clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, December 11, 2020 6:28 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: GoG-Public Law No. 35-122.pdf; GoG-Veto Bill No. 133-35 (COR).pdf; GoG-Public Law No. 35-120.pdf; GoG-Public Law No. 35-121.pdf; GoG-Public Law No. 35-118 and Public Law No. 35-119.pdf; GoG-Veto Bill No. 207-35 (COR).pdf

12/11/20	5:25 PM	12/11/20	Substitute Bill No. 217-35 (COR), signed into law as Public Law No. 35-118; Substitute Bill No. 218-35 (COR), signed into law as Public Law 35-119.	Office of the Governor of Guam	35GL-20-2501
12/11/20	5:25 PM	12/11/20	Substitute Bill No. 253-35 (COR), signed into law as Public Law No. 35-120.	Office of the Governor of Guam	35GL-20-2502
12/11/20	5:25 PM	12/11/20	Substitute Bill No. 285-35 (COR), signed into law as Public Law No. 35-121.	Office of the Governor of Guam	35GL-20-2503
12/11/20	5:25 PM	12/11/20	Substitute Bill No. 206-35 (COR), signed into law as Public Law No. 35-122.	Office of the Governor of Guam	35GL-20-2504
12/11/20	5:25 PM	12/11/20	Bill No. 133-35 (COR), Vetoed.	Office of the Governor of Guam	35GL-20-2505
12/11/20	5:25 PM	12/11/20	Bill No. 207-35 (COR), Vetoed.	Office of the Governor of Guam	35GL-20-2506

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

This e-mail message is intended only for the use of the individual or entity named above and may contain confidential and privileged information. If you are not the intended recipient, any disclosure, copying, distribution or use of the information

contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by replying to speaker@guamlegislature.org and delete the message immediately. Thank you very much.

Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

December 11, 2020

35 GL-20-2503
Speaker Tina Rose Muña Barnes

DEC 11 2020
Time 5:25
Received By:

HONORABLE TINA ROSE MUÑA BARNES, *Speaker*
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **<u>Substitute Bill No. 285-35 (COR)</u> –An Act to Amend § 77302(a) of Article 3, Chapter 77, and Add a New § 34126 to Article 1, Chapter 34, Both of Title 10, Guam Code Annotated; to Add a New § 60205 to Article 2 of Chapter 60, Title 5, Guam Code Annotated; and to Repeal and Reenact § 70.10.3 of Article 1, Chapter 70, Title 9, Guam Code Annotated, as a New § 34127 of Article 1, Chapter 34, Title 10, Guam Code Annotated, Relative to Authorizing Volunteers to Enforce Animal Abuse Laws**

Dear Madame Speaker:

Guam's animal population has grown drastically over the past few decades, and our administration supports efforts to fill the gap addressing our animal population's control and care. Substitute Bill No. 285-35, now known as ***Public Law No. 35-121***, is a step in the right direction, empowering volunteers to assist the Department of Agriculture in responding to the community's calls and complaints regarding possible mistreatment and abuse of animals. While Substitute Bill No. 285-35 appears to involve assessments and actions that will ordinarily require law enforcement-level training, skill and authority, I am confident that the Department of Agriculture will identify and appropriately designate actions suitable for volunteers, and provide the necessary training to enable these volunteers to successfully and safely assist the Department as intended in the Bill.

We must do better to ensure that our laws protecting our island's animal population reflect who we are as a compassionate and kind people. It is my hope that this measure helps us fulfil this goal.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure: Substitute Bill No. 285-35 (COR) *nka P.L. 35-121*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96932
671.475.8031 • GTL 475-8032/6

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Substitute Bill No. 285-35 (COR) "AN ACT TO *AMEND* § 77302(a) OF ARTICLE 3, CHAPTER 77, AND *ADD* A NEW § 34126 TO ARTICLE 1, CHAPTER 34, BOTH OF TITLE 10, GUAM CODE ANNOTATED; TO *ADD* A NEW § 60205 TO ARTICLE 2 OF CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED; AND TO *REPEAL* AND *REENACT* § 70.10.3 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, AS A NEW § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS,"** was on the 1st day of December 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of December, 2020, at 4:34 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/11/2020

Public Law No. 35-121

Jessica Cruz
RCVD AT CENTRAL FILES
DEC 1 '20 PM4:34

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 285-35 (COR)
As substituted and amended on the Floor.

Introduced by: Louise B. Muña
Kelly Marsh (Taitano), PhD
William M. Castro
Régine Biscoe Lee
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 77302(a) OF ARTICLE 3, CHAPTER 77, AND *ADD* A NEW § 34126 TO ARTICLE 1, CHAPTER 34, BOTH OF TITLE 10, GUAM CODE ANNOTATED; TO *ADD* A NEW § 60205 TO ARTICLE 2 OF CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED; AND TO *REPEAL* AND *REENACT* § 70.10.3 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, AS A NEW § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Expansion of Authority for CAPE Volunteers to Include Animal Abuse and Cruelty Citations. § 77302(a) of Article 3, Chapter 77, Title 10, Guam Code Annotated, is *amended* to read as follows:

"(a) Pursuant to § 3401.1(h) of Article 4, Chapter 3, Title 16, Guam Code Annotated, the Chief of Police is authorized to recruit volunteers to assist the Guam Police Department in the enforcement of the accessible parking and littering laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to these duties, the Chief of Police shall authorize the use of volunteers to patrol the school campuses of the Guam Department of Education during non-school hours. The volunteers shall take no enforcement action during their patrol of the school campuses and shall notify the police of suspicious activity or crimes in progress. The Superintendent of Education shall cooperate with the Chief of Police to implement this Section. The volunteers are authorized to issue summons, notices to appear, citations, and notices of violation for offenses committed under the provisions of §§ 70.10 through 70.10.2 of Article 1, Chapter 70, Title 9, Guam Code Annotated. The volunteers are also authorized to impound animals subject to § 34127 of Article 1 of Chapter 34, Title 10, Guam Code Annotated if exigent circumstances are established by plain view."

Section 2. Summons, Citations, or Notices of Violation. A new § 34126 is *added* to Article 1 of Chapter 34, Title 10, Guam Code Annotated, to read as follows:

"**§ 34126. Arrests, Summons, Notices to Appear, Citations, or Notices of Violation for Crimes Involving Animal Abuse.**

(a) Peace officers, and others authorized by law to issue summons, notices to appear, citations, and notices of violation for violations of 9 GCA §§ 70.10 through 70.10.2 may use the "Guam Uniform Complaint and Citation" form or any other form authorized by the Director of Agriculture for citing any violation of 9 GCA §§ 70.10 through 70.10.2.

(b) Summons, notices to appear, and citation forms in Subsection (a) shall comply with the provisions of law, the Guam Administrative Rules and Regulations, or the rules of the Unified Judiciary.

(c) Notices of violation may be issued to allow residents time to remedy violations. Such violations must be remedied within five (5) calendar days (or longer if an extension is expressly approved by the Director of Agriculture). Any violation not remedied within the time allotted may be cited or the violator may be summoned to appear in court to answer for said violation. Notices of violations shall be in a form approved by the Director of Agriculture and include, but not be limited to, the nature of the violation, the citation in the Guam Code for the violation, the time limit to remedy the violation, and the procedures to file an extension for remedy.

(d) Summons, citations, and notices of violation shall be posted on the front door or any other conspicuous area of a home or building, including walls and fences.

(e) Nothing herein is intended to prevent a peace officer from making arrests for a violation of 9 GCA §§ 70.10 through 70.10.2, consistent with the provisions of 8 GCA Chapter 20."

Section 3. Volunteers. A new § 60205 is *added* to Article 2 of Chapter 60, Title 5, Guam Code Annotated, to read as follows:

"**§ 60205. PAWS Volunteers.**

The Director of Agriculture is authorized to recruit PAWS (Protecting Animal Welfare and Safety) volunteers to assist the Guam Department of Agriculture in the enforcement of the animal cruelty laws in Article 1 of Chapter 70, Title 9, Guam Code Annotated. The Director shall determine the types of circumstances in which volunteers are authorized to impound free-roaming, unleashed, or forfeited animals. The volunteers are authorized to

issue citations and notices of violation for offenses committed under 9 GCA §§ 70.10 through 70.10.2. The volunteers are also authorized to impound animals subject to 10 GCA § 34127, if exigent circumstances are established by plain view. The Director shall establish identifying credentials, including, but not limited to, identification (ID) cards and badges, and the appropriate use thereof. The Director shall establish procedures for recruitment and termination of volunteers and shall require certification, training, or education programs to be completed. No person required to register under 9 GCA Chapter 89, is eligible to be a volunteer under this Section.

The Director may outsource the coordination and supervision of PAWS volunteers to the non-governmental organization that operates the animal shelter, or other not-for-profit animal protection organization. The agreement with said non-governmental organization to coordinate and supervise the PAWS volunteers may include, but not be limited to, provisions for waivers of liability, a code of standards, ethics and conduct, limitations of authority, and training. The Director may revoke a volunteer's authority granted by this Section at any time and for any reason. The Department is not liable for any torts committed by said non-governmental organization, its directors, members, employees, or volunteers.

Nothing herein is construed to limit the Department's ability to administer this program consistent with the laws of Guam, or the Guam Administrative Rules and Regulations (GARR), including, but not limited to, the provisions of 5 GCA Chapter 9 or 4 GCA Chapter 6."

Section 4. § 70.10.3 of Article 1, Chapter 70, Title 9, Guam Code Annotated, is *repealed*, and *reenacted* as a new § 34127 of Article 1, Chapter 34, Title 10, Guam Code Annotated, to read as follows:

"**§ 34127. Authority to Enter Premises and Court Proceedings for Crimes Involving Animal Abuse.**

If there is probable cause to believe that any animal is being subjected to treatment in violation of 9 GCA §§ 70.10 through 70.10.2, a peace officer or volunteer, under exigent circumstances, may enter the premises to impound the animal. Notice of said impoundment shall be conspicuously posted on the premises.

(a) A peace officer or volunteer is not liable for any damages for an entry under this Section unless the damages were caused by reckless behavior.

(b) Any animal so impounded shall be held at the animal care facility designated pursuant to 10 GCA § 34118."