

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE "FIT TO SERVE AND PROTECT ACT OF 2014".	04/09/14 4:05 p.m.	4/10/14	Committee on General Governmental Operations and Cultural Affairs			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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April 10, 2014

### MEMORANDUM

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

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 310-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 310-32(LS)**.

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 GUÁHAN***  
**2014 (SECOND) REGULAR SESSION**

**Bill No.** 310-32 (LS)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.**

2014 APR - 9 PM 4: 05

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

**Section 1. Fit to Serve and Protect Act of 2014.** §55104 of Chapter 55, Division 3 of Title 10, Guam Code Annotated is hereby added to read:

**“§55104. Legislative Findings and Intent.** I Liheslaturan Guahan finds that Guam’s public safety and law enforcement uniformed personnel must be physically fit due to the potential need for these uniformed personnel to be able to exert maximum efforts. Guam’s public safety and law enforcement uniformed personnel is sedentary in nature, without sufficient physical activity to maintain levels of fitness for exertive efforts or general health. The overall average fitness level of these uniformed personnel suggests that officers achieve an acceptable measure of physical fitness during academy training. However, without fitness maintenance standards, these gains achieved in the academy are shortly lost.

It has been proven that there is a direct correlation between physical fitness, good health, and performance productivity. Further, enhanced physical activity

1 and exercise prescription is one of the many variables that maximizes job  
2 effectiveness and lessening risks of non-communicable diseases (e.g.  
3 cardiovascular disease, diabetes, cancer). Thus, a critical aspect of the overall  
4 preparation of well-trained law enforcement personnel include the establishment  
5 and effective implementation of physical fitness standards and annual assessment  
6 policy that will ultimately benefit each uniformed personnel; and just as  
7 importantly ensure physical health for their personal benefit and the benefit of their  
8 families. Each uniformed public safety and law enforcement official should be  
9 encouraged to be both task-trained and physically fit at all times to more  
10 effectively serve and protect the people of Guam.

11 Therefore, it is the intent of I Liheslaturan Guahan to work with government  
12 of Guam public safety and law enforcement entities in the formulation of physical  
13 fitness standard and annual assessment policy that will further enhance the ability  
14 of all uniformed personnel in carrying out their tremendous responsibility to the  
15 public. This provision would require that the law enforcement agencies and  
16 entities of the government of Guam establish internally and collectively a  
17 government-wide physical fitness standard and annual assessment policy necessary  
18 to ensure the health and safety of all uniformed public safety and law enforcement  
19 officials in the conduct of their duties and responsibilities.

20 **§55104.1. Short Title.** This subchapter may be cited as the “Fit to Serve  
21 and Protect Act of 2014.”

22 **§55104.2. Public Safety and Law Enforcement Physical Fitness**  
23 **Standard and Annual Assessment Policy.**

24 (a) The government of Guam public safety and law enforcement entities  
25 shall hereby collectively formulate a government-wide policy on the  
26 establishment of physical fitness standards and annual assessment  
27 policy applicable to men and women serving the community in

1 uniform as a public safety or law enforcement official. For purposes  
2 of this Act, the applicable government of Guam public safety and law  
3 enforcement agencies shall include, but not limited to, the Judiciary of  
4 Guam, Guam Police Department, Guam Fire Department, Department  
5 of Corrections, Customs and Quarantine Agency, Jose D. Leon  
6 Guerrero Commercial Port Authority Police, Office of the Attorney  
7 General, and A.B. Won Pat International Airport Authority Police and  
8 Director of Agriculture.

9 (b) The “Fit to Serve and Protect Task Force” (hereinafter referred to as  
10 the “Task Force”) is hereby created for the establishment of physical  
11 fitness standards and annual assessment policy for government of  
12 Guam uniform public safety and law enforcement officials. Guam  
13 Police Department, through the Chief of Police or his designee, shall  
14 spearhead the formulation of such standards and policies through the  
15 provision of administrative or other support deemed necessary, and  
16 shall work in conjunction with other public safety and law  
17 enforcement entities on island. The Chief of Police or his designee  
18 shall serve as the Chairperson of the Task Force and shall ensure  
19 timely completion of the physical fitness standards and annual  
20 assessment policy.

21 (c) The Chief of Police, the Chiefs, law enforcement administrators, and  
22 administrators identified in subsection (a) of §55104.2, wherever  
23 applicable, shall appoint a uniformed representative who shall serve as  
24 a member of the Task Force. Such appointments shall be made no  
25 later than Thirty (30) days following the enactment of this provision.  
26 The Chief of Police shall be responsible for ensuring the timely  
27 empanelling of Task Force members and the completion of the

1 objectives of the Task Force as outlined in this Act. The Judiciary of  
2 Guam, Guam Fire Department, Department of Corrections, Customs  
3 and Quarantine Agency, Jose D. Leon Guerrero Commercial Port  
4 Authority Police, A.B. Won Pat International Airport Authority  
5 Police, and Director of Agriculture shall forward their appointees for  
6 the Task Force to the Chief of Police in the time required.

7 (d) The standards and annual assessment policy identified herein shall be  
8 accepted and completed by Task Force members no later than One  
9 Hundred Eighty (180) days following the enactment of this Act. Upon  
10 completion, the physical fitness standards and annual assessment  
11 policy shall be presented to I Maga'lāhen Guåhan. Within Thirty(30)  
12 days of receipt, I Maga'lāhen Guåhan shall approve and present to the  
13 *I Liheslaturan Guahan* for consideration and official adoption. The  
14 government-wide fitness standards and annual assessment policy to be  
15 created shall include, but not limited to, the following:

- 16 1) A three-to-five year implementation plan demonstrating long-  
17 term commitment to physical fitness/health for employees; and
- 18 2) A health related orientation, including screening procedures,  
19 individualized exercise programs, and appropriate follow-up  
20 activities; and
- 21 3) Identification of a person skilled in prescribing exercise to  
22 direct the fitness standard.
- 23 4) An approach that will consider key health behavior related to  
24 degenerative disease, including smoking and nutrition.
- 25 5) A modest facility or gym membership benefits that includes  
26 only the essentials necessary to conduct a maintenance program  
27 involving: cardiovascular endurance, anaerobic power,

1 muscular strength, muscular endurance, flexibility, and body  
2 composition.

3 6) Provision for equal opportunities for men and women, and all  
4 employees regardless of grade or step level.

5 (e) The Task Force, upon formal acceptance and adoption of the fitness  
6 standards and annual assessment policy by I Liheslaturan Guahan  
7 shall thereafter dissolve.

8 **§55104.3. Annual Reporting Timeline**

9 The Director of Administration *shall* perform the review and report  
10 described in Title 10 GCA, Chapter 55, Division 3, §55104 on an semi-annual  
11 basis during the month of July, beginning July 1, 2015.”

12 **Section 3. Severability.**

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

17 **Section 4. Effective Date.** This Act shall be immediately effective upon  
18 enactment.