATING THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS"**, was on the 12th day of November 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'lahaen Guåhan* this 15th day of Nov., 2013, at 11:28 o'clock A.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. 189-32 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
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**AN ACT TO AMEND § 6229.14 OF ARTICLE 2,
CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED;
AND TO REPEAL ITEM (10) OF SUBSECTION (a), AND
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ANNOTATED, RELATIVE TO FACILITATING THE
RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH
PROFESSIONAL POSITIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Department of Public Health and Social Services is having great
4 difficulty in recruiting qualified professional personnel in the allied health fields

1 for hard-to-fill positions due to conflicting statutory constraints which impede the
2 hiring of critically needed personnel. Although the impeding statutes were actually
3 intended to facilitate the hiring process, it inadvertently does just the opposite.

4 *I Liheslaturan Guåhan* takes due note of the June 21, 2011, Information and
5 Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney
6 General, to the Department of Public Health and Social Services, relative to
7 “Hiring Nutritionists from off-island.” It states, in part, “*GovGuam has always*
8 *encountered difficulty in hiring personnel from off-island, but government*
9 *licensing requirements render it even more difficult to hire professionals. Title 10*
10 *G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian’s license to*
11 *be either a Guam resident or a United States citizen, but Title 10 G.C.A. § 122103*
12 *states that the Board may license any Registered Dietitian, i.e., a dietitian*
13 *registered with certain national credentialing bodies.”* The memorandum also
14 notes that, “*the Director of Administration has opined that § 6229.14 of Chapter 6,*
15 *Title 4, Guam Code Annotated, requires that all health professionals be licensed*
16 *before they apply for government of Guam employment [See HRD No. OG11-*
17 *0177].”* “*The net effect of these statutes is to restrict government hiring to*
18 *dietitians and nutritionists who are U.S. citizens and Guam residents and who are*
19 *already licensed on Guam, which renders it extremely difficult to hire from either*
20 *the Philippines or the U.S. mainland.”* (Information and Guidance (Ref: DPHSS
21 11-0220)).

22 *I Liheslaturan Guåhan* further finds that the Bureau of Nutrition Services
23 and the Women Infant and Children Nutrition Office of the Department of Public
24 Health and Social Services is having great difficulty in recruiting for the hard-to-
25 fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two
26 nutritionist positions have remained vacant since 2005 and 2006, respectively, with
27 a recent vacancy in December, 2011.

1 It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these
2 and other hard-to-fill allied health positions by the Department of Public Health
3 and Social Services, as well other agencies and public instrumentality's providing
4 health care services.

5 **Section 2.** §6229.14 of Article 2, Chapter 6 of Title 4, Guam Code
6 Annotated, is *amended* to read:

7 “§ 6229.14. **Recruitment Process.**

8 All government of Guam agencies *shall* be exempted from the
9 government of Guam Department of Administration recruitment process for
10 the hiring of nurses and other healthcare professional positions. All nursing
11 and other healthcare professional applicants, who have a license to practice
12 on Guam *or* who qualify for a waiver of examination requirements and
13 licensure by endorsement under Title 10 GCA, Chapter 12, relative to the
14 healthcare professional position for which they are applying, and meet the
15 minimum requirements of the class specifications, may be scheduled for an
16 interview and may be recruited, using the Director of Administration
17 education/experience pay adjustment schedule. Any action taken to recruit
18 an applicant who is *not* licensed or qualified to be licensed by endorsement,
19 does *not* meet the minimum requirements, and/or did *not* comply with the
20 Director of Administration education/experience pay adjustment schedule,
21 *shall* be declined and/or voided by the Department of Administration.”

22 **Section 3.** Item (10) of Subsection (a), and Item (5) of Subsection (b) of
23 §12805, Article 8, Chapter 12, Part 1 of Title 10, Guam Code Annotated, are
24 hereby *repealed*.

25 **Section 4. Severability.** *If* any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity shall *not* affect other provisions or applications of this Act which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 189-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall
November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

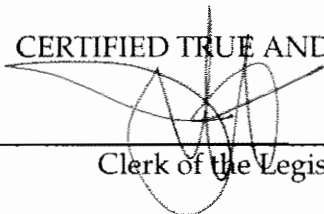
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



OCT 28 2013

2013 OCT 29 AM 8:25

The Honorable Rory J. Respicio
Chairperson, Committee on Rules
I Mina' Trentai Dos Na Liheslaturan Guåhan
32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

RE: Committee Report on Bill No. 189-32 (COR)

Dear Senator Respicio:

Transmitted herewith is the Report of Committee on General Government Operations and Cultural Affairs on Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

Committee votes are as follows:

<u>3</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

Bill No. 189-32 (COR)

An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.



October 24, 2013

MEMORANDUM

TO: All Members

**FROM: Vice Speaker Benjamin J.F. Cruz
Committee on General Government Operations and Cultural Affairs**

SUBJECT: Committee Report on Bill No. 189-32 (COR)

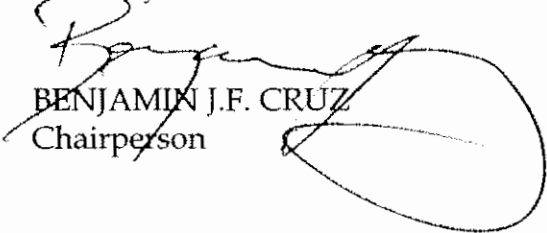
Transmitted herewith for your consideration is the Committee Report on Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 189-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 189-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

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.

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

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				✓		
MUÑA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member				✓ 10/28/13		
ADA, THOMAS C. Member						
PANGELINAN, C. VICENTE Member						
RESPICIO, RORY J. Member				✓ 10/23/13		
RODRIGUEZ, DENNIS G. JR. Member		✓ 10/27				
SAN NICOLAS, MICHAEL, F.Q. Member				✓		
AGUON, Jr., FRANK B. Member						
ADA, V. ANTHONY Member						
Morrison, Thomas Member						
McCreadie, Brant Member						
YAMASHITA, ALINE Member						



COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Monday, October 7, 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. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on September 30, 2013, and October 3, 2013, via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz
Senator Dennis Rodriguez, Jr.
Senator Thomas C. Ada
Senator Frank B. Aguon, Jr.
Senator Christopher M. Duenas
Senator V. Anthony Ada
Senator Michael T. Limtiaco
Senator Thomas Morrison
Senator Aline A. Yamashita, PhD

Sign-in Sheet

Charles H. Morris, Bureau of Nutrition Services Administrator, Department of Public Health and Social Services

The public hearing for Bill 189-32 (COR) began at 12:14 p.m.

II. TESTIMONY & DISCUSSION

Vice Speaker Benjamin J.F Cruz announced Bill No. 189-32 (COR).

Senator Dennis Rodriguez, Jr. gave his sponsor statement:



“Thank you, Mr. Vice Speaker. Bill 189 is intended to help Public Health and other agencies providing health care services address a certain unintended statutory impediment to the hiring of allied health professionals in the hard-to-fill positions. [Bill] 189 in no way lessens or diminishes the qualifying criteria that potential candidates must meet in applying for these positions and we’ve been working, as Mr. Morris will tell you, over two years, with the Bureau of Nutrition Services and the [Special Supplemental Nutrition Program for Women, Infants and Children] office to try to see how we can help them in you know clarifying existing statutes to help them recruit these hard-to-fill positions. We know that this will probably is not the silver bullet but it helps in that process. So I know that they are here today to provide testimony. Thank you very much.”

Vice Speaker Cruz thanked Senator San Nicolas and read that Mr. Morris has signed up to offer testimony for Bill 189-32 (COR).

Charles H. Morris, Bureau of Nutrition Services Administrator, Department of Public Health and Social Services, thanked the Vice Speaker and the members of the Committee for the opportunity to provide testimony. He said the shortage in allied healthcare professionals has been a concern for many years. He noted that Bill 189 would not completely fix the problem, but these changes would facilitate the recruitment and retention of professional nutritionists. He said that current Guam law has served as a major hiring deterrent since citizenship and residency criteria for applicants for licensure preclude non-citizen applicants, e.g. Filipino citizens who are U.S.-credentialed allied health professionals. He added that qualified U.S. citizens from off island are eligible are required to pay almost \$300.00 in licensure fees even before they are considered for employment. He mentioned that recruitment problems have resulted in their inability to fill vacancies that have remained unfilled for years; temporary and part-time hires have been recruited but “successors” are necessary for the aging pool of island dieticians and nutritionists. He gave as an example the position of Nutrition Coordinator for Nutrition Services for the Special Supplemental Nutrition Program for Women, Infants and Children, which will soon be vacant upon the retirement of the present Coordinator. He mentioned that current and emergent



challenges in the nutrition field (increasing racial, ethnic, linguistic diversity; aging workforce; emergency preparedness; food security; national obesity epidemic; rising healthcare costs) and the simultaneous intensification in competition for federal healthcare dollars require individuals who have greater professional qualifications. He suggested, as part of a multi-faceted solution to the shortage of allied health professionals, the development of a Nutrition program curriculum and the recruitment of associated faculty as a way for the University of Guam to grow the local workforce.

Vice Speaker Cruz thanked Mr. Morris for his testimony and opened the floor to Committee members for questions and comments.

Senator Michael Limtiaco asked if the amendment would exclude applicants from completing the Employment Verification Eligibility (I-9 Form) prior to employment, regardless of actual eligibility.

Mr. Morris asked if the question was in reference to the form completed by applicants who are legal aliens under the H1-B visa status—Senator Limtiaco answered in the affirmative—and answered that the amendment would not change this requirement. He reiterated that the current citizenship criterion excludes many qualified professionals from obtaining a Guam license. He mentioned that Office of the Attorney General (Attorney David Highsmith, legal counsel to Guam Board of Allied Health Professionals) issued an opinion that the requirement of U.S. citizenship for licensure is inorganic.

Vice Speaker Cruz asked if copying the medical licensure board requirements would be adequate for the purpose of licensing allied health professionals, adding that a number of doctors who were licensed in Guam were not citizens at the time of application.

Mr. Morris answered that he is not familiar with the requirements of the medical community and would not be able to comment.

Senator Rodriguez remarked that the bill does not diminish requirements and that employment statutes will still stand. He provided a scenario to emphasize that qualified allied health professionals who are U.S. citizens but are not Guam residents



are not eligible to work in Guam because they cannot in which a U.S. citizen who moved off island would still not be able to obtain a license.

Mr. Morris interjected and corrected Senator Rodriguez, stating that U.S. citizens would be able to obtain a license but at the cost of almost \$300.00.

Senator Rodriguez reiterated that aside from the change in the residency requirement, the amendment would not change any other criteria in recruiting non-U.S. citizens.

Vice Speaker Cruz said that Senator Rodriguez might need to make another amendment because Bill 200-32 (COR) will address subsection 4 of the general requirement with police clearances.

The public hearing for Bill No. 189-32 (COR) ended at 12:27 p.m.

*Vice Speaker Cruz received written testimony from **Charles H. Morris**, Bureau of Nutrition Services Administrator, Department of Public Health and Social Services.*

III. FINDINGS AND RECOMMENDATIONS

The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA" hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Bill No. 189-32 (COR) with a recommendation TO REPORT OUT ONLY.

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

Bill No. 189-32 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.

2013 SEP 18 PM 2:44
JMS

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that the Department of Public Health and Social Services, is having great difficulty
4 in recruiting qualified professional personnel in the allied health fields for hard-to-
5 fill positions due to conflicting statutory constraints which impede the hiring of
6 critically, needed personnel. Although the impeding statutes were actually
7 intended to facilitate the hiring process, it inadvertently does just the opposite.

8 *I Liheslaturan Guåhan* takes due note of the June 21, 2011, Information And
9 Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney
10 General, to the Department of Public Health and Social Services, relative to
11 "Hiring Nutritionists from off-island." It states, in part, "*GovGuam has always*
12 *encountered difficulty in hiring personnel from off-island, but government*
13 *licensing requirements render it even more difficult to hire professionals. . . . Title*
14 *10 G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian's license*
15 *to be either a Guam resident or a United States citizen, but Title 10 G.C.A. §*
16 *122103 states that the Board may license any Registered Dietitian, i.e., a dietitian*

1 registered with certain national credentialing bodies.” The memorandum also
2 notes that, “the Director of Administration has opined that § 6229.14 of Chapter 6,
3 Title 4, Guam Code Annotated, requires that all health professionals be licensed
4 before they apply for government of Guam employment [See HRD No. OG11-
5 0177].” “The net effect of these statutes is to restrict government hiring to
6 dietitians and nutritionists who are U.S. citizens and Guam residents and who are
7 already licensed on Guam, which renders it extremely difficult to hire from either
8 the Philippines or the U.S. mainland.” (Information And Guidance (Ref: DPHSS
9 11-0220)).

10 *I Liheslaturan Guåhan* further finds that the Bureau of Nutrition Services
11 and the Women Infant and Children Nutrition Office of the Department of Public
12 Health and Social Services, is having great difficulty in recruiting for the hard-to-
13 fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two
14 nutritionist positions have remained vacant since 2005 and 2006, respectively, with
15 a recent vacancy in December, 2011.

16 It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these
17 and other hard-to-fill allied health positions by the Department of Public Health
18 and Social Services, as well other agencies and public instrumentality’s providing
19 health care services.

20 **Section 2.** §6229.14 of Chapter 6, Title 4, Guam Code Annotated, is
21 amended to read:

22 **“§ 6229.14. Recruitment Process.**

23 All government of Guam agencies shall be exempted from the government
24 of Guam Department of Administration recruitment process for the hiring of nurses
25 and other healthcare professional positions. All nursing and other healthcare

1 professional applicants, who have a license to practice on Guam or who qualify for
2 a waiver of examination requirements and licensure by endorsement under 10
3 GCA Chapter 12 relative to the healthcare professional position for which they are
4 applying, and meet the minimum requirements of the class specifications, may be
5 scheduled for an interview and may be recruited, using the Director of
6 Administration education/experience pay adjustment schedule. Any action taken
7 to recruit an applicant who is *not* licensed or qualified to be licensed by
8 endorsement, does *not* meet the minimum requirements, and/or did *not* comply
9 with the Director of Administration education/experience pay adjustment schedule,
10 shall be declined and/or voided [~~null and void~~] by the Department of
11 Administration.”

12 **Section 3.** Items (8), (9) and (10) of subsection (a), and, items (3), (4), and
13 (5) of subsection (b), of § 12805, Article 8, Chapter 12, Part 1, Title 10, Guam
14 Code Annotated, are amended to read:

15 **“§ 12805. Requirements for Licensure.**

16 (a) Information Requirement. Any Board furnished applications, official
17 transcripts or other documentation, as required by the Board, shall be submitted in
18 English or accompanied by an English translation *and* is sent directly to the Board
19 from the appropriate institution or governing agency. The applicant shall provide
20 the Board and attest to the following information and documentation in a manner
21 required by the Board:

22 (1) his or her full name and all aliases or other names ever used,
23 current address, social security number, and date and place of birth;

24 (2) recent, less than ninety (90) days, signed photograph, a set of
25 fingerprints of the applicant, if requested, and a sample of handwriting;

1 (3) originals of all documents and credentials required by the Board,
2 or notarized photocopies or other verification acceptable to the Board of
3 such documents and credentials;

4 (4) list of all jurisdictions, United States or foreign, in which the
5 applicant is licensed or has applied for licensure to practice an allied health
6 profession or is authorized or has applied for authorization to practice an
7 allied health profession;

8 (5) list of all jurisdictions, United States or foreign, in which the
9 applicant has been denied licensure or authorization to practice an allied
10 health profession or has voluntarily surrendered a license or an authorization
11 to practice an allied health profession;

12 (6) list of all sanctions, judgments, awards, settlements or convictions
13 against the applicant in any jurisdiction, United States or foreign, that would
14 constitute grounds for disciplinary action under the Allied Health Practice
15 Act or the Board's rules and regulations;

16 (7) detailed educational history, including places, institutions, dates
17 and program descriptions, of all his or her education, beginning with
18 secondary schooling and including all college, pre-professional, professional
19 and professional postgraduate education;

20 (8) detailed chronological life history, including places and dates of
21 residence, employment and military service, United States or foreign; and

22 (9) any other information or documentation the Board determines
23 necessary, [~~and~~

24 (~~10) proof of residency or citizenship document acceptable to the~~
25 ~~Board.]~~

26

1 (b) General Requirements. The applicant for licensure must present the
2 following to the Board:

3 (1) evidence of proficiency in the English language, as determined by
4 the Board;

5 (2) evidence of professional education, training and experience, as
6 required by the applicant's area of discipline;

7 (3) three (3) letters of recommendation, originals or notarized copies,
8 one (1) of which must be a letter provided by the applicant's immediate
9 supervisor of his or her most recent employer, or by a practice associate, if
10 the applicant is in private practice; and

11 (4) a police clearance from the Guam Police Department if the
12 applicant has resided on Guam for more than one (1) year; if the applicant
13 has resided on Guam for less than one (1) year, a police clearance from the
14 applicant's most recent place of residence. [~~and~~

15 ~~(5) proof that the applicant is a resident of Guam or a citizen of the~~
16 ~~United States of America.]”~~

[Legislative Note: All other subsections and items of 10 GCA, § 12805, are not affected by this
Section 3, and remain unchanged and in full force and effect]

17 **Section 4. Severability.** *If any provision of this Act or its application to*
18 *any person or circumstance is found to be invalid or contrary to law, such*
19 *invalidity shall not affect other provisions or applications of this Act which can be*
20 *given effect without the invalid provisions or application, and to this end the*
21 *provisions of this Act are severable.*

22 **Section 5. Effective Date.** This Act shall become immediately effective
23 upon enactment.



I Mina'trentai Dos Na Liheslaturan Guahan
Public Hearing Sign-in Sheet
Monday, October 7, 2013 - 10am-11am
I Liheslatura-Public Hearing - Room- Hagatna, Guam

Bill No.189-32 (COR) - D.G.Rodriguez- An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, chapter 12, part 1,10 GCA.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
<i>Charlie Morris</i>	<i>DPHSS</i>	<i>Support</i>	<i>✓</i>	<i>✓</i>	<i>475-0287</i>	<i>charles.morris@dphss.guam.gi</i>

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

October 7, 2013

Testimony in Favor of Bill 189-32

Honorable Senators,

Bill 189-32, which facilitates the hiring of licensed professional nutritionists, is a bill which I have been working to formulate with Sen. Rodriguez Office on for over 2 years. Needless to say, it is a bill which I fully support.

Current Guam law has served as a major deterrent for hiring professional nutritionists and dietitians because it requires an applicant for licensure to either be a Guam resident or US citizen. This excludes hiring U.S.-credentialed Filipino citizens from the ability to apply for a license and U.S. Citizens from making application for employment without a license (meaning that they would have to pay \$300 in licensing fees and attain a license, even before they receive an offer of employment).

Guam's professional nutrition staff is aging. Currently Guam WIC has four professional nutritionists (including the WIC Nutrition Coordinator and myself - 3 of whom are RDs) ages 69, 66, 56 and 38 who have been with Guam WIC for 17, 21, 24 and 10 years respectively. Guam WIC recently had one RD retire in December 2011 and has two other vacancies for which they have not been able to recruit a full-time individual for 6 and 7 years respectively. Most recently we were able to hire a part-time RD in one of these positions, but this individual only works 16 hours per week.

The attempt to improve RD recruitment and retention in Guam has been a slow process. Nutritionists have had a licensing requirement since 1999 whereby they must either be an RD or have a Master's Degree in Nutrition. In 2003 (11 years from receiving the initial request) the Guam Civil Service Commission finally approved the Guam Bureau of Nutrition Services' request to upgrade the professional/paraprofessional PHN job specification series according to the Public Health Foundation's personnel guidance (Dodds and Kaufman, 1991). PHN professionals began receiving a 25% recruitment and retention pay incentive in 2006. Nonetheless professional recruitment and retention problems persist in Guam due to insufficient salaries (which even with position reclassification and incentive pay, are still far below the national average) and the lack of an ability to "home grow" nutrition professionals on Guam.

Charles Morris Testimony in Support of Bill 189-32

October 7, 2013

Page 2 of 2

The law change does not completely solve recruitment and retention difficulties for nutritionists and dietitians in Guam, but it is a major piece of the puzzle.



CHARLES H. MORRIS, MPH, RD, LDN
Bureau of Nutrition Services Administrator
Department of Public Health and Social Services

NUTRITION WORKFORCE PROFILE IN THE US AND GUAM (ASTPHND WORKFORCE SURVEYS: 1999-2000 & 2006-2007)

<i>Characteristic</i>	<i>US 2000</i>	<i>US 2007</i>	<i>US Trend</i>	<i>GU 2012</i>
Proportion of Paraprofessionals (WIC)	30.7%	24.6%	-6.1%	69.6%
Proportion of Professionals (WIC)	67.2%	71.3%	4.1%	31.4%
Nutritionists Plan to retire in < 10 years	*	31.2%		75%
Proportion of RDs (WIC)	37.6%	33.5%	-4.1%	13%
Nutritionists: WIC Experience \geq 10 years	32.5%	44.7%	12.2%	75%
Nutritionists: WIC Experience: 1-9 years	58.8%	41.3%	-17.5%	25%
Nutritionists: WIC Experience: < 1 year	6.3%	13.8%	7.5%	0%
Speak Spanish as a Second Language	9.4%	7.2%	-2.2%	N/A

* Not collected in 2000



GUAM WIC RECRUITMENT AND RETENTION STRATEGIES: PRESENT AND FUTURE

- Continue Developing Paraprofessional Training
 - Work with AIM Partners in Developing Shared Applications
 - Begin to integrate new Nutrition Assistant II position
- Leverage Philippine Nutritionists reciprocity agreement
- Work with the University and the hospital to develop local Dietetic Internships
- Work with the legislature to revise cumbersome licensing laws which restrict qualified applicants
- Push to ratify Hay Group's 2010 revision to Gov Guam's unified pay scale
- Aggressive outreach to publicize vacancies

HISTORY OF NUTRITIONIST SERIES RECRUITMENT (Since 1987 - PHN Administrator, PHN Specialist and Comm. Nutritionist I & II)

PHN Administrator (Pos #6098)	PH Nutrition Specialist (Pos #6678)	PH Nutrition Specialist (Pos #6073)	Comm. Nutritionist II (Pos #6413)	Comm. Nutritionist II (Pos #6737)	Comm. Nutritionist II (Pos #6021)	Comm. Nutritionist II (Pos #6625)	Comm. Nutritionist II (Pos #6075/6019)	Comm. Nutritionist II (Pos #6176)
Charles Morris, RD 12/4/89 - present Entered at Step 6	Cathy Guzman, RD 9/4/89 - 12/18/91 Entered at Step 8	Lisa Gemlo, RD 4/27/92 - 6/11/93 Entered at Step 4	Hans Hammer, RD 10/25/93 - 3/22/96 Entered at Step 4	Teresita Mejia, RD 5/5/97 - 12/2/11 Entered at Step 6	Janet Benevente 10/1/92 - 8/13/93 Entered at Step 1	Cathy Guzman, RD 3/9/87 - 9/3/89 Entered at Step 1	Cathleen Pomponio 4/14/97 - 3/27/98 Entered at Step 4	Lisa Gemlo, RD 2/15/91 - 4/26/92 Entered at Step 1
	Stephen Weiss, RD 6/29/92 - present Entered at Step 7**	Rita Rumrill, RD 1/13/97 - 1/9/98 Entered at Step 8	Godfrey Wong, RD 8/8/03 - present Entered at Step 4		Jennifer Trimarchi 10/25/93 - 10/14/94 Entered at Step 1	Melinda Pendleton, RD 12/7/92 - 6/4/93 Entered at Step 7	Rose McNinch, RD 8/1/03 - 3/11/05 Entered at Step 7	Lynne Eynard, RD 1/3/94 - 1/14/95 Entered at Step 7
		Dawn Oakley, RD 8/21/98 - 10/13/06 Entered at Step 9			Nancy Graham, RD 4/3/95 - 7/28/95 Entered at Step 6	Connie Zahalka, RD 3/27/95 - 5/23/97 Entered at Step 6	Carrie Snow, RD + 1/28/13 - present Entered at Step 3	Denise Williams 8/5/96 - 3/20/98 Entered at Step 4
					Thelma Ramoso 7/22/96 - present Entered at Step 4	Maria Mandanas 12/30/98 - 4/30/99 Entered at Step 1		Rose McNinch, RD 10/26/98 - 12/31/99 Entered at Step 4
						Jean Facchini, RD 2/12/01 - 7/13/01 Entered at Step 10		Hazel Bilbao, RD 4/10/01 - 3/22/02 Entered at Step 4
						Andrea Wickham, RD 9/16/03 - 6/16/06 Entered at Step 10**		

* Initially came in at Step 1, but was impacted by the recruitment of subordinate employee Melinda Pendleton, effective 12/7/92 (less than 6 mos after his initial recruitment), and Step was adjusted to Step 7 by CSC

** Hired via Off-Island Contract - Converted to classified employee September 16, 2005.

+ Part-time employee



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

Certification of

Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 189-32 (COR)** – “AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF §12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.” – on October 28, 2013. COR hereby certifies that BBMR confirmed receipt of this request on September 24, 2013 at 12:57 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 189-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

10/28/13

Date



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
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aime Yamashita
Member

September 24, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes-- Bill Nos. 177-32(COR) through 180-32(COR);
184-32(COR) through 186-32(COR); and 188-
32(COR) through 193-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 SEP 24 AM 10:15

Bill Nos.	Sponsor	Title
177-32 (COR)	Vicente (ben) C. Pangelinan, Michael F.Q. SanNicolas, Judith T. Won Pat, Ed.D., T. R. Muña Barnes, Frank B. Agnon, Jr., B.J.F. Cruz, R.J. Respicio	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014; MAKING OTHER APPROPRIATIONS; AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
178-32 (COR)	Judith T. Won Pat, Ed.D. Tina R. Muna Barnes D.G. Rodriguez, Jr., Rory J. Respicio, Michael F.Q. San Nicolas Frank B. Agnon, Jr. Tommy Morrison	AN ACT TO APPROPRIATE THE REMAINING FUNDS ESCHEATED TO THE GENERAL FUND PRIOR TO END OF FISCAL YEAR 2013, PURSUANT TO §21116 OF CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES AND AUTHORIZED TO USE AS A LOCAL REQUIREMENT FOR THE MEDICAID PROGRAM.
179-32 (COR)	B.J.F. Cruz T.R. Muña-Barnes J.T. Won Pat, Ed.D	AN ACT TO AMEND P.L. 30-83 RELATIVE TO THE COORDINATING COMMITTEE OF THE 12TH FESTIVAL OF PACIFIC ARTS OF 2016.
180-32 (COR)	B.J.F. Cruz T. C. Ada	AN ACT TO AMEND SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE UNCLASSIFIED, IN-HOUSE COUNSEL.
184-32 (COR)	Aline A. Yamashita, Ph.D., V. Anthony Ada, Brant T. McCreadie, Tommy Morrison, Michael T. Limtiaco, Chris M. Dueñas	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE DEPARTMENT OF EDUCATION FOR THE IMPLEMENTATION OF PROVISIONS OF PUBLIC LAW NO. 31-29.
185-32 (COR)	Michael T. Limtiaco, Brant T. McCreadie, V. Anthony Ada, Chris M. Dueñas, Tommy Morrison, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED FORTY NINE THOUSAND, ONE HUNDRED NINETEEN DOLLARS (\$449,119) FROM SECTION 30 TAX REVENUES TO PURCHASE VEHICLES FOR THE GUAM POLICE DEPARTMENT.
186-32 (COR)	Tommy Morrison, Brant T. McCreadie, V. Anthony Ada, Chris M. Dueñas, Michael T. Limtiaco, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, AND THE DEPARTMENT OF CORRECTIONS.

188-32 (COR)	T.R. MUÑA Barnes, B. J.F. Cruz	AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.
189-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.
190-32 (COR)	B J.F. Cruz, Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW CHAPTER 2B TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE RESEARCH CORPORATION, UNIVERSITY OF GUAM (RCUOG).
191-32 (COR)	Frank B. Aguon, Jr.	AN ACT TO AMEND PUBLIC LAW 31-235, RELATIVE TO THE WOMEN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2012.
192-32 (COR)	B J.F. Cruz	AN ACT TO ADD A NEW § 64.15, § 64.16, AND § 64.17 TO CHAPTER 64 OF TITLE 9 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE PROHIBITION AND FORFEITURE OF ELECTRONIC MACHINES OR DEVICES TO CONDUCT SWEEPSTAKES GAMBLING.
193-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.



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

September 19, 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 Nos. 188 & 189-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 188 & 189-32(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	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
189-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.	9/18/2013 2:44 p.m.	9/19/13	Committee on General Governmental operations and Cultural Affairs			



REVISED - First Notice of Public Hearing – Five Day Notice – October 7, 2013

Mike Lidia <mike.lidia@senatorbjcruz.com>

Mon, Sep 30, 2013 at 2:24 PM

To: phnotice@guamlegislature.org, "lrapadas@guamag.org" <lrapadas@guamag.org>, Phil Tydingco <ptydingco@guamag.org>, ptydingco@guamattorneygeneral.com, "law@guamattomeygeneral.com" <law@guamattomeygeneral.com>, Zerlyn Palomo <zpalomo@guamag.org>, James Gillan <james.gillan@dphss.guam.gov>, roselie zabala <roselie.zabala@dphss.guam.gov>, Joseph Cameron <joseph.cameron@dca.guam.gov>, info@ghra.org, Gerald Perez <geap43@yahoo.com>, "John Thos. Brown" <jngo@ozemail.com.au>, dleddy@guamchamber.com.gu, General Benny Paulino <benny.m.paulino@us.army.mil>, governor@guam.gov, afcmstg24@yahoo.com, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, Carlo Branch <carlo.branch@senatorbjcruz.com>, Charissa Tenorio <charissatenorio@gmail.com>, Charissa Tenorio <charissa.tenorio@senatorbjcruz.com>, Matthew Santos <matthew.santos@senatorbjcruz.com>, Tessa Mae Borja Weidenbacher <tessa.borja@gmail.com>, Tessa Weidenbacher <tessa@senatorbjcruz.com>, Yong Pak <yong@guamlegislature.org>, Adam Bearce <adam@guamlegislature.org>, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>

September 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 – October 7, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on Monday, October 7, 2013, beginning at 10:00AM in the Legislature's Public Hearing Room with the following agenda:

Bill No. 175-32 (COR) - M.F.Q. San Nicolas / F.B. Aguon, Jr. / B.J.F. Cruz / T.A. Morrison - An act to allow non-commissioned officers to have their service recognized for management positions of the government of Guam, by adding a new §4129 to Article 1, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 179-32 (COR) - B.J.F. Cruz / T.R. Muña Bames / J.T. Won Pat, Ed.D. - An act to amend P.L. 30-83 relative to the coordinating committee of the 12th Festival of Pacific Arts of 2016.

Bill No. 180-32 (COR) - B.J.F. Cruz / T.C. Ada - An act to amend Section 30102(a) of Chapter 30, Title 5 Guam Code Annotated, to require agencies permitted to retain counsel other than the Attorney General, to hire unclassified, in-house counsel.

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

Bill No. 200-32 (COR) - R.J. Respicio, T.C. Ada, B J.F. Cruz - An act to amend Title 10 Guam Code Annotated §77135 Relative to Police Clearances, to be known as the "Police Clearance Clarity Act of 2013."

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 carlo.branch@senatorbjcruz.com.

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

Senseramente,

Mike Lidia
Committee Director
Office of Vice Speaker Cruz
477-2520



Second Notice of Public Hearing – Two Day Notice – October 7, 2013

Mike Lidia <mike.lidia@senatorbjcruz.com>

Thu, Oct 3, 2013 at 8:22 AM

To: phnotice@guamlegislature.org, "Irapadas@guamag.org" <Irapadas@guamag.org>, Phil Tydingco <ptydingco@guamag.org>, ptydingco@guamattorneygeneral.com, "law@guamattorneygeneral.com" <law@guamattorneygeneral.com>, Zerlyn Palomo <zpalomo@guamag.org>, James Gillan <james.gillan@dphss.guam.gov>, roseline zabala <roseline.zabala@dphss.guam.gov>, Joseph Cameron <joseph.cameron@dca.guam.gov>, info@ghra.org, Gerald Perez <geap43@yahoo.com>, "John Thos. Brown" <jngo@ozemail.com.au>, dleddy@guamchamber.com.gu, General Benny Paulino <benny.m.paulino@us.army.mil>, governor@guam.gov, afcmst24@yahoo.com, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Yong Pak <yong@guamlegislature.org>, Adam Bearce <adam@guamlegislature.org>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, Carlo Branch <carlo.branch@senatorbjcruz.com>, Charissa Tenorio <charissatenorio@gmail.com>, Charissa Tenorio <charissa.tenorio@senatorbjcruz.com>, Matthew Santos <matthew.santos@senatorbjcruz.com>, Tessa Mae Borja Weidenbacher <tessa.borja@gmail.com>, Tessa Weidenbacher <tessa@senatorbjcruz.com>

October 3, 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 – October 7, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on Monday, October 7, 2013, beginning at 10:00AM in the Legislature's Public Hearing Room with the following agenda:

Bill No. 175-32 (COR) - M.F.Q. San Nicolas / F.B. Aguon, Jr. / B.J.F. Cruz / T.A. Momison - An act to allow non-commissioned officers to have their service recognized for management positions of the government of Guam, by adding a new §4129 to Article 1, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 179-32 (COR) - B.J.F. Cruz / T.R. Muña Barnes / J.T. Won Pat, Ed.D. - An act to amend P.L. 30-83 relative to the coordinating committee of the 12th Festival of Pacific Arts of 2016.

Bill No. 180-32 (COR) - B.J.F. Cruz / T.C. Ada - An act to amend Section 30102(a) of Chapter 30, Title 5 Guam Code Annotated, to require agencies permitted to retain counsel other than the Attorney General, to hire unclassified, in-house counsel.

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

Bill No. 200-32 (COR) - R.J. Respicio, T.C. Ada, B.J.F. Cruz - An act to amend Title 10 Guam Code Annotated §77135 Relative to Police Clearances, to be known as the "Police Clearance Clarity Act of 2013."

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 carlo.branch@senatorbjcruz.com.

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accommodations, please contact Carlo Branch at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at carlo.branch@senatorbjcruz.com.

Senseramente,

Mike Lidia
Committee Director
Office of Vice Speaker Cruz
477-2520

**Listserv: phnotice@guamlegislature.org
As of October 1, 2013**

aalladi@guampdn.com
action@weareguahan.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@leapguam.com
admin@weareguahan.com
agnes@judiwonpat.com
aguon4guam@gmail.com
ahernandez@guamlegislature.org
ajuan@kijifm104.com
alerta.jermaine@gmail.com
aline4families@gmail.com
am800guam@gmail.com
amanda@toduguam.com
amanda@judiwonpat.com
amier@mvguam.com
ang.duenas@gmail.com
aokada@guamlegislature.org
ataligba@gmail.com
av@guamlegislature.org
avillaverde@guamlegislature.org
avon.guam@gmail.com
baza.matthew@gmail.com
bbautista@spbguam.com
bdydasco@yahoo.com
berthaduenas@guamlegislature.org
betsy@spbguam.com
bmkelman@guampdn.com
brantforguam@gmail.com
breanna.lai@mail.house.gov
bruce.lloyd.media@gmail.com
carlos.pangelinan@senatorbjcruz.com
carlsonc@pstripes.osd.mil
ccastro@guamchamber.com.gu
ccharfauros@guamag.org
ccruz.duenas@gmail.com
charissa.tenorio@senatorbjcruz.com
chechsantos@gmail.com
cheerfulcatunao@yahoo.com
cherbert.senatordrodriguez@gmail.com
chris.budasi@guamlegislature.org
cipo@guamlegislature.org
clerks@guamlegislature.org
clifton@toduguam.com
clynt@spbguam.com
colleenw@guamlegislature.org
committee@frankaguonjr.com
communications@guam.gov
conedera@mikelimtiaco.com
cor@guamlegislature.org
coy@senatorada.org
cyrus@senatorada.org
dcrisost@guam.gannett.com
desori623@hotmail.com

dleddy@guamchamber.com.gu
dmgeorge@guampdn.com
dtamondong@guampdn.com
duenasenator@gmail.com
ed@tonyada.com
edelynn1130@hotmail.com
editor@mvguam.com
editor@saipantribune.com
edpocaigne@judiwonpat.com
elaine@tinamunabarnes.com
emqcho@gmail.com
ewinstoni@yahoo.com
eo@guamrealtors.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank@judiwonpat.com
frank@mvguam.com
gdumat-ol@guampdn.com
gerry@mvguam.com
gerrypartido@gmail.com
gina@mvguam.com
gktv23@hotmail.com
guam@pstripes.osd.mil
guamnativesun@yahoo.com
gusaflague@senatormorrison.com
hana@guam-shinbun.com
hill.bruce@abc.net.au
hottips@kuam.com
info@chinesetimesguam.com
janela@mvguam.com
jason@judiwonpat.com
jason@kuam.com
jean@tinamunabarnes.com
jennifer.lj.dulla@gmail.com
jennifer@mvguam.com
jimespaldon@yahoo.com
jmesngon.senatordrodriguez@gmail.com
joan@kuam.com
joe@toduguam.com
john.calvo@noaa.gov
john@kuam.com
jpmanuel@gmail.com
jtenorio@guamcourts.org
jtyquiengco@spbguam.com
julian.c.janssen@gmail.com
juliette@senatorada.org
kai@spbguam.com
karenc@guamlegislature.org
kcn.kelly@gmail.com
kelly.toves@mail.house.gov
kenq@kuam.com
kevin@spbguam.com

**Listserv: phnotice@guamlegislature.org
As of October 1, 2013**

aalladi@guampdn.com
action@weareguahan.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@leapguam.com
admin@weareguahan.com
agnes@judiwonpat.com
aguon4guam@gmail.com
ahernandez@guamlegislature.org
ajuan@kijifm104.com
alerta.jermaine@gmail.com
aline4families@gmail.com
am800guam@gmail.com
amanda@toduguam.com
amanda@judiwonpat.com
amier@mvguam.com
ang.duenas@gmail.com
aokada@guamlegislature.org
ataligba@gmail.com
av@guamlegislature.org
avillaverde@guamlegislature.org
avon.guam@gmail.com
baza.matthew@gmail.com
bbautista@spbguam.com
bdydasco@yahoo.com
berthaduenas@guamlegislature.org
betsy@spbguam.com
bmkelman@guampdn.com
brantforguam@gmail.com
breanna.lai@mail.house.gov
bruce.lloyd.media@gmail.com
carlos.pangelinan@senatorbjcruz.com
carlsonc@pstripes.osd.mil
ccastro@guamchamber.com.gu
ccharfauros@guamag.org
ccruz.duenas@gmail.com
charissa.tenorio@senatorbjcruz.com
chechsantos@gmail.com
cheerfulcatunao@yahoo.com
cherbert.senatorrodriguez@gmail.com
chris.budasi@guamlegislature.org
cipo@guamlegislature.org
clerks@guamlegislature.org
clifton@toduguam.com
clynt@spbguam.com
colleenw@guamlegislature.org
committee@frankaguonjr.com
communications@guam.gov
conedera@mikelimtiaco.com
cor@guamlegislature.org
coy@senatorada.org
cyrus@senatorada.org
dcrisost@guam.gannett.com
desori623@hotmail.com

dledy@guamchamber.com.gu
dmgeorge@guampdn.com
dtamondong@guampdn.com
duenasenator@gmail.com
ed@tonyada.com
edelynn1130@hotmail.com
editor@mvguam.com
editor@saipantribune.com
edpocaigue@judiwonpat.com
elaine@tinamunabarnes.com
emqcho@gmail.com
ewinstoni@yahoo.com
eo@guamrealtors.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank@judiwonpat.com
frank@mvguam.com
gdumat-ol@guampdn.com
gerry@mvguam.com
gerrypartido@gmail.com
gina@mvguam.com
gktv23@hotmail.com
guam@pstripes.osd.mil
guamnativesun@yahoo.com
gusaflague@senatormorrison.com
hana@guam-shinbun.com
hill.bruce@abc.net.au
hottips@kuam.com
info@chinesetimesguam.com
janela@mvguam.com
jason@judiwonpat.com
jason@kuam.com
jean@tinamunabarnes.com
jennifer.lj.dulla@gmail.com
jennifer@mvguam.com
jimespaldon@yahoo.com
jmesngon.senatorrodriguez@gmail.com
joan@kuam.com
joe@toduguam.com
john.calvo@noaa.gov
john@kuam.com
jpmanuel@gmail.com
jtenorio@guamcourts.org
jtyquiengco@spbguam.com
julian.c.janssen@gmail.com
juliette@senatorada.org
kai@spbguam.com
karenc@guamlegislature.org
kcn.kelly@gmail.com
kelly.toves@mail.house.gov
kenq@kuam.com
kevin@spbguam.com



Public Hearing AGENDA Monday, October 7, 2013 – 10:00AM

Bill No. 175-32 (COR) - M.F.Q. San Nicolas / F.B. Aguon, Jr. / B.J.F. Cruz / T.A. Morrison - An act to allow non-commissioned officers to have their service recognized for management positions of the government of Guam, by adding a new §4129 to Article 1, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 179-32 (COR) - B.J.F. Cruz / T.R. Muña Barnes / J.T. Won Pat, Ed.D. - An act to amend P.L. 30-83 relative to the coordinating committee of the 12th Festival of Pacific Arts of 2016.

Bill No. 180-32 (COR) - B.J.F. Cruz / T.C. Ada - An act to amend Section 30102(a) of Chapter 30, Title 5 Guam Code Annotated, to require agencies permitted to retain counsel other than the Attorney General, to hire unclassified, in-house counsel.

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - An act to facilitate the recruitment of hard-to-fill allied health professional positions, by amending §6229.14 of Chapter 6, 4 GCA, and subsection (a) of § 12805, Article 8, Chapter 12, Part 1, 10 GCA.

Bill No. 200-32 (COR) - R.J. Respicio, T.C. Ada, B J.F. Cruz - An act to amend Title 10 Guam Code Annotated §77135 Relative to Police Clearances, to be known as the "Police Clearance Clarity Act of 2013."



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

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 24, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes- Bill Nos. 177-32(COR) through 180-32(COR);
184-32(COR) through 186-32(COR); and 188-
32(COR) through 193-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 SEP 24 AM 10:15 AM

Bill Nos.	Sponsor	Title
177-32 (COR)	Vicente (ben) C. Pangelinan, Michael F.Q. SanNicolas, Judith T. Won Pat, Ed.D., T. R. Muña Barnes, Frank B. Aguon, Jr., B.J.F. Cruz, R.J. Respicio	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014; MAKING OTHER APPROPRIATIONS; AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
178-32 (COR)	Judith T. Won Pat, Ed.D. Tina R. Muna Barnes D.G. Rodriguez, Jr., Rory J. Respicio, Michael F.Q. San Nicolas Frank B. Aguon, Jr. Tommy Morrison	AN ACT TO APPROPRIATE THE REMAINING FUNDS ESCHEATED TO THE GENERAL FUND PRIOR TO END OF FISCAL YEAR 2013, PURSUANT TO §21116 OF CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES AND AUTHORIZED TO USE AS A LOCAL REQUIREMENT FOR THE MEDICAID PROGRAM.
179-32 (COR)	B.J.F. Cruz T.R. Muña-Barnes J.T. Won Pat, Ed.D	AN ACT TO AMEND P.L. 30-83 RELATIVE TO THE COORDINATING COMMITTEE OF THE 12TH FESTIVAL OF PACIFIC ARTS OF 2016.
180-32 (COR)	B.J.F. Cruz T. C. Ada	AN ACT TO AMEND SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE UNCLASSIFIED, IN-HOUSE COUNSEL.
184-32 (COR)	Aline A. Yamashita, Ph.D., V. Anthony Ada, Brant T. McCreddie, Tommy Morrison, Michael T. Limtiaco, Chris M. Dueñas	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE DEPARTMENT OF EDUCATION FOR THE IMPLEMENTATION OF PROVISIONS OF PUBLIC LAW NO. 31-29.
185-32 (COR)	Michael T. Limtiaco, Brant T. McCreddie, V. Anthony Ada, Chris M. Dueñas, Tommy Morrison, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED FORTY NINE THOUSAND, ONE HUNDRED NINETEEN DOLLARS (\$449,119) FROM SECTION 30 TAX REVENUES TO PURCHASE VEHICLES FOR THE GUAM POLICE DEPARTMENT.
186-32 (COR)	Tommy Morrison, Brant T. McCreddie, V. Anthony Ada, Chris M. Dueñas, Michael T. Limtiaco, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, AND THE DEPARTMENT OF CORRECTIONS.

<p>188-32 (COR)</p>	<p>T.R. MUÑA Barnes, B. J.F. Cruz</p>	<p>AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.</p>
<p>189-32 (COR)</p>	<p>Dennis G. Rodriguez, Jr.</p>	<p>AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.</p>
<p>190-32 (COR)</p>	<p>B J.F. Cruz, Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D.</p>	<p>AN ACT TO ADD A NEW CHAPTER 28 TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE RESEARCH CORPORATION, UNIVERSITY OF GUAM (RCUOG).</p>
<p>191-32 (COR)</p>	<p>Frank B. Aguon, Jr.</p>	<p>AN ACT TO AMEND PUBLIC LAW 31-235, RELATIVE TO THE WOMEN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2012.</p>
<p>192-32 (COR)</p>	<p>B J.F. Cruz</p>	<p>AN ACT TO ADD A NEW § 64.15, § 64.16, AND § 64.17 TO CHAPTER 64 OF TITLE 9 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE PROHIBITION AND FORFEITURE OF ELECTRONIC MACHINES OR DEVICES TO CONDUCT SWEEPSTAKES GAMBLING.</p>
<p>193-32 (COR)</p>	<p>Dennis G. Rodriguez, Jr.</p>	<p>AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.</p>

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

Bill No. 189-32 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.

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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 the Department of Public Health and Social Services, is having great difficulty
4 in recruiting qualified professional personnel in the allied health fields for hard-to-
5 fill positions due to conflicting statutory constraints which impede the hiring of
6 critically, needed personnel. Although the impeding statutes were actually
7 intended to facilitate the hiring process, it inadvertently does just the opposite.

8 *I Liheslaturan Guåhan* takes due note of the June 21, 2011, Information And
9 Guidance (Ref: DPHSS 11-0220) memorandum by the Office of the Attorney
10 General, to the Department of Public Health and Social Services, relative to
11 “Hiring Nutritionists from off-island.” It states, in part, “*GovGuam has always*
12 *encountered difficulty in hiring personnel from off-island, but government*
13 *licensing requirements render it even more difficult to hire professionals. . . . Title*
14 *10 G.C.A. § 12805(b)(5) purportedly requires an applicant for a dietitian’s license*
15 *to be either a Guam resident or a United States citizen, but Title 10 G.C.A. §*
16 *122103 states that the Board may license any Registered Dietitian, i.e., a dietitian*

1 registered with certain national credentialing bodies.” The memorandum also
2 notes that, “the Director of Administration has opined that § 6229.14 of Chapter 6,
3 Title 4, Guam Code Annotated, requires that all health professionals be licensed
4 before they apply for government of Guam employment [See HRD No. OG11-
5 0177].” “The net effect of these statutes is to restrict government hiring to
6 dietitians and nutritionists who are U.S. citizens and Guam residents and who are
7 already licensed on Guam, which renders it extremely difficult to hire from either
8 the Philippines or the U.S. mainland.” (Information And Guidance (Ref: DPHSS
9 11-0220)).

10 *I Liheslaturan Guåhan* further finds that the Bureau of Nutrition Services
11 and the Women Infant and Children Nutrition Office of the Department of Public
12 Health and Social Services, is having great difficulty in recruiting for the hard-to-
13 fill position of Registered Dietitian or a Certified Nutrition Specialist, and that two
14 nutritionist positions have remained vacant since 2005 and 2006, respectively, with
15 a recent vacancy in December, 2011.

16 It is the intent of *I Liheslaturan Guåhan* to facilitate recruitment for these
17 and other hard-to-fill allied health positions by the Department of Public Health
18 and Social Services, as well other agencies and public instrumentality’s providing
19 health care services.

20 **Section 2.** §6229.14 of Chapter 6, Title 4, Guam Code Annotated, is
21 amended to read:

22 **“§ 6229.14. Recruitment Process.**

23 All government of Guam agencies shall be exempted from the government
24 of Guam Department of Administration recruitment process for the hiring of nurses
25 and other healthcare professional positions. All nursing and other healthcare

1 professional applicants, who have a license to practice on Guam or who qualify for
2 a waiver of examination requirements and licensure by endorsement under 10
3 GCA Chapter 12 relative to the healthcare professional position for which they are
4 applying, and meet the minimum requirements of the class specifications, may be
5 scheduled for an interview and may be recruited, using the Director of
6 Administration education/experience pay adjustment schedule. Any action taken
7 to recruit an applicant who is *not* licensed or qualified to be licensed by
8 endorsement, does *not* meet the minimum requirements, and/or did *not* comply
9 with the Director of Administration education/experience pay adjustment schedule,
10 shall be declined and/or voided [~~null and void~~] by the Department of
11 Administration.”

12 **Section 3.** Items (8), (9) and (10) of subsection (a), and, items (3), (4), and
13 (5) of subsection (b), of § 12805, Article 8, Chapter 12, Part 1, Title 10, Guam
14 Code Annotated, are amended to read:

15 **“§ 12805. Requirements for Licensure.**

16 (a) Information Requirement. Any Board furnished applications, official
17 transcripts or other documentation, as required by the Board, shall be submitted in
18 English or accompanied by an English translation *and* is sent directly to the Board
19 from the appropriate institution or governing agency. The applicant shall provide
20 the Board and attest to the following information and documentation in a manner
21 required by the Board:

- 22 (1) his or her full name and all aliases or other names ever used,
23 current address, social security number, and date and place of birth;
24 (2) recent, less than ninety (90) days, signed photograph, a set of
25 fingerprints of the applicant, if requested, and a sample of handwriting;

1 (3) originals of all documents and credentials required by the Board,
2 or notarized photocopies or other verification acceptable to the Board of
3 such documents and credentials;

4 (4) list of all jurisdictions, United States or foreign, in which the
5 applicant is licensed or has applied for licensure to practice an allied health
6 profession or is authorized or has applied for authorization to practice an
7 allied health profession;

8 (5) list of all jurisdictions, United States or foreign, in which the
9 applicant has been denied licensure or authorization to practice an allied
10 health profession or has voluntarily surrendered a license or an authorization
11 to practice an allied health profession;

12 (6) list of all sanctions, judgments, awards, settlements or convictions
13 against the applicant in any jurisdiction, United States or foreign, that would
14 constitute grounds for disciplinary action under the Allied Health Practice
15 Act or the Board's rules and regulations;

16 (7) detailed educational history, including places, institutions, dates
17 and program descriptions, of all his or her education, beginning with
18 secondary schooling and including all college, pre-professional, professional
19 and professional postgraduate education;

20 (8) detailed chronological life history, including places and dates of
21 residence, employment and military service, United States or foreign; and

22 (9) any other information or documentation the Board determines
23 necessary. [~~;~~ ~~and~~

24 ~~(10) proof of residency or citizenship document acceptable to the~~
25 ~~Board.]~~

1 (b) General Requirements. The applicant for licensure must present the
2 following to the Board:

3 (1) evidence of proficiency in the English language, as determined by
4 the Board;

5 (2) evidence of professional education, training and experience, as
6 required by the applicant's area of discipline;

7 (3) three (3) letters of recommendation, originals or notarized copies,
8 one (1) of which must be a letter provided by the applicant's immediate
9 supervisor of his or her most recent employer, or by a practice associate, if
10 the applicant is in private practice; and

11 (4) a police clearance from the Guam Police Department if the
12 applicant has resided on Guam for more than one (1) year; if the applicant
13 has resided on Guam for less than one (1) year, a police clearance from the
14 applicant's most recent place of residence. [~~;~~~~and~~

15 ~~(5) proof that the applicant is a resident of Guam or a citizen of the~~
16 ~~United States of America.]”~~

[Legislative Note: All other subsections and items of 10 GCA, § 12805, are not affected by this
Section 3, and remain unchanged and in full force and effect]

17 **Section 4. Severability.** *If* any provision of this Act or its application to
18 any person or circumstance is found to be invalid or contrary to law, such
19 invalidity shall *not* affect other provisions or applications of this Act which can be
20 given effect without the invalid provisions or application, and to this end the
21 provisions of this Act are severable.

22 **Section 5. Effective Date.** This Act shall become immediately effective
23 upon enactment.