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
76-32 (COR)	Frank B. Aguon Jr	AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.	4/2/13 3:54 p.m.	4/2/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	4/12/13, 8:30am	4/22/13 10:43 a.m.	**Fiscal Note Requested 04/04/13 1:55 p.m**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	4/30/2013	AN ACT TO *AMEND* §§161.15, 161.125 AND 161.130; AND TO *ADD* A NEW SUBSECTION (d) TO §161.95, ALL OF CHAPTER 161 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE EFFICIENT IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION.	4/30/2013	2:00pm	5/10/2013			

FILE COPY

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

April 30, 2013

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

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 16-32(COR), 53-32(COR), 56-32(COR), 57-32(COR), 58-32(COR), 62-32(COR), 65-32(COR), 67-32(COR), 72-32(LS), 73-32(LS), and 76-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 30, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (11)

RECEIVED BY
TIME 2:40 DATE 4/30/13

FILE COPY

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. 76-32 (COR), "AN ACT TO *AMEND* §§161.15, 161.125 AND 161.130; AND TO *ADD* A NEW SUBSECTION (d) TO §161.95, ALL OF CHAPTER 161 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE EFFICIENT IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION",** was on the 30th day of April, 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 30 day of April, 2013, at 2:00 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 76-32 (COR)
As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land; and further amended on the Floor.

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

AN ACT TO *AMEND* §§161.15, 161.125 AND 161.130; AND TO *ADD* A NEW SUBSECTION (d) TO §161.95, ALL OF CHAPTER 161 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE EFFICIENT IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §161.15 of Chapter 161 of Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 161.15. Creation of the Criminal Injuries Compensation Commission.** There is, within the government of Guam, a Criminal Injuries Compensation Commission (Commission) which *shall* be comprised of five (5) members appointed by *I Maga'lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. Annually, the members *shall* elect a chairperson of the Commission.

(a) In the absence of a quorum resulting from a vacancy, the Attorney General, or his Chief Deputy, are hereby granted the same powers and authority as the Commission under this Chapter to carry out the purposes and requirements of this Chapter."

Section 2. §161.125 of Chapter 161 of Title 8, Guam Code Annotated, relative to Commission staff, is hereby *amended* to read as follows:

"**§ 161.125. Commission Staff.** Supervisory, administrative and clerical personnel necessary for the efficient functioning of the Commission may be appointed by the Attorney General. The Department of Law or Office of the Attorney General *shall* provide administrative support for the effective operation of the Commission."

Section 3. §161.130 of Chapter 161 of Title 8, Guam Code Annotated, relative to providing periodic reports on Commission activities, is hereby *amended* to read as follows:

"**§ 161.130. Semi-Annual Report.** The Attorney General *shall* transmit semi-annually to *I Maga'lahen Guåhan* and to *I Liheslaturan Guåhan* a report of the Commission's activities under this Chapter, including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded. Such reports *shall* be due *no later than* January 30 and June 30 of each year. The Attorney

General *shall* transmit the report, together with a tabulation of the total amount of compensation awarded."

Section 4. A new Subsection (d) is hereby *added* to §161.95 of Chapter 161 of Title 8, Guam Code Annotated, to read:

"(d) Initial payments of compensation awarded under this Chapter *shall* be remitted to the applicant *no later than* 30 days of the approval of the claim."

April 30, 2013

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

Bill No: 76-32 (COR)

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	13	1			1
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

I = Pass

Clerk of the Legislature

Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 22 2013

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

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

RE: Committee Report on Bill No. 76-32 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 76-32 (COR), as amended, "An Act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated sponsored by Senator Frank Aguon, Jr., which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

3 TO PASS

____ NOT TO PASS

4 TO REPORT OUT ONLY

____ TO ABSTAIN

____ TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

2013 APR 22 AM 10:43

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

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Website: http://senbenp.com

COMMITTEE REPORT
ON

Bill No. 76-32 (COR), As Amended

Sponsored by Frank Aguon, Jr.

An Act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated

Office of

I Liheslaturan Guahan Hagatna, Guam

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 22 2013

MEMORANDUM

To: **All Members**
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 76-32 (COR), As Amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 76-32 (COR), as amended, "An Act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated.", sponsored by Senator Frank Aguon, Jr.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.76-32 (COR), As Introduced
4. Copy of Bill No.76-32 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of COR referral Bill No. 76-32 (COR)
8. Copy of letter to request fiscal waiver
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

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

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

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I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

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Bill No. 76-32 (COR), as amended, "An Act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated."

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
Senator Vicente (ben) Cabrera Pangelinan **Chairman**	✓				
Vice Speaker BJ Cruz **Vice Chairman**	✓				
Speaker Judith T. Won Pat **Member**			✓		
Senator Tina Rose Muña-Barnes **Member**	✓				
Senator Dennis Rodriguez, Jr. **Member**			✓		
Senator Michael San Nicolas **Member**	4/22/13		✓		
Senator Tommy Morrison **Member**					
Senator Michael Limtiaco **Member**			@ 4/22/13		

Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 76-32 (COR). An act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated.

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on April 12, 2013 at 8.30 am in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on April 5, 2013 (5-Day Notice), and again on April 10, 2013 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Senator Michael San Nicolas, Member
Senator Michael Limtiaco, Member
Senator Rory Respicio
Senator Tom Ada
Senator Frank Aguon, Jr.
Senator Tony Ada
Senator Aline Yamashita

(b) Appearing before the Committee

Mr. Phil Tydingco, Chief Deputy Attorney General of Guam,

(c) Written Testimonies Submitted

None

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Website: http://senbenp.com

II. COMMITTEE PROCEEDINGS

Chairman Vicente Pangelinan. Bill number 76 introduced by Senator Frank Aguon Jr., which is "An act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated". We have signed up to testify, Mr. Phil Tydingco from the Attorney General's office and we would like to call him forward and of course give an opportunity to the author of the legislation to give us a synopsis of his bill.

(a) Bill Sponsor Summary

Senator Frank Aguon. Just a couple of things for the audience who is watching. The good Speaker highlighted some of these provisions. I think that one of the things that we need to recognize and I don't know if the Attorney General Tydingco will be able to rule here. My findings with a little bit a research was that since 2007, this Commission has not been empanelled and in tying that in with a particular division of the Criminal Injuries Compensation Commission, which requires that any victim or their family members who would like to avail themselves of possibly getting compensation through this particular fund that they will have 18 months from the date of the conclusion of their court case to be able to file their application. If you look at the lag time based on their concerns, I have written to the Chief Executive, asking him and also encouraging him, and understand that the Attorney General has also done likewise to try to work on identifying members that he can appoint to this particular commission so that it can be immediately activated.

If we can go section by section just so that you, my colleagues, and the public can understand.

The first section would extract the requirement for the attorney and the commission. Only because the Office of the Attorney General in another provision is outlined as provided as being the legal representative for this particular position. The section portion of Section One also provides for a mechanism.

Mr. Speaker, I hope that this will be acceptable for some of our colleagues because of the lag time, but now that we have an elected Attorney General I think that maybe one of the ways in ensuring that despite the requirement for Commission members to be appointed that at least a mechanism be provided so that the Commission can continue to operate, should there be insufficient members appointed at any point in time. Then obviously the others are self-explanatory.

For the annual reporting, I know that right now in the law it's an annual report, but it's being proposed to be amended to reflect a semi-annual report so that the issues whether there's insufficient members or the commission has not met or has not had any activity over the course of a 6 month time frame. At least it'll bring to your attention, Mr. Chairman to yourself or to members of this body if that report is provided that there has been no activity and I just wanted to highlight why it was provided.

Finally I just want to show that one of these statements that was relayed to us in a previous discussion was that there could be $400,000 in this particular fund and it has not been provided to our victims and their families through this mechanism and I hope that with your support and with our colleagues' support that we can get this process going and re-activate the activities of the Commission and get the victims and their families their appropriate compensation. Thank you Mr. Speaker.

Chairman Vicente Pangelinan. Thank you very much Senator Aguon. Mr. Tydingco?

(b) Testimony

Mr. Phil Tydingco. Good Morning Chairman Pangelinan, Senator Respicio, Senator Mike San Nicolas, Senator Tom Ada, Senator Yamashita, Senator Frank Aguon, and Senator Tony Ada. I am Phil Tydingco, Chief Deputy on behalf of Attorney General Rapadas and the Office of the Attorney General.

We support Bill 76-32. We thank the good Senator Frank B. Aguon, Jr. for introducing this. We ask you and urge you to please support this bill. I believe that it's been told to me that when I came back to the AG's back in 2007 that the Commission hadn't met for a few years - even before that. Part of the problem of getting people appointed was that they had to at least be an attorney. But when you look at the statutory requirements of the Criminal Injury Compensation Commission a chapter that also has another provision says the Attorney General Office not only provide administrative support, but is also the attorney for the Commission and quite frankly it's saddening or embarrassing that we had difficulty getting my profession to participate or at least the Administration had difficulty getting some people to participate.

We've been given names and there are a host of reasons I don't need to get into about why some folks don't want to serve on these boards or commissions. I think by deleting the requirement that at least one member be an attorney, it would have an opportunity to make sure that we can get a quorum of three - if we have at least five members and one is not an attorney. The statute already requires the Attorney General to be the lawyer in the absence of a quorum so that the Commission does not remain inoperative; that the AG or the Deputy or the Office be able to administer the program and keep it going and still take the applications and act on it. The statute sets out the procedures and what qualifies for compensation and I can tell you that I know the language has been pretty good and we periodically have to remind Department of Administration that the money needs to be kept separate and apart - that's generated through the fines that's paid by the defendants.

We do receive periodically these monies from the courts and judiciary to be deposited into that account and I believe there's more than a little over $400,000 - that's the last recollection that I have. I know that the Attorney General Rapadas has been very diligent and since he's become the Attorney General, he's sent a letter to the Governor, annually, if not semi-annually to remind him that we need this board appointed. In the event that there's no quorum we would like to be able to still administer the Criminal Injuries Compensation Fund, so that we can get that to these

families. There are many families, that even though they have restitution orders sometimes especially for the most serious violent crimes, those perpetrators or defendants are obviously unable to compensate restitution especially when they're sitting in prison.

Even if they're earning money, it's at a lower rate; at the very least some monetary compensation can be provided to the victims, especially for victims of homicide for funeral expenses or medical expenses that can be reached through this fund that's sitting there and not being administered because we either don't have a quorum or no one has been appointed for various reasons beyond the control of the administration. We ask you to support this. I believe there are safe guards now requiring a semi-annual report. Certainly these are separate accounts at DOA that have to be audited and those are the safe guards that you can count on in the event we're unable to get the quorum going. Thank you.

Chairman Vicente Pangelinan. Thank you very much, Mr. Attorney General. Senator Aguon did you any additional comments? Senator Ada.

Senator Tom Ada. Thank you Mr. Chairman. I find this an interesting provision on page 2 of Section 1 Section 1(a) that in the absence of a quorum or a minimum appointment of 3 members of the Commission, the Attorney General or his deputy are hereby granted the same powers and authority under this Chapter to carry out the purpose and requirement of this Chapter. The way I interpret this is that if we can't get a quorum then it's of no consequence because now the AG can step in and be the Commission. Am I interpreting that correctly?

Mr. Phil Tydingco. If there's no quorum, in order for this body to operate, then the AG's office can operate the fund and act on an application. If there is no board or commission then nothing happens.

Senator Tom Ada. So in essence, if we can't even get the Commission members who are appointed to show up to make quorum, now if they show up – great, if they don't then there's no consequence because the AG is going to step in. If that's the case, then why even waste anybody's time going through the confirmation process? Again if they show up or not it's of no consequence because the AG can step in and do the work of the commission.

Mr. Phil Tydingco. You're hypothetical there; that presumes and assumes that people will agree to have their names nominated and will be assumed to be disingenuine about wanting to participate in showing up. I don't think it's intended for the AG to step in when there's no quorum. For example, five people are appointed and only two showed up because the other three have perfectly reasonable excuses, it seems to me that the AG who steps in under those circumstances would be unreasonable and I don't think that we should assume again with that hypothetical that all the parties here are going to be unreasonable, because the two didn't show up. I think this is for the circumstance that the evidence clearly shows that there has been no quorum and there has not been anybody running it. Under those circumstances, I think reasonable people will conclude that why can't the agency continue to administer until you get the board up. It's not so much that it's a waste of time, it's the difficulty of getting people appointed. You're absolutely right if we assume that your hypothetical is reasonable. Then yes you don't have to have a Commission. You could just let the agency or the Attorney General

administer it and not include as a safeguard if you want community involvement. These are policy questions that you folks are entitled to make. You're right Senator Tom if that's the circumstance then you can certainly amend it and not have a commission.

Senator Tom Ada. Thank you very much.

Chairman Vicente Pangelinan. Senator Respicio?

Senator Rory Respicio. Thank you very much Mr. Chairman. Attorney General, the statute provides a remedy in itself; it says the vacancy in the Commission shall affect its powers if any member of the Commission is unable to act because of absence, illness, or other sufficient cause. The Governor may make a temporary appointment and such appointee may have all the powers and duties of a regular member of the Commission for the period of their appointment. So in reading this and if the Governor does make a temporary appointment, will that temporary appointment still be subject to the confirmation of the Legislature?

Mr. Phil Tydingco. No, not with the way the statute - that particular provision of that statute will be the ideal back up in the event..... certainly if we go back to Senator Tom Ada's hypothetical, that provision should kick in so that you wouldn't have the AG arbitrarily or maliciously use the role of the Commission simply because they had a reasonable reason for not showing up and there being no quorum. The purpose for that back up appointment provision that was put into the statute.... however the evidence has not been acted on and I can't explain that and I have no idea why that did not occur.

Senator Rory Respicio. My point is that there's a back up in place that these temporary appointments will not have to be subject to legislative confirmation and the Governor today can appoint the five members necessary and this Commission can be up and running until such time that he wants to fill these on a more permanent basis and it'll be subject to the advice and consent. So what he's proposing is a back up to the back up.

Mr. Phil Tydingco. What it's proposing is what the evidence show, which is the Commission hasn't been able to operate, because the regular appointment provision and the backup appointment provisions have not been working. Again these are policy calls and if the intent is to get the Commission up and running or rather to get the fund operating and getting the money to the victims and the families of these victims. If for some reason we just can't get the members then it's on the AG and his office to take those applications and act on them in accordance with all the rules and procedures that's laid out in the statute.

Senator Rory Respicio. Who would then say based on what Senator Ada's points out - he raised in the absence of a quorum resulting from permanent vacancies of a commission.

Mr. Phil Tydingco. Lack of appointment – sure to clarify it, you wouldn't have Senator's Tom Ada's hypothetical.

Senator Rory Respicio. Also, when you have a hearing that is announced and someone doesn't show up because of traffic or something – due to a lack of quorum.

Mr. Phil Tydingco. What you're saying is due to a lack of appointment. Pursuant to those other two provisions

Senator Rory Respicio. But if the Attorney General or his deputy were acting on behalf of the Commission because of a lack of appointments, so they would still have to follow the other provisions of the chapter right? They would have to announce the hearing date and conform to open government law.

Mr. Phil Tydingco. It's a commission, it's a board; they are subject to that.

Chairman Vicente Pangelinan. Senator San Nicolas?

Senator Mike San Nicolas. Thank you Mr. Chairman. You know I always appreciate Senator Tom Ada's sharp eye, because the question he raises now, does raise a concern for me and that is -- if a commission is created and they are suppose to be acting with some powers and if the commission does not meet and the Attorney General then exercises those powers, in the event that we need any recourse in calling in some..... compensation or what was paid out. That would create different liabilities for different groups. If the commission couldn't meet and the AG made the decision, and that decision was called into question, which would be responsible for answering that? Would it be the Commission or would it be the Attorney General?

Mr. Phil Tydingco. If I understand your questions, whoever is making the decision. If the evidence shows that person A or body B made the decision, then you would be able to prove who made the decision. I don't have Chapter 161 in front of me but I recollect that there may be some due process procedures. I'm working off from my memory. Again, this is assuming that an Attorney General would be arbitrary and capricious. Again I don't see that. The intent here is that the application is for the purposes of compensating the victims and their families. But certainly and to be absolutely clear, putting the language due to a lack of Governor appointed members..... so we don't have a body lay dormant and that whatever lies for 7 years -- just because we can't reach a quorum. It's not unusual. In other statutes where in the absence of a body, we have other agencies to keep running itself. The purpose here is to keep the Commission running so that we can operate the fund. It's just a shame that we can't get this money to the victims.

Senator Mike San Nicolas. I agree entirely Mr. Tydingco and I don't think anyone is trying to act capriciously and I don't intend to suggest that. We all make mistakes and in the event that a mistake is made and we need to be adjudicated that the lines of adjudication are clear so that adjudication can happen as quickly as possible. I do agree with the intent of this bill and the sentiments that you shared that we need to expedite and streamline this process, because people who are victimized shouldn't be made to wait.

But I also want to make sure that we're not going to be creating another potential problem, because we're not able to address the initial problem which is the inability to get the Commission working the way it was originally intended - by getting the necessary appointments, by making sure they understand that they participate to the fullest or making sure that the temporary

appointment proceedings that Senator Respicio mentioned are being prioritized by the authority needing to prioritize that. I'm just asking this question to make sure that we have clear lines of understanding and I want to make sure that we clarify that before we enact this into law. Thank you Mr. Chairman.

Chairman Vicente Pangelinan. Thank you Senator San Nicolas. Senator Yamashita?

Senator Aline Yamashita. Thank you very much Speaker ben. Everything being discussed is very critical in ensuring that we're doing things the right way. I just want to bring you back to the idea that there's so much bureaucracy that it seems that we go through this and it doesn't, as you said go to the family and the victims. I was with Father Mike the other day and he was saying that there's a pot of $400,000 sitting and that's suppose to go to help the victims get back to life. I'm not going to ask why we can't seem to get members on the Board. Again this is another commission where we can't seem to get the process going so these folks are nominated and we go through the process.

I go back to thinking that we need to review all these councils, commissions and boards and I think it was the last legislature that we started talking about that or we actually passed something in the budget law. It's really too bad that one more time it's the folks that we want to help that are left out. I appreciate your support for this. I support it and if this is what it's going to take to get it moving then that's what we need to do. I wish there was no need for it, but the reality of our island today is that there's a huge need and God Bless those people out there who are doing their own fundraising and pulling loans on their own and collecting money for other people to help people get back on with their lives. We really need to get back and move on this and make it a sense of urgency.

Mr. Phil Tydingco. It's really urgent. It just occurred to me Senator Mike, we did not come up with this idea or suggestion for the AG's office. As lawyers, we would prefer that a commission or body do it to make the decision and we would just want to represent them as lawyers. We would be wearing an executive or an administrative hat, but we are willing to relent that anxiety about doing that because the bottom line is we need to get the money to the victims.

Chairman Vicente Pangelinan. Thank you very much. Senator Aguon, did you have any additional comments?

Senator Frank Aguon. Thank you very much Attorney General. Thank you very much for sharing your perspective. Just to address some of the issues that are being raised; one is in regards to the quorum - one of Senator Ada's biggest concerns - may originate from the absence of a quorum, rather than the absence of a minimum of three appointed members. If they assume this responsibility and you are sensitive to the requirements of paying the victims and their families, then perhaps that may be a different approach. Since 2007, there has yet to be appointed members of this Commission and in the meantime our victims and their family members who could have otherwise received some of the funds to support their efforts have gone on the wayside. I say by the wayside because there are some provisions in here - and I'm glad that Senator Respicio brought up the temporary appointment - I did recognize that and it still comes back to the idea that since 2007 or even a couple years back there was absolutely no sufficient

appointments provided here. I just want to thank our colleagues and the purpose is understood and how the legislation is considered and amended so that we can get that realized and I think that's the most important aspect and Mr. Speaker I thank you for having the hearing on this legislation. Si yu'us ma'ase.

Chairman Vicente Pangelinan. Thank you very much. Senator Tony Ada?

Senator Tony Ada. Nothing Mr. Speaker.

Chairman Vicente Pangelinan. I also like to thank Senator Mike Limtiaco for joining us this morning. Mr. Tydingco, could we just possibly make a decision that if there's no appointments, that we get members of the Executive branch that are sitting in a place where they have influence over the payments over the collections of these funds to just administer it? For example, the Director of Administration who have these funds in their custody or the Department of Corrections who have the prisoner in their custody and is responsible for allocating the fines paid into the funds and get those people to make the decision.... basically all you want to do is get the payments to the victims. Just a technical question: Are the payments to the victims only from the restitution ordered by the court for that specific perpetrator or is it from the General collections and can collection from one person go to pay restitution for another victim not his victim?

Mr. Phil Tydingco. Again I don't have the full statutory scheme in front of me. The way I understand how this operates; restitution that is ordered from court is separate from the Criminal Injuries Fund. When you start from that premise a court may order restitution and that would be an obligation upon the defendant due then. The Criminal Injuries Compensation Fund is generated from the fines.

Chairman Vicente Pangelinan. The fines set by the defendant?

Mr. Phil Tydingco. The fines that are set by the statute. That says, ok you commit aggravated assault you have got to pay in addition to ordering restitution for whatever out of cost pockets may be as part of the order. There's also the fine that may be up to $10,000.

Chairman Vicente Pangelinan. For that defendant?

Mr. Phil Tydingco. For that defendant, and that fine goes into the Criminal Injuries Fund. Those fines that are collected as part of the Criminal injuries Fund in a check issued to the Office of the Attorney General deposits it into the Department of Administration. The statutory schemes for the Criminal Injuries Commission also recognizes that sometimes when a fine is paid but the restitution can't be made at that point, this is another mechanism to get the compensation to the victims.

Chairman Vicente Pangelinan. But my question: Is the money that's assessed that is not necessary the only amount...

Mr. Phil Tydingco. The fine is not linked to the victim, the fine is linked to the fund.

Chairman Vicente Pangelinan. Ok

Mr. Phil Tydingco. The fine is linked to the fund because…

Chairman Vicente Pangelinan. So, the Commission can decide -- there's $10,000 that was deposited from one single defendant, he paid that fine and that's all the money he had. Other than what that fine was accessed; the Attorney General or the Commission can come in and pay that victim.

Mr. Phil Tydingco. The checks that come in from the Judiciary is whatever they collect. If in one quarter - it's usually odd numbers like $15,0000 - that could be five, or ten or a hundred defendants making payments to that fine. The Commission will take the application – this is the reason why they put it into the AG to administer so that we have access to the police reports and do the confirmation and see the true victims and see the restitution and offset. I think that's part of why it's been put with the AG's office because of the accessibility to the information. But if you made a policy decision to make DOA to administer it. I would tell you that we would have to flex our muscles for them not to tap on it and ask why the money was not there and would have to put the money back.

Chairman Vicente Pangelinan. No. I don't think it works that way. There's a policy call here with regards to who gets paid first and how much and not having anything to do with the source of the funding.

Mr. Phil Tydingco. Right, I understand what you're saying, I'm just pointing out that it doesn't have to be with the AG's office. If you want it administered by another agency, it's fine to.

Chairman Vicente Pangelinan. We understand. Any additional comments and questions? If not, thank you and *Si Yu'us Ma'ase*, Mr. Tydingco.

This concludes the testimony on Bill No. 76-32. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at senbenp@guam.net or through our website at senbenp.com

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Public Debt, Legal Affaris, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 76-32 (COR), as amended with the recommendation _____.

Chairman Vicente Pangelinan. Ok

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III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Public Debt, Legal Affaris, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 76-32 (COR), as amended with the recommendation to report out only.

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

Bill No. 76-32 **(COR)**

Introduced by: FRANK B. AGUON, JR.

AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.

2013 APR -2 PM 3:54

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §§161.15 of Chapter 161 of Title 8, Guam Code Annotated, is hereby amended to read as follows:

"§ 161.15. Creation of the Criminal Injuries Compensation Commission. There is, within the government of Guam, a Criminal Injuries Compensation Commission (Commission') which shall be composed of five (5) members appointed by I Maga'lahen Guåhan with the advice and consent of I Liheslantura. ~~One (1) member of the Commission shall be an attorney who has been admitted to practice in Guam for at least five (5) years. The Commission is within the Department of Law for administrative purposes.~~ Annually, the members shall elect a chairperson of the Commission.

(a) ***In the absence of a quorum or minimum of three appointed members of the Commission, the Attorney General or his Deputy are hereby granted the same powers and authority under this Chapter to carry out the purposes and requirements of this Chapter.***

Section 2. §§161.125 of Chapter 161 of Title 8, Guam Code Annotated, relative to Commission staff is hereby amended to read as follow:

"§§161.125. Commission Staff. Supervisory, administrative and clerical personnel necessary for the efficient functioning of the Commission may be appointed, **by the Attorney General. The Department of Law *or Office of the Attorney General* shall provide administrative support for the effective operation of the Commission.**

Section 3. §§161.130 of Chapter 161 of Title 8, Guam Code Annotated, relative to providing periodic reports on Commission activities, is hereby amended to read as follow:

"§§161.130. Semi-Annual Report. The Attorney General shall transmit **semi-**annually to *I Maga'lahi* and to *I Liheslatura* a report of the Commission's activities under this Chapter, including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded. **Such reports shall be due no later than January 30 and June 30 of each year.** The Attorney General shall transmit the report, together with a tabulation of the total amount of compensation awarded, ~~**and a proposed bill appropriating funds necessary to replenish the Fund for the compensation awarded.**~~

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

Bill No. 76-32 (COR)

Introduced by: FRANK B. AGUON, JR.
As Amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.

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(a) ***If the Governor fails to appoint at least three (3) members to the Commission pursuant to statute within ninety (90) days upon enactment of this Act, ~~In the absence of a quorum or minimum of three appointed members of the Commission~~, the Attorney General or his Deputy are hereby granted the same powers and authority under this Chapter to carry out the purposes and requirements of this Chapter until such time the Governor appoints at least three (3) members to the Commission .***

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/

Mina'trentai Dos na Liheslaturan Guahan
32nd GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT, PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, April 15, 2013

Bill No. 76-32 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Phil Tydingco	AGV				✓	

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 4, 2013

2013 APR -4 PM 1:55

VIA FACSIMILE
(671) 472-2825

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

RE: Request for Fiscal Note – Bill Nos. 76-32(COR), 77-32(COR) and 78-32(COR)

Håfa Adai Mr. Rios:

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

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

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
76-32 (COR)	Frank B. Aguon Jr	AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.
77-32 (COR)	Vicente (ben) Pangelinan R.J. Respicio	AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.
78-32 (COR)	Vicente (ben) Pangelinan	AN ACT TO ADD SUBSECTION (d) TO §3102.3 CHAPTER 3 OF 17 GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD TO INCLUDE A REPRESENTATIVE FROM THE MAYORS' COUNCIL OF GUAM .

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
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Aline Yamashita
Member

April 2, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: **Referral of Bill No. 76-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **76-32(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	STATUS
76-32 (COR)	Frank B. Aguon Jr	AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.	4/2/13 3:54 p.m.	**4/2/13**	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land				

Bill Introduced/History
4/2/2013 4:58 PM

Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Apr 5, 2013 at 4:49 PM
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, joy@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Senator Vicente "ben" Cabrera Pangelinan

Office of the People

Website: www.senbenp.com

INEKUNGOK PUPBLEKO

(*PUBLIC* HEARING)

***gi Betnes, gi diha 12 gi Abrit*, 2013)**

Friday, April 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

alas ocho I media gi egga'an

(8:30 AM)

TAREHA

(AGENDA)

Priniponi Siha:

(Bills)

Bill No. 16-32 (COR) – Introduced by Senator Rory Respicio: An Act to rezone Lot 2181-4NEW-R1NEW-R2, Lot 2181-4NEW-R1NEW-2, Lot 2181-4NEW-1-1, Lot 2181-4NEW-1-2, Lot 2181-4NEW-1-3, Lot 2181-4NEW-1-4, Lot 2181-4NEW-1-R4 and Lot Naval Air Station Agana -21-R1 (Airport Parcel 4) in the Municipality of Tiyan, Barrigada from Agricultural Zone (A) to Light Industrial Zone (M-1); and to change the reference of Limited

Industrial to Light Industrial.

Bill No. 25-32 (COR) – Introduced by Sen. Dennis Rodriguez: An Act to reprogram available funds from the Highway 2001 Bond Construction Fund and the Highway 1985 Bond Construction Fund, and designate and prioritize certain capital improvement projects, and purchase heavy equipment needed by DPW for flood mitigation.

Bill No. 28-32 (COR) – Introduced by Senator Aline Yamashita: An Act relative to authorizing the re-allocation of undistributed collection funds by the Child Support Enforcement Division of the Office of the Attorney General, to provide for the critical support needed for child support and protective services; through amending §34111 of Chapter 34, Title 5, Guam Code Annotated.

Bill No. 52-32 (LS) – Introduced by Senator Tom Ada: An Act to Repeal §22421 of Chapter 22, 5 GCA, Relative to the transfer of autonomous agency revenues to the Autonomous Agency Collections Fund.

Bill No. 67-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to Amend Section 2(a) and Section 3(b) and to add a new Section 4 of Public Law 24-33 relative to amending the license agreement between the Guam Football (Soccer) Association and the Government of Guam.

Bill No. 76-32 (COR – Introduced by Senator Frank Aguon: An Act relative to establishing a mechanism that will ensure the immediate implementation of the mandates of the Criminal Injuries Compensation Commission, and providing amendments therein, in order to require the timely compensation of crime victims and their families for injuries incurred; through amending §§161.15, §§161.125 and §§161.130 of Title 8, Guam Code Annotated.

Bill No. 77-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act to amend Section 68975 of Chapter 68, Article 11, Title 21 of the Guam Code Annotated relative to the development of the Farmer's Market Facility by the Farmer's Cooperative Association of Guam, Inc.

Yanggen un nisisita espesiåt na setbisio put fabot ågang i Ifisinan Senadot ben pangelinan gi 473- Yanggen un nisisita espesiåt na setbision, put fabot ågang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hålom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com Yanggen para un na'hålom testigu-mu, chule' para i ifisinan-måmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapåsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

To view the bills, see the attached agenda and move your cursor over the bill and click.

Si Yu'os Ma'ase

--

Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
(671) 473-4236 (office)
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senbenp.com
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2 attachments

Agenda_April 12-2.pdf
193K

Agenda_April 12-3.pdf
197K

Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Apr 5, 2013 at 4:52 PM
To: PHrg Notice <phnotice@guamlegislature.org>
Bcc: Lisa Dames <cipo@guamlegislature.org>

Senator Vicente "ben" Cabrera Pangelinan

Office of the People

Website: www.senbenp.com

INEKUNGOK PUPBLEKO

(*PUBLIC* HEARING)

***gi Betnes, gi diha 12 gi Abrit*, 2013)**

Friday, April 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

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To view the bills, see the attached agenda and move your cursor over the bill and click.

Si Yu'os Ma'ase

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Lisa Dames
Chief of Staff
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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org> Wed, Apr 10, 2013 at 4:12 PM
To: PHrg Notice <phnotice@guamlegislature.org>

Senator Vicente "ben" Cabrera Pangelinan

Office of the People

Website: www.senbenp.com

INEKUNGOK PUPBLEKO

(*PUBLIC* HEARING)

***gi Betnes, gi diha 12 gi Abrit*, 2013)**

Friday, April 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

alas ocho I media gi egga'an

(8:30 AM)

TAREHA

(AGENDA)

Priniponi Siha:

(Bills)

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Please note that Senator Dennis Rodriguez has requested to remove his Bill No. 25 from the agenda.

Si Yu'os Ma'ase

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Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org> Wed, Apr 10, 2013 at 4:15 PM
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, joy@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Senator Vicente "ben" Cabrera Pangelinan

Office of the People

Website: www.senbenp.com

INEKUNGOK PUPBLEKO

(*PUBLIC* HEARING)

***gi Betnes, gi diha 12 gi Abrit*, 2013)**

Friday, April 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

alas ocho I media gi egga'an

(8:30 AM)

TAREHA

(AGENDA)

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(Bills)

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I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

***gi Betnes, gi diha 12 gi Abrit*, 2013**
(Friday, April 12, 2013)

Kuåttton Inekungok Pupbleko gi I Liheslaturan Guåhan
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alas ocho I media gi egga'an
(8:30 AM)

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I Mina'trentai Dos na Liheslaturan Guahan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriation, Public Debt, Legal Affairs, Retirement
Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO • (PUBLIC HEARING)
gi Betnes, gi diha 12 gi Abril, 2013) • Friday, April 12, 2013
Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan • (Guam Legislature Public Hearing Room)
alas ocho i media gi eggan'an • (8:30 AM)
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UPDATED 2013.02.11

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32GL Senator Staff

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I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO
(*PUBLIC* HEARING)

***gi Betnes, gi diha 12 gi Abrit*, 2013)**
Friday, April 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alas ocho I media gi egga'an
(8:30 AM)

TAREHA
(AGENDA)

Priniponi Siha:
(Bills)

Bill No. 16-32 (COR) – Introduced by Senator Rory Respicio: An Act to rezone Lot 2181-4NEW-R1NEW-R2, Lot 2181-4NEW-R1NEW-2, Lot 2181-4NEW-1-1, Lot 2181-4NEW-1-2, Lot 2181-4NEW-1-3, Lot 2181-4NEW-1-4, Lot 2181-4NEW-1-R4 and Lot Naval Air Station Agana -21-R1 (Airport Parcel 4) in the Municipality of Tiyan, Barrigada from Agricultural Zone (A) to Light Industrial Zone (M-1); and to change the reference of Limited Industrial to Light Industrial.

~~**Bill No. 25-32 (COR) – Introduced by Sen. Dennis Rodriguez: An Act to reprogram available funds from the Highway 2001 Bond Construction Fund and the Highway 1985 Bond Construction Fund, and designate and prioritize certain capital improvement projects, and purchase heavy equipment needed by DPW for flood mitigation.**~~ **Removed from agenda per Senator Rodriquez' request.**

Bill No. 28-32 (COR) – Introduced by Senator Aline Yamashita: An Act relative to authorizing the re-allocation of undistributed collection funds by the Child Support Enforcement Division of the Office of the Attorney General, to provide for the critical support needed for child support and protective services; through amending §34111 of Chapter 34, Title 5, Guam Code Annotated.

Bill No. 52-32 (LS) – Introduced by Senator Tom Ada: An Act to Repeal §22421 of Chapter 22, 5 GCA, Relative to the transfer of autonomous agency revenues to the Autonomous Agency Collections Fund.

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COMMITTEE ON RULES

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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
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Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 4, 2013

2013 APR -4 PM 1:55

VIA FACSIMILE
(671) 472-2825

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

RE: Request for Fiscal Note – Bill Nos. 76-32(COR), 77-32(COR) and 78-32(COR)

Håfa Adai Mr. Rios:

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

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

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
76-32 (COR)	Frank B. Aguon Jr	AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.
77-32 (COR)	Vicente (ben) Pangelinan R.J. Respicio	AN ACT TO AMEND SECTION 68975 OF CHAPTER 68, ARTICLE 11, TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE DEVELOPMENT OF THE FARMER'S MARKET FACILITY BY THE FARMER'S COOPERATIVE ASSOCIATION OF GUAM, INC.
78-32 (COR)	Vicente (ben) Pangelinan	AN ACT TO ADD SUBSECTION (d) TO §3102.3 CHAPTER 3 OF 17 GUAM CODE ANNOTATED RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD TO INCLUDE A REPRESENTATIVE FROM THE MAYORS' COUNCIL OF GUAM .

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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April 2, 2013

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: **Referral of Bill No. 76-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **76-32(COR)**.

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

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

Si Yu'os Ma'åse!

Attachment

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

Bill No. 76-32 **(COR)**

Introduced by: FRANK B. AGUON, JR.

AN ACT RELATIVE TO ESTABLISHING A MECHANISM THAT WILL ENSURE THE IMMEDIATE IMPLEMENTATION OF THE MANDATES OF THE CRIMINAL INJURIES COMPENSATION COMMISSION, AND PROVIDING AMENDMENTS THEREIN, IN ORDER TO REQUIRE THE TIMELY COMPENSATION OF CRIME VICTIMS AND THEIR FAMILIES FOR INJURIES INCURRED; THROUGH AMENDING §§161.15, §§161.125 AND §§161.130 OF TITLE 8, GUAM CODE ANNOTATED.

2013 APR -2 PM 3:54

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §§161.15 of Chapter 161 of Title 8, Guam Code Annotated, is hereby amended to read as follows:

"§ 161.15. Creation of the Criminal Injuries Compensation Commission. There is, within the government of Guam, a Criminal Injuries Compensation Commission (Commission') which shall be composed of five (5) members appointed by I Maga'lahen Guåhan with the advice and consent of I Liheslantura. ~~One (1) member of the Commission shall be an attorney who has been admitted to practice in Guam for at least five (5) years. The Commission is within the Department of Law for administrative purposes.~~ Annually, the members shall elect a chairperson of the Commission.

(a) ***In the absence of a quorum or minimum of three appointed members of the Commission, the Attorney General or his Deputy are hereby granted the same powers and authority under this Chapter to carry out the purposes and requirements of this Chapter.***

Section 2. §§161.125 of Chapter 161 of Title 8, Guam Code Annotated, relative to Commission staff is hereby amended to read as follow:

"§§161.125. Commission Staff. Supervisory, administrative and clerical personnel necessary for the efficient functioning of the Commission may be appointed, **by the Attorney General. The Department of Law *or Office of the Attorney General* shall provide administrative support for the effective operation of the Commission.**

Section 3. §§161.130 of Chapter 161 of Title 8, Guam Code Annotated, relative to providing periodic reports on Commission activities, is hereby amended to read as follow:

"§§161.130. Semi-Annual Report. The Attorney General shall transmit **semi-**annually to *I Maga'lahi* and to *I Liheslatura* a report of the Commission's activities under this Chapter, including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded. **Such reports shall be due no later than January 30 and June 30 of each year.** The Attorney General shall transmit the report, together with a tabulation of the total amount of compensation awarded, ~~**and a proposed bill appropriating funds necessary to replenish the Fund for the compensation awarded.**~~