



Office of the Governor of Guahan

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

2010 APR 19 AM 9:42

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

APR 16 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 317-30 (COR) "AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS, AND OTHER PURPOSES, FOR FISCAL YEAR 2010" which I signed into law on March 12, 2010 as **Public Law 30-101**.

Sinseru yan Magahet,

MICHAEL W. CRUZ, M.D.
I Maga'láhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

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I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

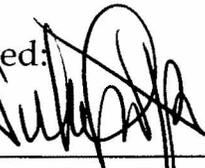
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 317-30 (COR), "AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS, AND OTHER PURPOSES, FOR FISCAL YEAR 2010," was on the 26th day of February, 2010, 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 1 day of March, 2010, at
5:40 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 3.12.10

Public Law No. 30-101

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 317-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement, and Land,
amended by the Committee of the Whole and amended.

Introduced by:

v. c. pangelinan
T. C. Ada
F. B. Aguon, Jr.
B. J.F. Cruz
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO REPROGRAM AND APPROPRIATE
FUNDS FOR VARIOUS PROGRAMS AND PROJECTS,
AND OTHER PURPOSES, FOR FISCAL YEAR 2010.**

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

2 **Section 1. Legislative Statement and Intent.**

3 *I Liheslaturan Guåhan* wishes to ensure that there is continuity of service in
4 the operations of the government of Guam in Fiscal Year 2010 and as such, seeks
5 to reprioritize appropriations of funding for various programs and projects to be
6 started and completed in FY 2010.

1 *I Liheslaturan Guåhan* finds that various health programs require additional
2 funding to maintain the continuity of care for residents who are forced to travel to
3 the Philippines or the United States to receive health care services *not* available on
4 Guam. In order to maintain adequate services and continuity of care, additional
5 funding is required.

6 Retirees that purchased Medicare insurance as part of a government of
7 Guam program in Fiscal Year 2009 were *not* reimbursed due to a larger
8 participation in the program than anticipated. These retirees depend on these
9 reimbursements to fund future Medicare insurance premium payments. Should
10 retirees drop out of this program due to problems with reimbursement, then the
11 government of Guam health insurance premiums will rise much faster because by
12 default the government of Guam health insurance will be designated the primary
13 payer to claims currently paid by Medicare.

14 The Guam Memorial Hospital Authority (GMHA) continues to struggle
15 financially due to providing care to residents without insurance or the ability to pay
16 for services. Vendors continue to notify GMHA of delinquent payables, while
17 some have suspended doing business with GMHA until payment is received.
18 Therefore, *I Liheslaturan Guåhan* wishes to supplement Fiscal Year 2010
19 appropriations to assist GMHA operations.

20 *I Liheslaturan Guåhan* further finds that sections of Public Law 30-55
21 require reprioritization or adjustments due to information received after its
22 enactment. The changes required in Public Law 30-55 will allow prior year
23 obligation payments; improve the flexibility and ability of Mayors to provide grass
24 cutting services to the Department of Education; provide continued authority to
25 access unexpended resources to repair and maintain the Guam Veterans Cemetery;
26 provide financial expertise assistance to the Department of Education; clearly
27 delineate the funding provided for additional employees for the *I Famagu'on-ta*

1 program; and provide resources for a nurse and medication to deliver care to
2 additional clients of the Department of Youth Affairs, added after the start of the
3 fiscal year.

4 *I Liheslaturan Guåhan* finds that sports and recreational facilities in the
5 villages of *Dededo, Agana Heights, Agat, Mangilao, Inarajan, Talofoto, Merizo,*
6 *Tamuning* and *Piti* require funding to repair various sports fields, gymnasiums and
7 other facilities in order to provide safe venues for recreation for all residents of the
8 island.

9 In addition to facilities required within the villages, a planned regional sports
10 complex for southern residents is eligible for private matching grants to complete
11 its development. Thus, in order to provide the same opportunities to practice and
12 participate in sporting events as residents in the north, *I Liheslaturan Guåhan*
13 wishes to continue to support youth programs by extending the existing tax credit
14 matching program to complete development of facilities in the south.

15 *I Liheslaturan Guåhan* further finds that retirees are still due money from
16 *Rios v. Camacho*, Superior Court No. SP0206-93. The recipients of the COLA
17 class continue to be asked to wait for full payment of principal and interest due
18 them. Government of Guam tax receipts and operational expenses continue to
19 challenge its financial managers to identify a funding source to once and for all put
20 to rest the years of injustice caused by denying COLA payments to retirees.

21 *I Liheslaturan Guåhan* wishes to identify funds to reduce any principal and
22 interest still due to COLA awardees and to also identify funding to pay COLA
23 awards for OPT OUT retirees that did not participate in *Rios v. Camacho*, Superior
24 Court No. SP0206-93.

25 *I Liheslaturan Guåhan* further finds that the Guam Waterworks Authority
26 (GWA) seeks a loan guarantee from the General Fund to provide funds for GWA's
27 Moratorium Project, to fund certain reserve accounts so that GWA may issue an

1 additional One Hundred Eighteen Million Dollars (\$118,000,000) in bonds that
2 will greatly improve the island's water and wastewater system. In order to further
3 avoid penalties related to previous court orders, *I Liheslaturan Guåhan* finds that it
4 is necessary to guarantee a short term loan authorized in §14235 of Article 2 of
5 Chapter 14 of Title 12, Guam Code Annotated.

6 **Section 2. Short Title.** This Act shall be referred to as the “*Supplemental*
7 *Budget Act of 2010*”.

8 **Section 3.** A new Subsection (d) is *added* to Section 2 of Public Law 30-
9 38:

10 “(d) All unexpended and unencumbered funds shall fund village
11 projects and other priorities:

12 (1) *One Hundred Thousand Dollars (\$100,000)* to the
13 *Dededo* Mayor’s Office for:

14 (A) repair of the Hal’s Angels Football Field;

15 (B) repair of other village sports and recreational facilities;
16 and

17 (C) maintenance of sports and recreational facilities.

18 (2) *Eighty-Five Thousand Dollars (\$85,000)* to the Mayor’s
19 Office of *Agana Heights* for the purpose of making necessary repairs
20 to the *Agana Heights* Gymnasium and Baseball Field.

21 (3) *Eighty Thousand Dollars (\$80,000)* to the *Agat* Mayor’s
22 Office for the purpose of making necessary repairs to the *Agat*
23 Gymnasium.

24 (4) *Thirty Thousand Dollars (\$30,000)* to the *Mangilao*
25 Mayor’s Office for the development, repair and maintenance of
26 village sports and recreational facilities.

1 (5) *Fifty Thousand Dollars (\$50,000)* to the *Inarajan*
2 Mayor's Office for the repair of the *Inarajan* sport facilities' electrical
3 system and light fixtures at the *Malojloj* multi-purpose court, the
4 *Inarajan* volleyball court and the *Inarajan* basketball court.

5 (6) *Seventy-Three Thousand Six Hundred Dollars (\$73,600)*
6 to the Mayor's Office of *Talofof* to repair the lighting and electrical
7 system of the *Talofof* Baseball Field.

8 (7) *Twenty-Five Thousand Dollars (\$25,000)* to the *Merizo*
9 Mayor's Office for the *sole* purpose of repairing restroom facilities
10 and to conduct minor renovations to its Mayoral office and
11 community center.

12 (8) *Fifty Thousand Dollars (\$50,000)* to the *Tamuning*
13 Mayor's Office for the development, repair and maintenance of
14 village sports and recreational facilities.

15 (9) *Twenty-Six Thousand Dollars (\$26,000)* to the Office of
16 the Mayor of *Piti* to repair the lighting at the *Piti* Baseball Field.

17 (10) Any of the funds appropriated in Subsection (d) may be
18 used to fund the installation of streetlights for the various village
19 sports and recreational facilities as determined by the respective
20 Mayors."

21 **Section 4.** The sum of *Six Hundred Thousand Dollars (\$600,000)* is
22 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
23 to the Medical Referral Office for Contractual Services (Object Class 230).

24 **Section 5.** The sum of *Five Hundred Thousand Dollars (\$500,000)* is
25 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
26 to the Government of Guam Retirement Fund for Medicare premium
27 reimbursements for retirees living on-island and off-island for Fiscal Year 2009.

1 Any remaining balance from this appropriation shall be carried forward and
2 applied to future Fiscal Year Medicare premium reimbursements.

3 **Section 6.** The sum of *Five Hundred Thousand Dollars (\$500,000)* is
4 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
5 to the Guam Memorial Hospital Authority for any vendor payables due in excess
6 of one hundred eighty days (180).

7 **Section 7.** The paragraphs preceding the table in Section 7 of Chapter VIII
8 of Public Law 30-55 are hereby *amended* to read as follows:

9 “**Section 7. Grass Cutting Services for GDOE Schools.** Subject to
10 approval and scheduling of the public school principals, the Mayors are
11 responsible for the grass cutting up to eighteen (18) cuts every fiscal year of
12 regular grounds of DOE schools in their respective districts where grass
13 cutting is *not* already subject to an existing contract. Subject to approval of
14 scheduling with the public school principals, the Mayor may contract with a
15 private entity to provide the services authorized by this Section.

16 The sum of Four Hundred Seventy-four Thousand Seven Hundred
17 Twenty Dollars (**\$474,720**) is appropriated from the General Fund to the
18 Mayors Council of Guam Revolving Fund for the grass cutting of specified
19 schools of the Department of Education below to be allocated as follows:”

20 **Section 8.** Section 10 of Chapter VIII of Public Law 30-55 is hereby
21 *amended* to read as follows:

22 “**Section 10. Continuing Appropriation to the Mayors Council.**
23 The unexpended balance of the funds appropriated to the Mayors Council
24 for Fiscal Year 2009 *shall not* lapse and is available to the Mayors Council
25 for obligations incurred in Fiscal Year 2009 and expenditures in Fiscal Year
26 2010.”

1 **Section 9.** A new Section 11 of Chapter VIII of Public Law 30-55 is
2 hereby *added* to read as follows:

3 **“Section 11. Authorization to Reallocate Funds.** Notwithstanding
4 any other provision of Law, the Mayors Council of Guam (MCOG) is
5 authorized to reallocate funds appropriated in Fiscal Year 2010
6 Miscellaneous (Object Category 290) into other non-personnel cost object
7 categories within its Base Operational Appropriations and to the MCOG
8 Central Cost Accounts administered by the Department of Administration
9 and projects listed in Public Law 30-38:2(d), for the purpose of ensuring any
10 shortfalls within other specified Object Categories are both funded and
11 authorized for payment. The Executive Director of MCOG shall provide
12 written notification to *I Maga’lahen Guåhan* and *I Liheslaturan Guåhan*
13 within five (5) days of the reallocation of funds authorized herein, and shall
14 specify the Object Categories, Cost Accounts, or projects to which funds
15 were reallocated.”

16 **Section 10.** Summary of Base Operational Appropriation, Object
17 Categories REG SAL and BENEFITS in Subsection (k) of Chapter V of Public
18 Law 30-55 is hereby *amended* to read as follows:

19 **“(k) DEPARTMENT OF PUBLIC WORKS**

20 **SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBJ. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
REG SAL	111 Total	\$6,028,670	\$6,559,305	\$12,587,975
BENEFITS	113 Total	\$1,705,722	\$1,915,085	\$3,620,807
Guam Highway Fund\$7,349,625 (111-\$4,964,022; 113-\$1,440,457; 230-\$421,000; 240-\$476,146; 363-\$48,000)”				

1 **Section 11.** A new Subsection (x)(3) of Section 1, Chapter V of Public Law
2 30-55 is hereby *added* to read as follows:

3 **“(3) Guam Veterans Cemetery Appropriation.**

4 Notwithstanding any other provision of the law, the sum of One
5 Hundred Fifty Thousand Dollars (**\$150,000**) is appropriated to the
6 Guam Veterans Affairs Office for the following uses:

7 (A) To purchase materials, supplies and equipment to
8 sustain cemetery maintenance efforts for Fiscal Year 2010; and

9 (B) To procure services to address the deficiencies
10 which were identified in the August 2009 Department of
11 Veterans Affairs National Cemetery Administration's Triennial
12 Report on the Guam Veterans Cemetery.”

13 **Section 12.** Summary of Base Operational Appropriation, Object Category
14 CAP. OTLY., Subsection (x) of Section 1, Chapter V of Public Law 30-55 is
15 hereby *amended* to read as follows:

16 **“(x) VETERAN’S AFFAIRS OFFICE**

17 **SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBJ. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
CAP. OTLY.	450 Total	\$0	\$0	\$0”

18 **Section 13.** A new Subsection (x)(4) of Section 1, Chapter V of Public Law
19 30-55 is hereby *added* to read as follows:

20 **“(4)** The sum of *Forty-Thousand Dollars (\$40,000)* is appropriated for
21 the normal operations and maintenance of the Guam Veterans Cemetery
22 pursuant to and in accordance with the August 2009 Department of Veterans
23 Affairs National Cemetery Administration’s Triennial Report.”

1 **Section 14.** Section 8 of Chapter XIII of Public Law 30-55 is hereby
2 *amended* to read as follows:

3 **“Section 8. Special Fund Transfer.** Unless specified in this Act, *I*
4 *Maga’lahen Guåhan* is authorized to transfer to the General Fund any cash
5 available from any appropriated Special Fund *or* Revolving Fund to fund the
6 appropriations authorized by this Act.

7 All cash from Special Funds *or* Revolving Funds transferred to cover
8 the appropriations authorized by this Act *shall* be promptly reimbursed to
9 the Special *or* Revolving Fund from which it was withdrawn as cash
10 becomes available.

11 *I Maga’lahen Guåhan shall* submit a report to the Speaker of *I*
12 *Liheslaturan Guåhan* on the fifth (5th) day of every month on all transfers
13 made pursuant to this Section. Said report *shall* enumerate the amount of
14 each transfer, identify the funds to and from which the transfer was made
15 and state the purpose of each transfer.

16 Unless otherwise restricted *or* specifically allowed by this Act, for FY
17 2010 *I Maga’lahen Guåhan* is authorized to transfer *up to* fifteen percent
18 (15%) between object categories within an agency Fiscal Year 2010 Special
19 Fund base operational (*except* the utility funds) appropriations contained in
20 Chapter V and in Parts II, III and IV of Chapter III of this Act; provided that
21 notice of each transfer and justification therefore are delivered within fifteen
22 (15) working days *after* the transfer is made to the Speaker of *I Liheslaturan*
23 *Guåhan* and the Office of Finance and Budget.”

24 **Section 15.** §77305, Title 12, Guam Code Annotated, Chapter 77, Article 3,
25 is hereby *amended* to read as follows:

26 **“§77305. Cap on BPT Credits for Design and Construction of the**
27 **Soccer Stadium and Facilities.** The total amount of credits against

1 Business Privilege Taxes for the design and construction of the soccer
2 stadium and facilities authorized herein *shall not exceed* One Million Two
3 Hundred Thousand Dollars (\$1,200,000). The development of soccer
4 facilities in the southern part of the island *shall* be funded using additional
5 tax credits and matching funds secured.”

6 **Section 16.** A new Subsection (d)(3)(C) of Section 1, Chapter V of Public
7 Law 30-55 is hereby *added* to read as follows:

8 “(C) The sum of One Hundred Thousand Dollars (**\$100,000**) is
9 appropriated from the Indirect Cost Fund to the Bureau of Budget and
10 Management Research for the payment of overtime for the training of
11 Department of Education personnel at the Financial Services Division, and
12 Personnel Services Division, specifically to address deficiencies in personnel
13 management and the financial administration of all funds under the purview
14 of the Department of Education, activity related to the American Recovery
15 and Reinvestment Act of 2009, and any other operational costs.”

16 **Section 17. Mandating the Reimbursement of COLA Payments Made**
17 **in Fiscal Years 2007, 2008 and 2009.**

18 In June 2009, the Government of Guam successfully sold \$246 Million
19 Dollars of bonds, also known as Deficit Bonds, to pay for COLA obligations and *I*
20 *Liheslaturan Guåhan* wishes to ensure the timely resolution of the payment of
21 remaining unfunded court ordered COLA obligations.

22 *I Liheslaturan Guåhan* further finds there are seventy-two (72) retirees who
23 were eligible to be part of the class action suit, Rios v. Camacho, Superior Court
24 No. SP0206-93. These retirees who rendered the same services and worked the
25 same number of years in loyal service to the people of Guam are excluded from
26 any payments resulting from the settlement. These retirees believed that the
27 government will treat them fairly and pay them what is due to them without having

1 to take the government to court. Some of these retirees have come forward
2 expressing that the documents were legally technical and long and therefore
3 confusing to them. It asked for a signature and return, and some OPT OUT retirees
4 simply executed the document without full realization of its effects. In recognition
5 of these factors and given the small number of retirees who opted out of the court
6 case, and the reasons cited by these retirees, *I Liheslaturan Guåhan* wishes to
7 exercise fairness and include these retirees as beneficiaries of COLA proceeds.

8 Furthermore, *I Liheslaturan Guåhan* finds that some autonomous agencies
9 and public corporations were *not* included in the list of agencies which were
10 required to reimburse the General Fund for the payment of the annual lump sum
11 COLA by the General Fund to their respective retirees. Autonomous agencies and
12 public corporations are independent component units of the government of Guam
13 that are self-funded through operations. Each autonomous agency and public
14 corporation, *except* the Guam Memorial Hospital Authority, has the capacity to
15 fund the annual cost of living adjustments of its retired employees by identifying
16 and implementing operational efficiencies.

17 *I Liheslaturan Guåhan* further finds that after the successful sale of deficit
18 bonds and disbursement of the proceeds in June 2009, a balance of Seventeen
19 Million One Hundred Sixty-one Thousand One Hundred Eighteen Dollars
20 (\$17,161,118) of principal or interest is still owed to qualified retirees based on the
21 judgment rendered in Rios v. Camacho, Superior Court No. SP0206-93, and
22 principal continues to accrue interest at a rate of seven percent (7%).

23 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate that the
24 Government of Guam Retirement Fund (GGRF), the Guam Visitors Bureau
25 (GVB), the Guam Economic Development Authority (GEDA), the University of
26 Guam (UOG), the Guam Community College (GCC), the Guam Power Authority
27 (GPA), the Guam Waterworks Authority (GWA) and the Port Authority of Guam

(PAG) reimburse the General Fund for COLA payments made in Fiscal Years 2007, 2008 and 2009 to fund the principal and interest still owed to eligible retirees based on the following table:

Agency	2007	2008	2009	Total
GGRF	\$28,600	\$0	\$0	\$28,600
GVB	\$8,800	\$8,800	\$9,900	\$27,500
GEDA	\$9,900	\$0	\$0	\$9,900
UOG	\$369,600	\$382,800	\$399,300	\$1,151,700
GCC	\$183,700	\$194,700	\$195,800	\$574,200
GPA	\$382,800	\$392,700	\$402,600	\$1,178,100
GWA	\$292,600	\$310,200	\$295,900	\$898,700
PAG	<u>\$341,000</u>	<u>\$345,400</u>	<u>\$339,900</u>	<u>\$1,026,300</u>
Total	\$1,714,900	\$1,634,600	\$1,643,400	\$4,895,000

Section 18. Mandate of Reimbursements. The GGRF has determined that the total amount of Fiscal Years 2007, 2008 and 2009 COLA payments issued to retirees by the General Fund on behalf of autonomous agencies *not* required to reimburse the General Fund is Four Million Eight Hundred Ninety-five Thousand Dollars (**\$4,895,000**).

(a) The GGRF *shall* reimburse the General Fund for COLA payments made to retirees of the GGRF as follows:

(1) from Fiscal Year 2007, the amount of Twenty-eight Thousand Six Hundred Dollars (**\$28,600**);

(b) The GVB *shall* reimburse the General Fund for COLA payments made to retirees of the GVB as follows:

(1) from Fiscal Year 2007, the amount of Eight Thousand Eight Hundred Dollars (**\$8,800**);

1 (2) from Fiscal Year 2008, the amount of Eight Thousand
2 Eight Hundred Dollars (**\$8,800**);

3 (3) from Fiscal Year 2009, the amount of Nine Thousand
4 Nine Hundred Dollars (**\$9,900**);

5 (c) The GEDA *shall* reimburse the General Fund for COLA
6 payments made to retirees of the GEDA as follows:

7 (1) from Fiscal Year 2007, the amount of Nine Thousand
8 Nine Hundred Dollars (**\$9,900**);

9 (d) The UOG *shall* reimburse the General Fund for COLA
10 payments made to retirees of the UOG through the offset of prior year
11 General Fund or Special Fund receivables as follows:

12 (1) from Fiscal Year 2007, the amount of Three Hundred
13 Sixty-nine Thousand Six Hundred Dollars (**\$369,600**);

14 (2) from Fiscal Year 2008, the amount of Three Hundred
15 Eighty-two Thousand Eight Hundred Dollars (**\$382,800**);

16 (3) from Fiscal Year 2009, the amount of Three Hundred
17 Ninety-nine Thousand Three Hundred Dollars (**\$399,300**);

18 (e) The GCC *shall* reimburse the General Fund for COLA
19 payments made to retirees of the GCC through the offset of prior year
20 General Fund or Special Fund receivables as follows:

21 (1) from Fiscal Year 2007, the amount of One Hundred
22 Eighty-three Thousand Seven Hundred Dollars (**\$183,700**);

23 (2) from Fiscal Year 2008, the amount of One Hundred
24 Ninety-four Thousand Seven Hundred Dollars (**\$194,700**);

25 (3) from Fiscal Year 2009, the amount of One Hundred
26 Ninety-five Thousand Eight Hundred Dollars (**\$195,800**);

1 (f) The GPA *shall* reimburse the General Fund for COLA
2 payments made to retirees of the GPA as follows:

3 (1) from Fiscal Year 2007, the amount of Three Hundred
4 Eighty-two Thousand Eight Hundred Dollars (**\$382,800**);

5 (2) from Fiscal Year 2008, the amount of Three Hundred
6 Ninety-two Thousand Seven Hundred Dollars (**\$392,700**);

7 (3) from Fiscal Year 2009, the amount of Four Hundred Two
8 Thousand Six Hundred Dollars (**\$402,600**);

9 (g) The GWA *shall* reimburse the General Fund for COLA
10 payments made to retirees of the GWA as follows:

11 (1) from Fiscal Year 2007, the amount of Two Hundred
12 Ninety-two Thousand Six Hundred Dollars (**\$292,600**);

13 (2) from Fiscal Year 2008, the amount of Three Hundred
14 Ten Thousand Two Hundred Dollars (**\$310,200**);

15 (3) from Fiscal Year 2009, the amount of Two Hundred
16 Ninety-Five Thousand Nine Hundred Dollars (**\$295,900**);

17 (h) The PAG *shall* reimburse the General Fund for COLA
18 payments made to retirees of the PAG as follows:

19 (1) from Fiscal Year 2007, the amount of Three Hundred
20 Forty-one Thousand Dollars (**\$341,000**);

21 (2) from Fiscal Year 2008, the amount of Three Hundred
22 Forty-five Thousand Four Hundred Dollars (**\$345,400**);

23 (3) from Fiscal Year 2009, the amount of Three Hundred
24 Thirty-Nine Thousand Nine Hundred Dollars (**\$339,900**).

25 Autonomous agencies in this Section *shall* reimburse the General Fund for
26 the cost of funding the annual COLA paid to their respective retirees by September
27 30, 2010.

1 Any autonomous agencies or public corporations mandated in this Section
2 that have already reimbursed or already paid COLA for any amounts in the
3 specified fiscal years are *not* required to repay said amount.

4 Any remaining COLA reimbursement mandated in this Section due from the
5 UOG and GCC after the offset of monies due them from the General Fund for
6 Fiscal Year 2009 and prior *shall not* be required.

7 The Government of Guam Retirement Fund and the Department of
8 Administration *shall* prepare an official report *no later than* thirty (30) days of
9 enactment of this Act that details the funding source of payments to autonomous
10 agency and public corporation retirees during Fiscal Years 2007, 2008 and 2009.

11 **Section 19. Inclusion of Retirees in COLA Payments.**

12 Notwithstanding any other provision of law, *I Liheslaturan Guåhan* hereby
13 deems those retirees who initially opted out and are *not* covered by the settlement
14 agreement in Rios v. Camacho, Superior Court No. SP0206-93, are eligible for
15 payment under the same terms and conditions as the certified class. Interest *shall*
16 *not* be accrued or paid for any payments due to OPT OUT retirees.

17 The GGRF *shall* determine the amount of award due to these OPT OUT
18 retirees and reduce the amount by ten percent (10%) to promote parity by
19 accounting for attorney fees awarded in Rios v. Camacho, Superior Court No.
20 SP0206-93.

21 OPT OUT retirees who accept payment authorized in this Section *shall*
22 irrevocably and unconditionally release and forever discharge the government of
23 Guam from all charges, complaints, claims, demands, liabilities, obligations,
24 actions and causes of action of any kind or nature, including for attorneys' fees,
25 interest, expenses and costs actually occurred, that exist or have accrued, whether
26 known or unknown, suspected or unsuspected, arising out of or relating to Rios v.
27 Camacho, Superior Court No. SP0206-93.

1 **Section 20. Authorization to Use COLA balance.** Upon the conclusion of
 2 COLA case Rios v. Camacho, Superior Court No. SP0206-93, the GGRF
 3 performed audits of the individual accounts, which resulted in payments due of
 4 One Hundred Twenty-one Million Five Hundred Forty-three Thousand Eight
 5 Hundred and Two Dollars (\$121,543,802) to the COLA class. The GGRF is
 6 hereby authorized to use the balance of One Million Four Hundred Fifty-six
 7 Thousand One Hundred Ninety-eight Dollars (**\$1,456,198**) from appropriations
 8 made in Public Laws 29-04, 29-19, 28-151 and 30-7, less COLA payments for
 9 obligations listed in Section 22(a) of this Act.

Appropriations	Total
P.L. 29-04	\$8,000,000
P.L. 29-19	\$14,000,000
P.L. 28-151	\$9,000,000
<u>P.L. 30-07</u>	<u>\$92,000,000</u>
TOTAL	\$123,000,000
<u>Payments</u>	<u>(\$121,543,802)</u>
Balance	\$1,456,198

18 **Section 21.** A total of Three Million One Hundred Sixty-nine Thousand
 19 One Hundred Dollars (**\$3,169,100**) from the reimbursements referred to in Section
 20 18 of this Act is hereby appropriated as follows:

21 (a) Two Million Twenty-one Thousand Three Hundred
 22 Forty-seven Dollars (**\$2,021,347**) to claimants set forth in Title 5,
 23 Guam Code Annotated, Chapter 6, Article 4, §6404(d)(1) and (2);

24 (b) One Million One Hundred Forty-seven Thousand Seven
 25 Hundred Fifty-three Dollars (**\$1,147,753**) for retirees authorized by
 26 Section 19 of this Act.

1 (c) The Government of Guam Retirement Fund *shall not*
2 disburse appropriations in this Section to COLA class awardee estates
3 or OPT OUT Retiree estates, *except* pursuant to a court order for
4 distribution or *unless* heirs are otherwise legally determined.

5 **Section 22. COLA Disbursement Provisions.**

6 (a) The disbursement provisions for the authorization in Section 20 and
7 appropriations in Section 21 are as follows: Principal or Interest from principal
8 owed to claimants set forth in Title 5 Guam Code Annotated, Chapter 6, Article 4,
9 §6404(d)(1) starting with the claimant with the lowest initial award from the class
10 settlement, followed by the next lowest initial award and repeating this
11 disbursement methodology until all the funds appropriated and authorized are
12 exhausted.

13 (b) Payments to retirees pursuant to in Section 19 *shall not exceed*
14 Twenty Thousand Dollars (\$20,000) each from the appropriation in Section 21 of
15 this Act. Notwithstanding 5 GCA 6404(d) or 5 GCA 22415 or prior laws
16 authorizing COLA payments to retirees, current and future payments to OPT OUT
17 retirees pursuant to Section 19 of this Act *shall not exceed* the total amounts listed
18 for each retiree in the attached Exhibit “A” and amounts due *shall not* accrue
19 interest.

20 **Section 23.** §8137 (g) of Article 1, Chapter 8 of Title 4, Guam Code
21 Annotated, is *amended* to read:

22 “(g) For Fiscal Year 2002, separately, the Guam Power Authority, the
23 Guam Telephone Authority, the Guam Waterworks Authority, the A. B.
24 Won Pat International Airport Authority, the Guam Economic Development
25 Authority, the Guam Housing Corporation, the Government of Guam
26 Retirement Fund, the Port Authority of Guam, and the Guam Visitors
27 Bureau *shall* remit to the Government of Guam Retirement Fund an amount

1 equal to the number of employees which are retired from each entity
2 multiplied by the amounts of: (1) Four Thousand Two Hundred Thirty-eight
3 Dollars (\$4,238.00), known as the sum of the One Thousand Two Hundred
4 Dollars (\$1,200.00), One Thousand Five Hundred Dollars (\$1,500.00),
5 Seven Hundred Dollars (\$700.00) and Eight Hundred Thirty-eight Dollars
6 (\$838.00) supplemental annuity benefits formerly contained in various
7 General Appropriation Acts; and (2) One Thousand One Hundred Dollars
8 (\$1,100.00), known as the latest cost of living adjustment. Each of the
9 above listed entities *shall* also remit to the Government of Guam Retirement
10 Fund the amounts necessary to defray the cost of Medicare premiums for
11 Retirees of those agencies and their survivors who are eligible to receive
12 social security income benefits and are required under the government of
13 Guam group health insurance program to pay such premiums to continue to
14 participate in such health insurance program, failing which they are excluded
15 therefrom (to continue existing programs contained in the monthly
16 payments).

17 The remittances required herein *shall* be made in two (2) equal
18 installments and shall be due on or before December 31st and March 31st,
19 respectively. The Government of Guam Retirement Fund shall promulgate,
20 continue and amend, if necessary, previous administrative procedures to
21 ensure the proper submission, receipt and accounting of all sums remitted in
22 conformance with this section.”

23 **Section 24.** §23104(a)(1) of Chapter 23, Title 5, Guam Code Annotated, is
24 *amended* to read as follows:

25 “§23104 (a)(1) If the employee is the Governor, Lieutenant
26 Governor, a member of the Legislature, a Judge, or a Mayor or Vice-Mayor,

1 the rates are One Hundred Thirty Percent (130%) of the basic per diem
2 rates;”

3 **Section 25.** Summary of Base Operational Appropriation, Object
4 Categories REG SAL, BENEFITS, SUP. & MAT, Chapter III, Part III, Section 1
5 of P.L. 30-55 is hereby *amended* to read as follows:

6 **“SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBJ. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
REG SAL	111 Total	<u>\$3,494,880</u>	\$807,761	<u>\$4,302,641</u>
BENEFITS	113 Total	<u>\$1,154,599</u>	\$265,591	<u>\$1,420,190</u>
SUP. & MAT.	240 Total	<u>\$1,477,754</u>	\$327,855	<u>\$1,805,609”</u>

7 **Section 26.** A new Section 6 of Chapter III, Part III of Public Law 30-55 is
8 hereby *added* to read as follows:

9 **“Section 6. Appropriations for New *I Famagu’on-ta* Wraparound
10 **Care Teams.** Notwithstanding any other provisions of law, the sum of One
11 Hundred Seventy-one Thousand Eight Hundred Sixty-two Dollars
12 **(\$171,862)** is appropriated from the General Fund to the Department of
13 Mental Health and Substance Abuse, Child and Adolescent Service Division
14 to fund two (2) new *I Famagu’on-ta* Wraparound Care Teams, consisting of
15 two (2) Care Coordinators; two (2) Psychiatric Social Workers II; two (2)
16 Social Workers III; one (1) Community Program Aide II; one (1) Psychiatric
17 Social Worker II; and one (1) Social Worker II.**

18 **Section 27.** A new Subsection (r)(4) of Section 1, Chapter V of Public Law
19 30-55 is hereby *added* to read as follows:

20 **“(4) Appropriations to the Department of Youth Affairs for
21 Nurse and Medication.** Notwithstanding any other provision of the law,

1 the sum of One Hundred Fifty Thousand Dollars (\$150,000) is appropriated
2 from the General Fund to the Department of Youth Affairs to fund
3 medication for clients, and to fund one (1) Nurse qualified to dispense
4 prescribed medication, or contracted nurse services to accomplish the same.”

5 **Section 28.** A new Section 23 of Chapter XIII of Public Law 30-55 is
6 hereby *added* to read as follows:

7 **“Section 23. Authorization to Make Payments of Prior Year**
8 **Obligations.**

9 Notwithstanding any other provision of law, all government of Guam
10 agencies in Chapter V are authorized to utilize Fiscal Year 2010
11 appropriations to pay for prior year obligations. Payments of prior year
12 obligations with Fiscal Year 2010 appropriations *shall only* be authorized
13 from the same object class category as the prior year obligation. *I*
14 *Maga’lahen Guåhan shall* submit a report to the Speaker of *I Liheslaturan*
15 *Guåhan* on the fifth (5th) day of every month detailing any payments of prior
16 year obligations made pursuant to this Section. Said report *shall* enumerate
17 the amount of each payment and funding source used to pay said
18 obligations.”

19 **Section 29. General Fund Guarantee for the Guam Waterworks**
20 **Authority Loan.**

21 The government of Guam hereby guarantees all payments due for a
22 maximum ten (10) year term that would be due under the Thirty Million Dollar
23 (\$30,000,000) credit facility issued by the Guam Economic Development
24 Authority on behalf of the Guam Waterworks Authority (GWA) authorized under
25 §14235 of Article 2 of Chapter 14 of Title 12, Guam Code Annotated, for the
26 purpose of securing a Thirty Million Dollar (\$30,000,000) loan to provide funds
27 for the Moratorium Project, fund certain reserve accounts and other purposes

1 approved by the Consolidated Commission on Utilities. This Guarantee is a
2 general obligation of the government of Guam, subject to the full faith and credit
3 of the government of Guam. The Guarantor consents to any and all extension of
4 time and waiver or modification of obligations guaranteed hereunder.

5 **Section 30. GWA Default.** In the event that the Guam Waterworks
6 Authority defaults on any payments for loans authorized under §14235 of Article 2
7 of Chapter 14 of Title 12, Guam Code Annotated, and the Government of Guam by
8 virtue of its Loan Guarantee in Section 29 of this Act pays any principal or interest
9 toward said loan, the following provisions *shall* apply:

10 (a) The Guam Waterworks Authority *shall* repay the General Fund
11 the full value of any payments made plus annual interest at a rate which is
12 three percent (3%) above the existing Bank Note rate and a default fee equal
13 to an additional five percent (5%) of each defaulted amount.

14 (b) The obligation will continue to be subordinate to GWA's 2005
15 Series Bond Indenture.

16 **Section 31. Refunding of Loan.** Any outstanding balance of the loan
17 authorized in §14235 of Article 2 of Chapter 14 of Title 12, Guam Code
18 Annotated, and obligations incurred under provisions in Section 30 of this Act
19 *shall* be refunded or repaid as part of the next Water and Wastewater System
20 Revenue Bond issue for the next series of GWA capital improvement projects after
21 September 30, 2015. The General Fund guarantee authorized in Section 29 of this
22 Act *shall* end upon retirement of the loan authorized in §14235 of Article 2 of
23 Chapter 14 of Title 12, Guam Code Annotated.

24 **Section 32.** A new Subsection (o)(4) of Section 1, Chapter V of Public Law
25 30-55 is hereby *added* to read as follows:

26 **“(4) Department of Corrections Collections.** The Department of
27 Corrections is authorized for its Fiscal Year 2010 operations to expend *up to*

1 the level of revenues collected for the Corrections Revolving Fund in Fiscal
2 Year 2010 for overtime and special pay.”

3 **Section 33. Severability.** If any provisions of this Act or the application
4 thereof to any person or circumstance is held invalid, such invalidity shall not
5 affect any other provision or application of this Act which can be given effect
6 without the invalid provision or application, and to this end the provisions of this
7 Act are severable.

List of 72

Government of Guam Retirement Fund
COLA Award - Opt Out List

Exhibit A
SBill No. 317-30 (COR)

ID	COLA Due	COLA Awardee / Pensioner Name	Retirement Type	Check Name
5008	17,400.39			
5017	5,422.50			
5007	8,032.37			
4999	13,670.07			
4995	10,961.05			
4998	6,678.89			
4984	14,333.69			
4964	9,616.32			
4992	13,564.44			
5016	5,854.09			
4989	9,724.92			
5005	11,053.19			
5006	20,583.11			
5014	53,636.42			
5011	29,535.05			
4994	13,705.58			
5018	58,281.51			
4983	30,881.42			
5019	25,214.63			
4997	15,500.65			
5003	10,820.52			
4980	21,269.92			
4966	15,247.21			
5023	34,822.58			
4956	9,800.89			
4990	26,118.81			
4957	22,710.42			
4965	63,408.97			
5004	27,335.55			
5026	22,771.71			
5021	30,027.19			
5002	24,991.92			
4978	59,295.61			
4993	36,814.54			
4987	48,299.49			
4963	13,495.32			
4967	11,178.95			
4960	28,297.55			
5015	40,438.18			
5013	32,208.54			
4988	12,297.30			
5022	77,911.81			
5024	21,709.53			
4962	62,454.12			
4961	84,236.38			
4972	14,992.94			
4969	21,828.26			
4973	54,466.21			
4996	15,542.44			
4979	13,415.65			
4958	10,074.18			
4955	92,601.58			

Exhibit A
SBill No. 317-30 (COR)

Government of Guam Reti
COLA Award - Opt Out List

<u>ID</u>	<u>COLA Due</u>
4981	40,954.29
4986	48,183.28
4970	10,466.09
4971	10,896.72
5010	19,801.18
5009	57,880.32
4959	7,634.34
5025	22,245.04
4991	17,371.91
4974	20,431.18
4975	23,583.36
5020	32,179.40
4985	32,791.26
4968	23,240.13
4982	27,907.56
5012	62,694.53
4976	22,803.62
4977	10,757.20
5001	10,147.89
5000	90,866.65
<u>72</u>	<u>2,027,370.51</u>

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 2/26/10

VOTING SHEET

SBill No. 317-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

February 18, 2010

The Honorable Judith T. Won Pat, Ed.D.

Speaker
I Mina'trenta 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. 317-30 (COR), As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 317-30 (COR), As Substituted, "An act to reprogram and appropriate funds for various programs and projects and other purposes for fiscal year 2010" and which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

5 TO PASS
 NOT TO PASS
1 TO REPORT OUT ONLY
 TO ABSTAIN
 TO PLACE IN INACTIVE FILE

Si Yu'us Ma'ase,


ben c. pangelinan
Senator

SEN 93 AM 9:39
mw

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

COMMITTEE
REPORT
ON

BILL NO. 317-30 (COR), As Substituted
“AN ACT TO REPROGRAM AND
APPROPRIATE FUNDS FOR VARIOUS
PROGRAMS AND PROJECTS AND
OTHER PURPOSES FOR FISCAL YEAR
2010”



The People

Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

February 18, 2010

MEMORANDUM

To: **All Members**
Committee on Appropriations, Taxation, Banking, Insurance,
Retirement, and Land

From: Senator vicente "ben" c. pangelinan
Committee Chairperson

Subject: **Committee Report on Bill No.317-30 (COR), As Substituted**

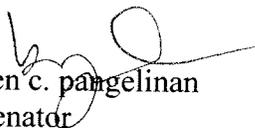
Transmitted herewith for your consideration is the Committee Report on Bill No.317-30 (COR) As Substituted, "An act to reprogram and appropriate funds for various programs and projects and other purposes for fiscal year 2010" sponsored by Senator vicente "ben" c. pangelinan

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Substitute Bill No.317-30 (COR)
- Copy of Bill No.317-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No.317-30 (COR)
- Notices of Public Hearing
- 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'us Ma'ase,

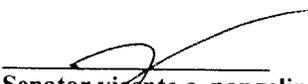
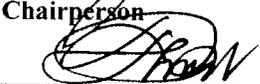
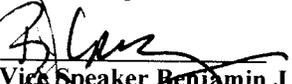
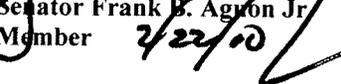

ben c. pangelinan
Senator

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
Committee Voting Sheet
Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land

Bill No.317-30 (COR), As Substituted:
“An act to reprogram and appropriate funds for various programs and projects
and other purposes for fiscal year 2010”

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator vicente c. pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D Vice Chairperson	✓				
 Vice Speaker Benjamin J.F Cruz Member	✓				
 Senator Tina Rose Muña-Barnes Member	✓				
 Senator Frank B. Aguirre Jr. Member	✓				
 Senator Frank B. Aguirre Jr. Member					
Senator Judith P. Guthertz Member					
Senator James V. Espaldon Member					
Senator Telo T. Taitague Member					
 Senator Frank Blas, Jr. Member			✓		



Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

Committee Report

Bill No.317-30 (COR) As Substituted: “An act to reprogram and appropriate funds for various programs and projects and other purposes for fiscal year 2010”

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on February 3, 2010 at 3:00 pm 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 January 27 (5-Day Notice), and again on February 1 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente “ben” pangelinan, Chairman
Speaker Judith T. Won Pat, Vice Chairman
Vice Speaker Benjamin J.F. Cruz, member
Senator Telo Taitague, member
Senator Tina Rose Muña-Barnes, member
Senator Ada
Senator Adolpho B. Palacios, Sr.

(b) Appearing before the Committee

Gloria Nelson
Frank Hill
Ben Gumataotao, Piti Mayor
Barbara Dela Cruz
Louise C. Rivera, Tamuning Vice Mayor
Vicente Taitague, Talofof Mayor
Richard Lai, President (GFA)
Valentino San Gil, General Secretary (GFA)
Tony Ada, Director (DYA)
Jane Flores, Director (GMH)
Francisco Roberto, President (Masters Basketball Association)
Danny “Matao Pâgat” Jackson
Ofing Jackson

Vicente Garrido
Paul McDonald, Agana Heights Mayor
Ernest Chargualaf, Merizo Mayor
Frank C. Roberto, Jr., Vice President (Masters Basketball Association)
Rick Agustin, General Manager (PAG)
Jose Guevara, Controller (PAG)
Joaquin Flores, General Manager (GPA)
Frank Taitague, Inarajan Mayor
Bertha Duenas, Director (BBMR)
John Benavente, General Manager (GWA)
Fred Gofigan, Administrator (VAO)
Melissa Savares, Dededo Mayor
Carol Tayama, Agat Mayor
Nito Blas, Mangilao Mayor
Angel Sablan, Executive Director (MCOG)
Ted Nelson
Ed Taitano (DYA)

(c) Written Testimonies Submitted

Port Authority of Guam
Guam Community College
Guam Housing Corporation
Department of Administration (Division of Accounts)
Guam Visitors Bureau
Guam International Airport Authority
Department of Youth Affairs
Guam Masters Basketball Association
Municipality of Agana Heights
Jose S.N Chargualaf
Talofofo Mayor's Office
Bureau of Budget & Management Research
Jane Flores
University of Guam
Department of Education
Government of Guam Retirement Fund

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Senator ben pangelinan: Good Afternoon, Everyone! I'd like to call this public hearing on the consideration of Bill 317-30: An Act to reprogram and appropriate funds for various programs and projects and other purposes for Fiscal Year 2010. The bill has been designated supplemental bill which allows us to entertain different appropriations or authorizations for expenditures in a single bill. The bill was taken from many of the appropriation bills that were introduced by different members of the body to fund certain projects

within the community. Most of these projects, from my understanding, were introduced at the request of certain members of our community, like the mayors and those that have expressed a need and the desire to find funding for certain programs and projects of the Government of Guam. One of the major portions of the bill, of course, is contained in the section of the bill that deals with finding funding for the payment—continuing payment—of the COLA settlement award and the COLA interest as have been determined to be due and owing to the retirees pursuant to the agreement or the Attorney General’s Office. The Attorney General had ruled that the nonpayment or non-issuance of the COLA certificates and the nonpayment of those balances of the principle in the COLA made the Government of Guam liable for certain interest payments on the outstanding balance of that award. And this bill seeks to find the mechanism to provide some additional funding for the payment—continual payment—of those awards until such time that we fully pay what we owe the COLA retirees pursuant to their court case and pursuant to rulings by this government body. In addition, it also provides funding to certain institutions and instrumentalities of the Government of Guam such as the Guam Department of Education and other entities of the Government of Guam to meet operational requirements of the respective departments and agencies. I’m going to use the prerogative of the Chair in terms of deciding which group to call up first, but I don’t think that I need to do that, because it’s the ones that signed up first are, pretty much, those that are here with the most interests. Before I do that, I’d like to introduce the members of the body that are here to join me. I want to thank them and express my appreciation for their presence this afternoon. To my extreme left is the Vice Chair of the Committee and the Speaker—our Speaker—of the 30th Guam Legislature, Speaker Judy Won Pat. We thank her for joining us this afternoon. And right next to her is Senator Adolfo Palacios. And to my left is Senator Telo Taitague. To my right is Senator Tina Rose Muna-Barnes, and to her right is Senator Tom Ada. Thank you very much, Senators, for joining us this afternoon. I’m going to go ahead and call the order of those that signed up with regards to... on the issue and the matter of the COLA, we have asked them to identify that that will be there interest and then we’ll begin with that. And then we’ll go ahead and call other members of the—actually, then, we’ll call the department of Bureau and Budget Management. And then after their presentation, we’ll proceed with the other elements of the bill. To start the hearing and the receipt of public testimony this afternoon, I’d like to call Mrs. Gloria Nelson. I’d like to go ahead and call Zeny Asuncion-Nace... I think she’s representing the University of Guam—they’re going to provide written testimony on this. Ben Gumataotao, were you going to testify on the COLA section or just the Mayors’ section? (Inaudible) Okay. I’d also like to recognize Vice Speaker, B.J. Cruz, thank you very much, Mr. Vice Speaker. I’d like to go ahead, then, and call Mr. Frank Hill. And Barbara Dela Cruz. Barbara, are you going to testify? And we’ll begin with the testimony in the order that I called. Mrs. Nelson.

(b) Testimony

1. Gloria Nelson – President, Dinanña’ Para i Direchon i Retirees and Survivors

Gloria Nelson: Thank you... can you hear me? Buenas Senator ben pangelinan, and before coming over here—in fact, that was about ten minutes ago when I was talking to him and was trying to find out, what are his titles? And so because it’s too long, I decided to just say, Buenas, Senator pangelinan. And Senators, for the record, my name is Gloria B. Nelson, and I am the President of the Dinanña’ Para Direchon i Retirees and Survivors. I’m

here to testify in full support of Bill 317-30. It appears that the intent of this bill is not only focused on COLA appropriation injustices but also on the need to ensure there is a continuity of services in the operation of the Government of Guam for various programs and projects to put to a closure, in Fiscal Year 2010. Indeed, very realistic, sensible, and excellent management, Senator pangelinan. Future prevention of injustices to the community, to our schools, to our hospital, to the mayors that are handling the villages, the COLA retirees have been continuously and patiently, I called us powerless for it took fifteen years, or maybe more by now. Some Guam leaders have made history; we made history in court; the longest for neglecting the handicap, the sick, and the poor elders of Guam. Insensitivity, greed, and lack of caring leaders yesterday and today, and by the way, I want to make it very clear, because most of you that have been meeting with the buildup and other hearings, I do not see each one of you to be that category. The COLA retirees demand final closure to this treatment and injustice. We owe our retirees, past and present, much gratitude, respect, and kindness for their years of service, dedication, and love for our children and the people of Guam. Let's wait no more. Thank you for this bill. It will probably no longer delay much more than fifteen years. Time is fast-departing for all of us. Senators, work hard; pay them promptly. No more pain, no more hardship. They legally deserve to be compensated **now**. Si Yu'os Ma'ase'.

Panel Comments and Questions

None

2. Ben Gumataotao – Mayor, Piti

Ben Gumataotao: Good afternoon, Senator pangelinan and members of the Committee. I am in favor for this COLA to be paid. It's long overdue. And just in the event that you do not have enough funding to pay the COLA, I have here, for the mayor, \$26,000, and I'll yield that money for the people from the COLA. Please, and I thank you very much.

Senator ben pangelinan: Thank you very much, Mr. Mayor. Mr. Hill?

Frank Hill: Good afternoon, Senators. My name is Frank Hill; I'm the Vice President of the Dinanña' Group. I also am here to say that I'm in favor of this bill, it's long-awaited. And I hope that we'll override any attempt to veto this bill and that you'll follow through this until we get paid our total—what's due us. I also have a letter here from Mr. Chargualaf—I'd like to go ahead and read it. It says here, his name is Jose M. Chargualaf, a retiree of the Government of Guam, one of thousands who is a recipient of the COLA class award ordered by the Superior Court of Guam. Because of the Governor of Guam and the Executive Branch—the governor of Guam has failed to fully compensate the COLA recipients the money legally owed us—the interest—when the COLA payments were made. Relative to the interest due to each retiree was a joke—pâpet e'ggue. And as no official of the governor or Department of Administration signed or affixed his signature as this is an official acknowledgement of a Government of Guam action, it didn't have any value. I trust that Bill 317 will be passed and endorsed by all fourteen senators. Pay us retirees as soon as possible. As more of us continue to pass away, that's the total sentiment of all the retirees. I want to ask all who are present, stand up please, and say if you are in favor of this COLA award. (Members of the audience stand up or raise their hands to show favor of the award.) I think that's the room. I hope you guys follow through on this.

Senator ben pangelinan: Thank you very much, Mr. Hill. Mrs. Dela Cruz?

Panel Comments and Questions

None

3. Barbara Dela Cruz – COLA Retiree Representative

Dela Cruz: Good afternoon, Senators. You are all beautiful up there. Thank you to those who are here before all these people. I am not a Lola COLA recipient, because I was too late to retire, but I am here on behalf of my sister who is ill. I am the one following this for her, because when all this money was being released. Excuse me, I am Barbara Dela Cruz of Chalan Pago, please excuse me. When the money was being released, I was the one who took my sister to pick up her check. At least six or seven times, I think, when she took the check, each time she cashed the check she'd give me about eighty dollars. So I'm following the organization, and I, too, am asking that you finish this fight by the end of this year. They are crying—they're not crying tears—they're hearts are crying. We hear their cries when our retirees are dying and they leave this world. Senators, please listen to us here, and tell the others who aren't here to get together and to end this and to end it this year. Please just give them their interest and the back pay that is rightfully theirs to let them rest instead of calling them back-and-forth to do this. And look at the time tonight. They're all here, because this is important for them to push, and that's why we need to end this year. Please, Senators, open your hearts and look at all those here before you—the manâmkô'—who are soon to leave this world. I, too, am no longer young, but I'm only here to support my sister. Eventually, when you reach our age and it's your turn to seek help, only then may you see the reality behind the struggle and the tears of what is being asked of you—to give them what is rightfully theirs. Thank you all very much.)

Senator ben pangelinan: Dângkolu na Si Yu'os Ma'âse' lokkue' para hâgu. Is there anyone up here who'd like to ask questions? If there are none, then thank you, and we'll call on the rest. I'll go ahead and follow the list of those who've signed up. Vice Mayor Rivera, Mayor Taitague, Richard Lai, and Valentino San Gil. We'll go ahead and start with Vice Mayor Rivera.

Panel Comments and Questions

None

4. Louise C. Rivera – Vice Mayor, Tamuning

Louise C. Rivera: Hâfa Adai, Senators. I just want to thank you for this opportunity. I want to let you know that I am in support of your bill. I would also like to request that it be amended to include the facilities in Tamuning. The baseball field and the Tamuning gym... I was really surprised to see that all these other villages were apart of this, and I was wondering why Tamuning wasn't. This is my sixth year in office, and I was calling around to see—I know that we've met with different senators, personally, in regards to funding. For the past five years, this is no my sixth year in office, I've been working with different businesses, local companies to help us out with repairs and things that we need in our community. Seeing your bill have different amounts of monies appropriated to different villages, I'm here to ask that you include

Tamuning, Tumon, and Harmon. I do have price quotes for a lot of things—from the lights to the repairs of the gym, the fencing. Whatever you want me to forward to you, just let me know.

Senator ben pangelinan: Thank you very much, Mayor Rivera. Mayor Taitague?

Panel Comments and Questions

None

5. Vicente Taitague – Mayor, Talofoko

Mayor Vicente Taitague: Håfa lai, Mr. ben? Members... I submitted a written testimony on my behalf. For the record, my name is Taitague, Vicente, Mayor of Talofoko. I support this bill, bill number 317-30. On my request, I have two concerns that I want to amend this bill to revise the total cost for the repair projects for the baseball field. I'll give you the breakdown of these things; it will cost ninety thousand six hundred eighty eight dollars. The next request is to amend to get the Koban renovated. The Koban is falling apart and the people of Talofoko want it to be in operational use. I'm requesting to amend the bill for ten thousand dollars to repair and upgrade the facility so GPD can be used for operational use. These are the two main concerns I have, and hopefully, you can accommodate the people who reside in Talofoko.

Senator ben pangelinan: Thank you very much, Mr. Mayor. Mr. Lai.

Panel Comments and Questions

None

6. Richard Lai – President, Guam Football Association

Richard Lai: Good afternoon, Committee Chairman and Committee members. For the record, my name is Richard Lai. I'm the president of the Guam Football Association. I'm very pleased to see that this bill is including a lot of sports facilities; also mayors need a lot of improvements in the villages of the sports facilities. I'm here to testify to support this bill. If I might walk over to the board so that way I can explain to the senators a little bit more what the support we're looking for. We got this property from the Government of Guam roughly about ten years ago. It's a total of twenty one acres of property. We started developing this property roughly about six years ago. From the first day that the government deeded this property to us, we had no funding and were never able to do anything on it. Roughly about six years ago, I started going into international grants, and I've discovered that there are international grants to support football facilities on islands like Guam. The first grant we received (about four years ago) is a four hundred thousand dollar grant; 100% came from the governing body of football of the world called FIFA. The money came from Switzerland, and for the first grant, we were able to build this building which is about three thousand square feet. It consists of offices, classrooms, locker rooms, and bathrooms. Then we were able to put lighting on the lower football facility—the pitch. We were able to build the pitch, the lights, and the building. All four hundred thousand dollars came from FIFA. And through the local sponsorship we were able to raise (roughly) about a hundred thousand. So the whole project, including the chain link fence of the entire facility, we spent about half-a-million dollars. That's the day when football stock (soccer) kicked

off on Guam. During that time, we were still the number sixth or seventh place in sports on Guam. Right now, we're very proud to say that we have more kids playing soccer than any other sport on Guam. We're (roughly) about two thousand five hundred kids from ages four to sixteen years old. And we're (roughly) about eight hundred plus adult players. And then there are our members who utilize this facility. Two years ago, I discovered another grant which enabled us to bring another four hundred thousand dollars for the rest of the improvements. Through Senator pangelinan, we were able to get the matching grant tax credit that allows us to utilize the building. The loan was given to the racetrack for the GRT money. We raised (roughly) about six hundred fifty thousand dollars for the second project. On the second project, we paved the hundred eighty parking space. We were able to build a second pitch with lighting. And a six thousand-square foot dormitory training facility. This time, it's a two-level building plus two more mini soccer facilities. Everything was completed. Last year, we have some leftover money from the FIFA grant to build a big soccer field over here (pointing at the demonstration map) which is also complete. We're very proud with the facility; we're now the facility that is utilized seven days a week. Anyone who passes by Harmon Loop will see that the lights are constantly on for domestic soccer events—also national teams. We provide more national players, off-island competitions than all the sports together. We send eight to ten teams off-island to compete every year. Each team consists of about twenty to twenty five players. But there is a problem, because of technology and its continual improvement. The new football facility in the world FIFA, they call for artificial turf meaning that watering is not needed. You can play seven days a week, twenty four hours a day. We have an existing problem here; we spend more than thirteen thousand dollars a month for power, water, landscaping, and for professionals to surface the field because of all the usage. I went to FIFA to apply for the new grant; which each new member association is encouraged to turn the pitch to an artificial one. Our estimate is about nine hundred thousand dollars for conversion to an artificial one. Once it's converted, we don't need down time anymore; we don't need to close the field for repairs. We don't need to water it; we don't need to fertilize it. We don't need to pay the expensive water bill to water it. Right now, we pay two thousand to three thousand a month for the water bill to Guam Waterworks Authority. The artificial pitch costs about nine hundred thousand. FIFA already agreed to contribute four hundred thousand dollars. And then Guam Football Association is able to come up with another hundred thousand through the local sponsors. But unfortunately, the original tax credit that the legislature gave us is only down to two hundred fifty thousand. If the four hundred thousand grant from FIFA plus two hundred fifty thousand, we're still short about two hundred fifty thousand. I know that GFA can raise about a hundred thousand through the sponsors and the parents, but it's nice to see the bill that another two hundred thousand dollars for tax credit matching. We're proud, because we're the only football sport organization on Guam that's built a long-term facility, and we don't ask for a fee handout. We want to demonstrate that we can make at least half the money from off-island. People from off-island believe in our children in this sport and are willing to donate the money for us to build the infrastructure for generations to use. I'm here to answer questions if you have any questions regarding how we're going to use the additional two hundred thousand tax credit. And I hope that the senators will support our bill so within the next six months, we'll see the first artificial football pitch. Thank you.

Senator ben pangelinan: Thank you very much, Mr. Lai. Mr. Lai the appropriation—the allowance for a tax credit—again, you don't just get the money. You have to contribute your own so every dollar that's given to you as a credit; you'll have to raise your own dollar to match

it in order to take that money. And the idea of increasing that would be to allow you to continue the development of the artificial turf, but also to develop the southern soccer sports complex. That's the intent of this bill to allow you to access that off-island grant which would contribute towards the construction of the artificial turf. But also because you're now bringing in an off-island grant, you'll have enough money to develop the southern soccer field that was authorized by law?

Richard Lai: Thank you, Senator, for reminding me. Yes... last year, the legislature passed a bill to deed up to eleven acres of the southern sports facility for us to develop a southern football facility. And I also submitted that to FIFA. It's true: once we get this additional two hundred thousand dollar tax credit matching, we'll be able to fence up the whole facility in Agat just like this one. We'll be able to build a bathroom, a locker room, and also to build about two training facilities. And then no building for headquarters, because we'll be managing from Harmon, but we'll be able to send the coaches everyday around three o'clock to Agat. We found out that we've got a lot of very talented southern kids. They are less fortunate than our central or northern kids, because when the school bells ring at 3 pm, it's impossible for parents who are working in downtown central to go down south, pick up their kids, and drive them up north to the training facility. I'd like to emphasize how valuable and how smart some of the southern kids who can actually contribute in the national program. Last December, we selected the best two, under thirteen kids from Guam to fly them to Japan and train there with the under thirteen national team. The top thirty kids in Japan, out of two hundred fifty million people train for ten days. We were able to get two slots to fly two kids there; very fortunately, one kid is from the south. The coach almost did not pick him; he was one of the best players with one of the brightest futures. He actually missed half of the practices. The coach almost wanted to take him out to put two kids in from the central part of the island. But I was able to see the attendance, and I understand how difficult it is for the parent to be able to make it to even half of the practices up north. I appreciate that, and I demonstrated that. When these two kids traveled to Japan, they were spotted by a Japanese professional football magazine. They wrote me an email to ask me to allow them to feature—especially the kid from the south—that made it to Japan on the professional magazine. Those are the opportunities that I want to give to the kids from the south. That's why I want to build this artificial turf plus develop the facility that the property that the legislature gave us last year.

Senator ben pangelinan: In the south?

Richard Lai: Yes.

Senator ben pangelinan: Thank you very much. Senator Palacios.

Panel Comments and Questions

Senator Palacios: Thank you Mr. Chairman. Of course, the program is very good for the youth. Is your organization a Non-Profit Organization?

Richard Lai: Yes, Sir. We're audited by FIFA every year. Internally, Ernst & Young audits every six months. We submit our tax return to the Government of Guam. We're nonprofit,

and we also turn in our tax return to the Guam Public Auditor every year. We're not required to, but we do.

Senator Palacios: Could you give this committee some idea of an annual revenues versus expenditures and whether you have a net surplus or a net loss on an annual basis—maybe for the last three or four years?

Richard Lai: Yes... to make it simple to understand, we have about two thousand kids. We charge each kid only forty dollars per year to participate in our sport. We charge adults sixty dollars. Just the registration fees alone, we get close to a hundred thousand a year. We have a FIFA financial aid program which allows us to apply up to a quarter million dollars. But those are deeded to the national program when we send the kids to off-island competitions. That's why I said that every time we send a team off-island, it'll cost us about fifty thousand dollars. But we've managed to send up to eight to ten teams each year which is almost a half a million dollars. We did that through parent contributions of half of the funding, FIFA contributes the rest of the funding, plus with fundraisings through the local organization. We collect only income locally at about fifty thousand dollars cash from the sponsors. A hundred thousand is registration fees; locally, we get about a hundred fifty thousand a year. Paying for the landscape professional is four thousand five hundred a month, not including fertilizer, maintaining his equipment. The power bill is about three thousand to four thousand a month, depending on how many night games and training we have. Water is about three to four thousand a month, depending on the rainy/dry season. Just the maintaining this facility, our registration fee from the members is not enough to pay. What we did was we tried to utilize the facility to generate money. Now we have a lot of chain link fences. We normally sell each board, between four to eight foot boards to corporate sponsors. We sell it for eight hundred dollars a year. We get about twenty to thirty boards sold per year, varying. That additional income comes in handy. The FIFA financial aid assistance program at a quarter million dollars.

Senator Palacios: Is that annual?

Richard Lai: Annually.

Senator Palacios: So every year you get—

Richard Lai: Every year. That's why we're very restricted by the auditing. They send in Ernst & Young to audit us every year. And that's why, internally, we have a professional CPA to audit us each month to make sure that we do the books correctly. If we make one mistake, we'll lose this grant forever. And we'll also lose the future infrastructure grant. Since I became the president about six years ago, including infrastructure and operated the financial assistance grants, I'm very proud to say that we've brought in over three million dollars to Guam.

Senator Palacios: One last question, Mr. Chairman, with respect to admissions. Do you have a special price or special consideration for the elderly? I understand there are some venues that entertain or provide discounted or free admissions to senior citizens, 55 and older?

Richard Lai: Unfortunately, this is a soccer facility so we do have senior citizens playing in our leagues.

Senator Palacios: No, to watch.

Richard Lai: Oh, to watch, yes. We have bleachers.

Senator Palacios: No, but do you charge them?

Richard Lai: No, admission is all free. We also host high school and middle school championships. The last high school championship happened in December between Father D and Harvest. We had over two thousand spectators who came to the facility. They were easily fit and comfortable. When we do that, we collect three dollars for adults, one dollar for kids, and one dollar for senior citizens. But we also pay 10% of the gate revenue to the legislature; we follow the book right to the dot.

Senator Palacios: Thank you, Mr. Chairman. Thank you for [Mr. Lai] for that.

Senator ben pangelinan: Thank you. Senator Ada?

Senator Ada: I just want to make sure I understand the process here with the tax credits. In essence when the professional landscaper comes in and puts in the turf and costs two hundred thousand dollars he basically takes that and writes it off from his income tax and so the government does not receive two hundred thousand dollars in tax. Is that correct?

Richard Lai: No. This is how it happens: for example, with our last grant and when we applied for the tax credit. With the last project, we built the hundred eighty plus parking stalls, six thousand square-foot building, upper field lighting system, and the two mini soccer fields. The whole contract cost one point three million dollars. We had a tax bill that allowed us to get up to one million dollars in a tax credit. We must identify a company who normally pays GRT to the Treasurer of Guam every month. Either the contractor or the construction supplier or any business on Guam pays GRT to the Government of Guam. With the last project, the grant from international was only four hundred thousand. Even if I bring in four hundred thousand, I can only match another four hundred thousand. I'm still short so what we did was fundraised and saved the financial aid assistance program (the two hundred fifty thousand) we tried to make more parents pay for the off-island competitions, saving the money. Then we have our sponsors donate more money so we're able to come to a total of six hundred fifty thousand, then we're able to match another six hundred fifty thousand. The contract was signed with FIFA, the contractor, plus the company will have the capacity to do the tax matching out of the GRT payment to the Government of Guam. When the contractor requests payment in phases, half of them are from our FIFA grant, and the other half is from the Government of Guam GRT tax credit. In order to get the tax credit, the construction engineer has to come and verify the phase of the construction is complete then the company who is supposed to pay GRT to the Government of Guam will request us to issue an invoice to them, to indicate that this is the half of the matching money. The whole process is controlled by GEDA. We don't get the money from anybody. When the contractor does a certain phase, once the construction engineer proves that

the phase is legitimate then the contractor will issue that approval to GEDA. GEDA sends the inspector over and looks at the site to say, "Yes. This is really a hundred thousand dollar work." Half the money from FIFA already came in; now the other half from local companies who can donate the GRT, ready to match can make it happen to pay the contractor.

Senator Ada: Thank you very much, and you certainly do a... I commend you for all the fine work and coordination you've done. I think you do a really good job of bringing me to my comfort level. I just want to make it very clear that at the end of the day that the one million tax credit with the Government of Guam is, in other words, a million dollars the Government of Guam does not receive which would otherwise use to pay for other government services but has chosen instead to pay for a facility which is utilized by our youth. And that's a policy call. I just want to make sure it's clear in my mind and in the minds of many people that this is not free money. This, in essence, is an appropriation for a sports facility, and I have no problem with that.

Richard Lai: You're correct, Senator. I just want to remind you that the one million dollar—actually six hundred fifty thousand is already invested in that from the Government of Guam—no, actually, seven hundred fifty thousand. There's only about two hundred thousand left. This bill will call for an additional two hundred thousand to help us finish the southern facility plus the artificial turf. If we lose the matching, then we'll lose the FIFA four hundred thousand dollars that will be granted to us.

Senator Ada: Thank you for the fine work you're doing with the youth.

Senator ben pangelinan: Thank you very much. Speaker Won Pat?

Speaker Won Pat: Thank you very much, Mr. Chairman. I'd like to know, and I know earlier you said that the fee that you charge is for the individuals who come to use the facility, right?

Richard Lai: No, when we have major competitions such as the high school championship... they don't have facilities with lights or parking spaces for five to six hundred cars. So we work with the Guam public schools and the IIAAG; we become hosts for the semifinals. Only when they come to watch the finals, they have to pay three dollars for adults, children, students, and senior citizens are one dollar. That's the same charge every school charges when you go to school to watch any sports program.

Speaker Won Pat: My understanding is that there's a youth sports 2010 that's going to be hosted here on Guam in April (the 11th) for about five days. About four hundred children will be coming from the Philippines, Palau, the CNMI, and they're looking at soccer, softball, baseball. Would they be able to use the facility? And they would be competing with our children here.

Richard Lai: Absolutely, Senator. In fact, it is the international rule: if there's any soccer event happening here on Guam, it must be sanctioned by the Guam Football Association, because we're the ones reporting back to FIFA. For example, for the last six years, we have numerous professional soccer teams from Japan and Korea who come to Guam for their training at Leo Palace. In fact, while we're talking, there are three professional teams up there training.

They all have to be sanctioned by the Guam Football Association. They have to write letters to us and request for us to sanction. If we don't sanction, no one can play football or come to Guam to play football. If they do, FIFA will find out, and they will get suspended, and they will get fined. So yes, Senator, to answer you, we will support any soccer event on Guam.

Senator ben pangelinan: Thank you. Mr. San Gil?

7. Valentino San Gil – General Secretary, Guam Football Association

San Gil: Thank you, Senator. Every year, I go to FIFA, and I meet with FIFA, because I'm the General Secretary. My name is Valentino San Gil; I'm the General Secretary for Guam Football [Association]. Every year, I go to FIFA, and I explain to them the purpose of our program. And one of the major concerns that they have is, of course, the facility usage, because every month I have to give them an accountability of the number of teams that are playing. And they find out that we're using the field too much. So that's how they came about with giving us the artificial turf program... because of the amount of usage. I went back and told Richard [Lai]: this is what they want to do. We went ahead and applied for the program—the four hundred thousand. But we didn't know what the cost was, because the engineers from off-island, from Belgium, from Australia, the artificial turf, came here and they brought their plans and their specs. But of course, the distance of traveling and the cost varies. When they finally submitted their cost to us, it was beyond the money that we have. But the good thing about the artificial turf that FIFA recommends is because we have a lot of professional teams that come here, from Japan and Korea... this year, we're expecting six teams that are going to be playing at Leo Palace or training. Now if we have that artificial turf, it would provide another venue for teams to come here. We've talked to Hilton about partnering up with them to provide the hotel for the teams to come here. During the winter months, a lot of teams want to come here to train, but the facility at Leo Palace is maxed out. A lot of the training that they're going to be doing is in the day time, and we'll use the facility in the evenings for our national teams and our teams to play. The facility is also used by all the schools if we have the available fields for use. It's not only used for the league here. It's also used for the high schools, the middle schools, and any visiting team coming here. Those are the things the facility for. The gate fee, the three dollars and the one dollar is already dictated by the IIAAG and GPSS. We can't charge any more than that, and that's what they charge everyone everywhere you go. But all the money that's generated does not stay in the facility. We pay for the referees, the trophies, and grass-cutting with that money. So when we generate the income, the first thing we do is take out the money for the GRT and break it down. In actuality, we don't make any money; just break even. We pay for the power, the trash, everything else. And the schools don't pay for that.

Richard Lai: I wrote a letter to FIFA, and they authorized us to open up the pitch for other sports. For example, American football—rugby. In the past, we didn't open up the field to them, because they do a lot of heavy hitting, digging into the soil—it would damage the football pitch, because soccer playing, rolling the ball on the ground. The artificial pitch will not be damaged so FIFA came back to encourage us to cooperate with other sports to allow them to utilize the pitch to enable collecting funds to help pay for the maintenance fees. When we're done with this artificial pitch, this will be the first artificial pitch on Guam that we'll be able to paint the soccer field, American football field, and even rugby field on it. That way, I can do the

high school American football championships and rugby championships, because we have the lighting and the locker rooms. Now we have the facility that we don't need to worry about tearing up with heavy and strong play.

Senator ben pangelinan: Again, Richard, I certainly thank you for your testimony. I want to be very clear that the addition of the increase in the tax credit will allow for the development of the southern soccer facility.

Richard Lai: Yes. I promised Mayor Tayama that at the Agat facility, we'll be able to do ribbon cutting at the same time with the artificial pitch.

Senator ben pangelinan: All right, thank you very much. Si Yu'os Ma'ase'. I'd like to now call on Mr. Tony Ada, Ms. Jane Flores, Mr. Francisco Roberto, and I have Matao Pâgat. Mr. Ada, you may proceed.

Panel Comments and Questions

None

8. Tony Ada – Director, Department of Youth Affairs

Tony Ada: Good afternoon, Mr. Chairman... Committee Members. I'd like to thank you for the opportunity for being here today. My name is Tony Ada, I'm the director for the Department of Youth Affairs. And I come before you today; as many of you in the Committee are aware, youth incarceration has grown steadily over the past years. Throughout this growth, the Department of Youth Affairs has remained physically lean and highly accountable to parents and community members. We strive to maintain a solid example of financial stewardship and at the same token, ensuring that our youths are properly cared for. The mission of the department is to uniformly and consistently serve the community's need for security and safety, as well as to address the rehabilitation needs of our youth in our custody. In order to accomplish our mission, we believe in providing our youth with the knowledge to make lifelong choices of change. We seek to guide the individual towards fulfilling his/her growth within the community by respecting and complying with its values, laws, and codes of behavior for the greater good of our island and by acknowledging the strength and the sacredness of the family and our cultural bonds. As you know, we, at the department face shortages in staff, equipment, and training that has a great effect on our desire to completely fulfill our mission. In addition, we are also faced with the growing number of children with mental illnesses, thus placing additional demands on our department. Our correctional officers are often overwhelmed by trying to serve a population. They have few resources and little training to help. When officers restrain children for fear that they will hurt themselves or assault others, the children as well as the staff are at-risk for receiving needless injury. Attention paid to youth with serious mental health needs diverts resources from monitoring the other juveniles in the facility. Mr. Chairman, Senators, it is truly taking a toll on our staff... our psychologists, our therapists... and I'm asking you to help us. These children, languishing in our facilities may have been forgotten. But they will be tomorrow's adults. And we must ensure that we afford them every opportunity to succeed in life. In order to accomplish that, I humbly ask for your consideration and amend the bill to include

DYA and appropriate funding to provide us with the staff and the training needed to properly care for these children. Thank you, Sir.

Senator ben pangelinan: Thank you very much, Mr. Ada. Jane?

9. Jane Flores – Director, Guam Memorial Hospital

Jane Flores: *(read written testimony; see attach)*

Senator ben pangelinan: Thank you very much, Ms. Flores. Mr. Roberto?

Panel Comments and Questions

None

10. Francisco C. Roberto – President, Guam Masters Basketball Association

Francisco Roberto: Good afternoon. My name is Francisco C. Roberto; I'm from the south—from Merizo. My date of birth is August 13, 1938, and there's a reason why I put that down. I'm very competitive in sports. I have a son in the room, here, as soon as he beat me in basketball, I kind of retired. We went to Australia last year; I played in the age group 70... we got the gold. I played in the 65... we got the silver. And I didn't play in the 55, because that's where Bill Naputi and the rest of the guys got the bronze. Basketball is something that we perceive to see that we have a competitive issue; we don't have to go to the Olympics. We go to Australia for the World Masters, and that's where we compete. I am supporting the number 5, which is \$85,000 for the mayor of Agana Heights, because we chose Agana Heights as our home court, but the facility is in dire need of repairs. I am also a safety inspector by profession, and what I did was I broke down what needs to be done. And actually, we should have a new gym, but to repair it, we're looking at between seventy five thousand up to a hundred and twenty three thousand dollars according to the engineers at DPW. But seventy five to eighty five thousand will probably a good price for us to look for a contractor to do the repairs. The roof is leaking, and we have twenty eight teams right now. The Chuukese Basketball Association has twenty eight teams, and we're playing them Monday, Wednesday, Friday, and Saturday. When it rains, we have to stop the game, sweep the floor, dry it up, and commence with the games. The bathrooms need to be fixed—they're locked up, and the sewer line is under the basketball court. It has to be rerouted. The floor needs to be redone, and that's where the money is. We have to redo that, and we have to make sure that we provide our kids with the facility that we can have them play in, safely, and to provide them with a good sports facility. It's something that I am very concerned with. We need to do this for all of the facilities. Not only in Agana Heights but in Talofofu too. Agat also. Even Yona; I tried going to Yona, but for some reason they wouldn't let us go there to practice. But that's between the mayors and us. I thank you for the opportunity, and I'm going to say that I am here to testify in favor of Bill three one seven dash thirty. And I support the COLA people, and I also support Richard Lai, because my son—a fifteen year old—is a soccer player, a rugby player, and a football player. I'm working him to earn his money so he can go for a scholarship. Thank you very much for the time.

Senator ben pangelinan: Thank you very much, Mr. Roberto. Matao?

Panel Comments and Questions

None

11. Danny “Matao Pâgat” Jackson

Matao Pâgat Danny Jackson: Good day, Senator, and thank you for offering this public hearing. I am Matao Pâgat Danny Jackson. There’s really no reason for me to speak since I’ve already signed up and indicated that I support the COLA payments. It’s already been sixteen years since they’ve been waiting for this, and it’s already been way too long for them. Many of them have passed away already. Please, please, please let’s not play with their minds and give them their COLA—what they deserve. Thank you, yan Saina Ma’âse’.

Senator ben pangelinan: Si Yu’os Ma’âse’ lökkue’. Speaker Won Pat did you have any questions? Vice Speaker Cruz?

Panel Comments and Questions

Vice Speaker Cruz: Thank you very much, Mr. Chairman. Tony? I think Senator Taitague was the only one that was with us last week, and I need to get on the record a couple of things. I think in trying to find the money that you’re asking... how much are you paying in utilities currently? Your appropriation is a hundred sixty—is that correct? Or a hundred thirty.

Ada: On our water category, we have a hundred and thirty that’s appropriated to that category.

Vice Speaker Cruz: And how much are you actually paying per month?

Tony Ada: Twenty four thousand.

Vice Speaker Cruz: So you have a difference of about a hundred and six?

Tony Ada: Yes, we do, Senator.

Vice Speaker Cruz: If the Committee could reprogram that to operations, would that assist in some of the needs that you have listed on this page?

Tony Ada: If we can re-appropriate that into salaries and benefits...

Vice Speaker Cruz: I really think it’s imperative that this committee understand the exigency and the situation up at your department. DYA not only handles a detention facility, but it also has a cottage home in Talofofu, is that correct?

Tony Ada: Yes, yes we do.

Vice Speaker Cruz: And what’s the maximum population at Cottage?

Tony Ada: The maximum population at Cottage Homes is 18.

Vice Speaker Cruz: And what was your population last week?

Tony Ada: We had over 18.

Senator ben pangelinan: How many over?

Tony Ada: We had about 19 kids.

Senator ben pangelinan: Nineteen?

Tony Ada: Yes.

Vice Speaker Cruz: Do I also understand—especially out of Cottage—since these are juvenile special proceeding cases, these aren't kids that have committed crimes but are suffering from various mental issues?

Tony Ada: Well, when they were first brought into our facilities, it's because of truancy or beyond control and then later determined that they do have some type of mental disabilities.

Vice Speaker Cruz: Are some of them on medication?

Tony Ada: Yes; last week—out of 18 there—we had about 14 on medication.

Vice Speaker Cruz: And the kind of medication they take is not Aspirin or Tylenol...

Tony Ada: It's between antipsychotic medication and antidepressants.

Vice Speaker Cruz: And these are... who dispenses these?

Tony Ada: The staff of the Cottage Homes.

Vice Speaker Cruz: Are any of the staff medically trained?

Tony Ada: No; none of them are.

Vice Speaker Cruz: You don't have a registered or a licensed professional nurse up there?

Tony Ada: No we don't.

Vice Speaker Cruz: Do you have a doctor on staff except for your psychologist that works up in Mangilao?

Tony Ada: No we don't.

Vice Speaker Cruz: Even he doesn't have the authority to be able to dispense or prescribe medicine?

Tony Ada: No, he doesn't have the authority to prescribe.

Vice Speaker Cruz: How often do these kids take their medication?

Tony Ada: Daily, sometimes three times a day.

Vice Speaker Cruz: Even if we were to hire a nurse to come once a day, that wouldn't satisfy the need, because a number of the kids are on a regimen of two to three times a day?

Tony Ada: Yes.

Vice Speaker Cruz: How many Social Workers do you have? You recently made a request of the Governor's Office to use the hundred and six thousand for personnel, correct?

Tony Ada: Yes.

Vice Speaker Cruz: And what were you asking for with that hundred and six?

Tony Ada: Youth Correctional Workers and Social Workers.

Vice Speaker Cruz: The Social Worker that you're asking for, that's not a huge salary is it?

Tony Ada: No, I don't believe so.

Vice Speaker Cruz: If I remember correctly, it's 24. I'm just trying to get the committee to understand the needs up there. What is your current budget?

Tony Ada: A little over three million, I believe.

Vice Speaker Cruz: During last week's hearing, what was the highest budget that DYA had at one time?

Tony Ada: I believe it was seven million.

Vice Speaker Cruz: And you're currently at three million?

Tony Ada: A little over three—closer to four.

Vice Speaker Cruz: But it's still down considerably. You're almost at 50 or 60% of what the department used to be?

Tony Ada: Yes, at one point.

Vice Speaker Cruz: How many people were employed by DYA?

Tony Ada: At the height, they were at 102; currently at 70.

Vice Speaker Cruz: You're short about 30 from the height? Thank you very much; I just wanted to point that out for the committee. I didn't want to take up too much time. We had a full-on hearing last week, but I just thought that I could get that on record. Thank you very much.

Senator ben pangelinan: Thank you very much. Senator Taitague?

Senator Taitague: Thank you very much, Mr. Chair. Tony, you mentioned that you made this request for \$106,000 for salaries for Social Workers and...

Tony Ada: Youth Correctional Workers. We're in dire need of Youth Correctional Workers; those are also at the Cottage Homes.

Taitague: Do you think that's more important than having a nurse on staff to administer the drugs than to have the other positions filled?

Tony Ada: Well, if I'd like, I'd like to have both positions filled. We need a nurse, but we also need the Youth Correctional Workers. Without them—we're running on a short staff. We have four shifts of nine people. Recently, we had some staff that were injured during an incident with our clients there. One is still out; she'll be out for a little bit. And we don't have anyone to replace her, because that's how short-staffed we are.

Taitague: Thank you. Thank you very much, Mr. Chair.

Senator ben pangelinan: Thank you. Senator Barnes?

Senator Muna-Barnes: Si Yu'os Ma'ase', Mr. Chair. I just wanted to ask Jane from GMH... you asked this body, in reference to repealing Public Law 26-35 in reference to the COLA payments. Are you current with the COLA payments for all the retirees?

Jane Flores: Every year, we are excluded from the autonomous agencies to making that payment—it was just that one public law where the hospital was cited to make the COLA payments. So every year, we are excluded.

Senator Muna-Barnes: Excluded from paying which means that the funds that are due to the retirees would come from the General Fund?

Jane Flores: Correct.

Senator Muna-Barnes: That year left you with a liability of?

Jane Flores: One point five.

Senator Muna-Barnes: One point five and you're asking that that be erased from the hospital?

Jane Flores: Erased and put back into the General Fund as it has been for every single annual budget, yes.

Senator Muna-Barnes: Okay, thank you.

Senator ben pangelinan: Senator Ada? Tony, what else have you done with regards with trying to find services for the youth there in terms of coordinating with any other department or agency of the government?

Tony Ada: We were able to find funding through USDA to get transportation vehicles to transport our clients to and from the facilities to the hospital to court. We also sat down with Mental Health to figure out what to do to get medical technician assistance to have their staff train our staff for training on handling the youth who are on medication so we can approach them and have them—if need be—to understand how to handle the kids.

Senator ben pangelinan: And where are you on that training?

Tony Ada: We were just talking with them. We still haven't gotten back with Mental Health; they haven't gotten back with us.

Senator ben pangelinan: Isn't it so critical that you can't just wait for each other—somebody's got to do...?

Tony Ada: Last week, I believe they were with people from off-island from Mental Health department off-island. Hopefully, they'll be able to get back to us as soon as possible to get this training.

Senator ben pangelinan: Anything else you've done?

Tony Ada: We're taking up our shortages through bringing in additional staff and still, they're not getting paid overtime. We've run short on our overtime so we have to give them comp time. We've done everything that we can possibly do to run our facilities to the best of our abilities with what we do have.

Senator ben pangelinan: How did a child in your custody go missing for one whole week and not... we read that thing in the front page. How did...

Tony Ada: The boys in question walked out of our facilities. You have to remember, Cottage Homes is a non-secured facility.

Senator ben pangelinan: Okay, but were they signed in at one point?

Tony Ada: No.

Senator ben pangelinan: So they were never on the record as being in DYA?

Tony Ada: Yes. They are on record as being at DYA, but they're at our Cottage facilities which are there for children who are remanded to us for truancy or beyond control. They're non criminal. These kids are at a facility without gates, no locked doors.

Senator ben pangelinan: But do you count the people at night that were there in the morning?

Tony Ada: Yes. They walked out in the afternoon during outdoor activities.

Senator ben pangelinan: Okay, so did you count the kids there that night? Or the next night?

Tony Ada: Immediately, when they walked out, the proper authorities were called—the police was called, and I was called—that the children walked out.

Senator ben pangelinan: And nobody knew where they were for a week.

Tony Ada: They went for 9 days or 12 days.

Senator ben pangelinan: Okay. Senator Cruz, any final questions?

Vice Speaker Cruz: Yes, I'd just like to follow-up on that question that the senator was asking on the issue of trying to work with some of the agencies. These young people that you have in your custody at Cottage... at one point you had about six of the kids that should've been under Mental Health's care and they were only with you because there was no other place to put them?

Tony Ada: Let me ask...

Vice Speaker Cruz: I thought I remember from last week's testimony that six of the kids were in line to go to Latte Treatment and were...

Tony Ada: They're awaiting placement to other facilities.

Vice Speaker Cruz: I just wanted the committee to hear that part of the testimony that I remembered from last week. And also the fact that in the relationship you have with Mental Health that you're considered better at taking care of these kids with these extreme mental disorders than they are, and they'd rather release them back to you, because they can't handle them up at Mental Health. Is that correct?

Tony Ada: Yes, it is.

Vice Speaker Cruz: There are two other miscellaneous things I'd like to have the committee address at some point. I need for you to point it out. There's medication on this listing. Would you describe to me what happened sometimes when you have to take these young people who are wards of DYA to pick up the psychotropic medications and their prescriptions?

Tony Ada: At times, because the staff is there, they have to pay out-of-pocket, but they get reimbursed by the department.

Vice Speaker Cruz: Is there an item in the budget for paying for medication for the children?

Tony Ada: No, we don't have that line item.

Vice Speaker Cruz: You take that out of Miscellaneous?

Tony Ada: We take that out of our auxiliary fund.

Vice Speaker Cruz: Auxiliary fund? The other thing that I noted in your list here is you were successful in getting USDA to get you two vans. Is that correct?

Tony Ada: That's correct.

Vice Speaker Cruz: A 15 and a 7 passenger...

Tony Ada: Yes.

Vice Speaker Cruz: But these vehicles are coming to you without a plexi-glass divider between the driver and the children. Would you explain the dangers to your employees are in?

Tony Ada: What it does is because there is no barrier between the passenger compartment and the driver cab they have the ability to overtake our correctional officers thereby either immobilizing the vehicle or injuring our staff as well. Without the protection barrier, our staff is liable to get hurt or injured by our clients being transported. Because we do transport them to the court, being short staffed, a lot of times, I only have two officers going down there at any one time to handle 12 to 15 kids.

Senator ben pangelinan: Mr. Ada, can you send me all the documents and letters that you've sent, outlining these problems to the Governor, asking for transfer authority, asking for training? Send me some letters that you've done to bring this to the attention of the Governor asking for these new staff, the GG1s that you submitted for recruitment that you need. Can you send me those documents please? Do you have any?

Tony Ada: Yes. I believe we have some documents.

Senator ben pangelinan: Okay, great.

Senator Muna-Barnes: As I was looking over your priority issues, I'm noting Division of Vocational Rehabilitation and Support Services and the amount thereof. Is there a relationship with interagency collaboration with the government agencies with this kind of support from DISID to you guys? Or is this completely different?

Tony Ada: That's completely different—that's within our facilities.

Senator Muna-Barnes: Based on the services that Voc Rehab has and Support Services within the Department of Integrated Services for Individuals with Disabilities there is no collaboration there?

Tony Ada: None.

Senator Muna-Barnes: What would this division entail for vocational rehabilitation and support services?

Ed Taitano: The collaboration that we do work with a lot is the Department of Mental Health through the project I Famagu'on-ta, we have that. Our focuses are both with children. So in terms of the collaboration with other agencies we try to work with other agencies like the Department of Mental Health—that's what prompted that meeting. And that was through our director. Because a lot of the kids that are confined at Cottage are on medication and a lot of them are with Project I Famagu'on-ta. But we felt that Mental Health needed to step up with a lot of the lead in terms of placement. A lot of these kids don't need to be confined. These are status offenders, and because a lack of placement... number one and number two. Because of psychological, psychiatric issues, we met with the acting director and the psychiatrist who also agreed that they needed to step up to the plate and take the lead in terms of possibly placement and looking at placement issues. We have been trying to work very hard in terms of collaborative efforts. In terms of other things we do and counseling, we work very closely with the courts with trying to make sure the kids do get counseling. Not all the kids are receiving counseling services through the court. What we try to do is we try to supplement, and we do—we have three licensed therapists including myself. Dr. Rapadas and Mr. Carlos Perez, and that goes out throughout all three resource centers as well as Cottage Homes as well as the Youth Correctional Facility. We try to work with the community as a whole and collaborate.

Senator ben pangelinan: Thank you very much, Si Yu'os Ma'ase. Next on the testimony list is Ofing Jackson, Fiet Ben Garrido, Mayor McDonald, and Mayor Chargualaf. You're coming up, Mr. Mayor. Mrs. Jackson?

12. Ofing Jackson

Ofing Jackson: Buenas. It's a beautiful afternoon, right? Thank you very much for being up there. Yes, I support this Lola COLA bill, but even though my husband and I are not retired, we support the manamko', because it's too much to go back-and-forth already just as the other speaker said, there's too much going back-and-forth. And already many of the manamko' have passed away. Please give the elderly the COLA, because they need it for medication, to pay the

raised utilities. Pretty soon, they won't be able to pay their bills! The elderly need our help, because they are our elders, and we need them to look up to. Thank you.

Senator ben pangelinan: Thank you. Mr. Garrido?

Panel Comments and Questions

None

13. Vicente Garrido

Vicente Garrido: I am Vicente Garrido. I, too, support this bill 317-30. This is a big help for the retirees and their survivors who have been waiting for the COLA interest. We already see in the daily newspaper that the retirees are dying, or they're at St. Dominic's and at GMH. The Governor needs to make a move and quit playing around with this, because there is plenty money. There is plenty money for us. If they can give raises to their employees, then there's plenty for COLA. There's plenty for the interest. Let's stop the nonsense that we continue to play around with this. This is hurtful for us to keep coming back to see you about the retirees. There's no reason anymore, no excuse anymore. This is something that has to be done to give the retirees the COLA payments. And if the governor is listening, then please wake up, Mr. Governor, and pay the retirees their COLA. Thank you.

Senator ben pangelinan: Thank you, Sir. Mayor McDonald?

Panel Comments and Questions

None

14. Paul McDonald – Mayor, Agana Heights

Paul McDonald: Good afternoon, Mr. Chair, and Committee members. I'm actually here in support of the bill that is written for the Agana Heights gymnasium, but after going over the entire bill I support its entirety. I was impressed with Richard's testimony earlier, and I'd also like to make the committee realize that the baseball organization in Guam is also very big. The basketball organization... and if we were given the opportunity the way the football organization was given that we would be as big. Just to give you an example of what we have in Agana Heights... Agana Heights is such a small community, but we have ten solid teams every year. That's baseball teams. The gymnasium, the baseball field is the most used facilities on the island for the past ten years. We open it up seven days a week and 12 hours a day—at times it goes over. And the funding that we received in the past 10 years is pennies compared to any facility on the island. The last time we had an appropriation was the 10% we needed for the repairs of the typhoon in 2002... 2001. Eighty five thousand dollars for the Agana Heights gymnasium is pennies compared to what we should get in comparison to the usage of our facilities. We don't have Agana Heights patrons using the facilities—it's all over the island. The testimony earlier from Frank Roberto... the Guam Masters use the Agana Heights gym for their home for the past 15 years as I can remember, and they have a membership of over 800 for many, many years. I know Senator Espaldon comes up there regularly and some other senators. Again, we've been shortchanged a long time for the repair of the gym. It's basically just wear-and-tear. It's not

because it's abused. Wear-and-tear and the lack of funding to properly repair the baseball field that we lack in Agana Heights, and again I support the bill in its entirety, not only for Agana Heights but for everybody. Thank you.

Senator ben pangelinan: Thank you, Mr. Mayor. Mayor Chargualaf?

Panel Comments and Questions

None

15. Ernest Chargualaf – Mayor, Merizo

Mayor Ernest Chargualaf: Good afternoon, Speaker, Mr. Chairman, Senator Ada, Senator Barnes, Senator Telo Taitague, Judge Senator Cruz. My name Ernest Chargualaf—I'm the Merizo mayor, and I support Bill 317-30, and I see all the programs, all the facilities that were being appropriated for; however, I came here out of concern, because I believe I have a bill to address the mayor's office and community center. A while back I said that I have a restroom that when you flush, they roar like lions but they don't flush like toilets. So my staff and I have to constantly go to the Senior Citizens center to use the restroom there, because sometimes it works, sometimes it doesn't. I don't know if there's taotaomo'na over there. But I was asking \$25,000 to repair and make the restroom facility user-friendly. I cannot have the community use that center, because it's defective. Even the kitchen facility is deplorable. It's cockroach infested; I'm taking care of that problem. The cabinets are broken, the shelves are all dilapidated. And I believe the amount I requested from Senator Barnes, I believe that's an appropriated amount. In October when I had an on-site visit by the Speaker, she asked me, "Mayor, what do you need to take care of your village." I said, "I need only one of two things: give me a lot of money, or give me a magic wand." Maybe I need to amend my wish list—maybe give me a genie in a bottle that way I can have three wishes for each fiscal year. I support everything here, because I see that my colleagues are getting their village's concerns addressed. And I realize that this job is a four-year job, but I have to live from fiscal year to fiscal year and make the monies appropriated to me and put it to good use according to my priorities. I don't think I have that much money to—if I had enough money, I would've taken care of the problem already. If you're able to identify another source, and if it's not enough to put it here, I'd like it to have amended to include my bill. If for some reason that you're able to find funding from other sources that my bill be included in there to take care of my problems at the mayor's office slash community center. But I am in support of this bill, and I congratulate my colleagues if they get their money. Hopefully, I'll get mine later on. Thank you.

Senator ben pangelinan: Thank you very much, Mr. Mayor. Any questions? If not, thank you, Si Yu'os Ma'ase'. We'll then proceed with Frank Roberto, Jr., Rick Agustin, Mr. Jose Guevara, and Mr. Kin Flores. Mr. Roberto, we'll start with you.

Panel Comments and Questions

None

16. Frank Roberto, Jr. – Vice President, Masters Basketball Association

Frank Roberto, Jr.: Hello, my name is Frank C. Roberto, Jr. for the people that know me as family, it's "Frankie," because my dad will ask me later on, "How come you don't use your given name?" I'm here in support of this whole bill, most especially to support the Agana Heights gymnasium. We can make money, Senators, at the Agana Heights gym if we can get all the kids from elementary to come and see what a reef looks like. Because if you come up to the gym and look at the floor; that's one thing you wouldn't want to do is to fall down, because there's spots there from the previous flooring that are really rough. And I always joke around with my fellow basketball teammates that it really looks like a terrarium. Or we can have the kids come down and see what the Save the Reef project looks like. But more importantly is having the number of people that come up there daily and weekly. And like my dad said, we know there are about 700 to 1000 people on a weekly basis that show up. The gym is actually producing productive brothers and sisters out of the Micronesian islands. In the next few years, we're going to have the best basketball teams, and that's to include the Chuukese basketball players that are up there today. And one of our visions—my dad and I—because we just got voted in, he's the president, and I'm the vice president of the Masters. I was supposed to be the president, but I humbled myself and got the vice president. But we're going to start up—we have visions of having the children's programs and collaborate with GPD to bring the kids in and show the life skills first to build them up. We want to show them a healthy mind, healthy body, and a healthy relationship with our parents. I want to thank my dad, today, for where I'm at. I have an 11-month-old son, and I'd like to pave the way for him to have that healthy mind, go to school, to respect parents, have high standards in life, and to always honor your parents and the true word of *rispetu*. Again, I'm here in support and thank you, Senators for all the great work that you do. Thank you very much.

Senator ben pangelinan: Si Yu'os Ma'ãse', Mr. Roberto. Mr. Agustin?

Panel Comments and Questions

None

17. Rick Agustin – General Manager, Port Authority of Guam

Rick Agustin: Thank you, Senator pangelinan and Members of the Committee. I'm Rick Agustin, the Deputy General Manager for the Port Authority. I have a written testimony by my board member chairman, Monte Mesa, and I'd like to read it for the listening audience with your permission, please?

Senator ben pangelinan: Yes.

Rick Agustin: (Orally delivers written testimony on behalf of Monte Mesa.) I have Mr. Joe Guevara with me, Controller, so if you have any questions we're ready to field your questions.

Senator ben pangelinan: Thank you very much. We'll go ahead and hear testimony from Mr. Flores.

18. Joaquin Flores – General Manager, Guam Power Authority

Joaquin Flores: Chairman pangelinan, honorable senators, distinguished citizens. I'd like to offer my warmest hafa adai to everybody, thanking you for this opportunity to testify on Bill 317. My name is Joaquin C. Flores, I'm the General Manager for the Guam Power Authority, and I'm testifying in my capacity as the GM. I want to read a rough outline of the testimony that we will submit at a later date. We've only had a brief period of time to review the bill—I only knew about this bill this weekend when GCC mentioned that there was mention that GCC was preparing a testimony on this bill. We were hustling for the last two days to prepare this so please, I apologize, I don't have a written testimony to submit today, but we will within the ten day period for forwarding. First, I'd like to state that I agree with the intent and the spirit of the proposed legislation, and I sympathize with the challenge this matter poses to the Guam Legislature; however, when reading the bill, I can't help but conclude that the assignment of cost to GPA is seen as a magic bullet that will make the problem go away without causing any pain. In the same way that the legislature has challenges absorbing these costs, so too does the Guam Power Authority. GPA budget process is conducted in a very similar way as any other government entity. We strive to ensure that the dollars that come in match dollars that go out. For every dollar we collect in revenue, we have corresponding expenditures for operating expenses, our debt payments, capital expenditures, etc. The Public Utilities Commission monitors our expenditures very closely to ensure all our costs are prudent and reasonable and that there are no excess funds accumulated other than what is necessary for maintenance of an optimum credit profile. In fact, we are going through our second base rate increase since 13 years ago. I'm going through the same scrutiny that the PUC is enduring today. Each time we are faced with a new assessment, our only options are to reduce an operating expense or a capital improvement project which has been deemed prudent and necessary for the proper upkeep of our equipment by the PUC or to seek relief from the PUC in the form of higher rates. There is no magic bullet for GPA. We have to generate enough revenue to cover all our expenses. Because the way GPA is regulated, all operating costs eventually impact the bills of the authority. If we attempt to not pass this on through rates, it will be passed on to ratepayers that will decrease efficiency or reliability. Some of the members of the Consolidated Commission on Utilities have entertained the idea of creating a surcharge for such costs. I struggle with the idea of a surcharge, because do you consider this expense for almost 1.2 million dollars to be paid in the next seven months as a flat fee for all our ratepayers at 46,000 customers, or do you consider it a surcharge based on energy consumption. The latter being an unfair charge. Why should a consumer entity who consumes more pay more towards this liability? Nonetheless it has to be considered as a pass-through. It has no merit towards our cost of service to produce, to transmit, to generate, and to deliver our power to our ratepayers. There are many factors which GPA faces which lead to higher rates: our dependence on fossil fuels, the inability to receive back-up power from a neighboring grid, the heavily air conditioning load demands from our customers. Retiree burdens in the form of health insurance and supplemental payments. By the way, we obey, and we honor the wishes of the legislature every year by these budget bills that are passed every year. Only because the budget bills since 2007 did not require GPA to pay the \$1100 COLA payments, it would come out of the General Fund. We are very concerned that now this is a retroactive compensation for something that the budget bill, by law, allowed us not to pay. We pay the health insurance expenses for all our retirees, and we also pay the actuarial requirements for active employees in the plan that we pay close to \$2.2 million a year. We absorb in base rates; we do not pass that on and we do not call that on in your power bill with a surcharge. So the

annual cost to all ratepayers, regardless if they're retirees or not, is about 2.2 million a year. The concern I have is it's so difficult to predict future liabilities much less any past retroactive requirements such as this to be somehow paid by GPA. Section 15 of the bill states that each autonomous agency, except the GMH, has the capacity to fund the annual cost of living adjustments of its retired employees. This is just a housekeeping issue... the senators well know that the GPA is a public corporation, not an autonomous agency. I just want to state that for the record. Also, I'd like to dispute the finding that GPA has the capacity to make annual cost of living adjustments of its retired employees. I share with you that our audited finances for the last five years show that we've never met four major criteria in our metrics to show either the rating agencies or to our ratepayers that we're healthy. We've never met our debt-service ratio that have been set by the PUC. We have never funded our surplus fund fully. We've never funded our working capital reserve fund. And secondly, we've also cut and gone through austerity measures for the last four years, because our net income has been negative for the last four years. So our actual expenditures in capital investments in operating expenses have been severely cut. Capital improvements are less than 50% to what is budgeted. GPA's bond indenture requires all GPA revenues to be deposited to a revenue fund. It's a waterfall effect... we, first, must pay off all operating expenses, bond debt, fund the surplus fund before we can even spend for any capital improvements. The indenture allows withdrawals from the revenue fund only for the purposes of paying operating expenses and for the monthly sweep into our bond funds. The only fund which a payment such as this could be made is from the surplus fund. The GPA surplus fund has been empty for much of the last four to five years. GPA is currently in the middle of a rate case partly to address these deficiencies. Thus we question the conclusion that GPA has the capacity to make these payments. We can make these payments, honor the wishes of the legislature, but it's going to come at some cost. I just want to emphasize, Senator pangelinan, that it's not an easy task to absorb this additional cost. Increasing fuel costs, increasing construction costs, increasing operating and maintenance efficiencies... have placed significant financial pressures on the authority and have forced GPA to petition the PUC with a rate case that will be settled this month. Finally, the legislation as written requires GPA to pay a flat amount. There is no requirement to provide a detailed listing of the authority or its provision allowing GPA to question the accuracy or the detailed listing of this amount. We would like to at least have an opportunity to audit the details and the cost should the legislature proceed in adopting this legislation. The authority would like to ensure that that cost, expense, would be properly paid for and actually pertains to GPA retirees that are eligible for this cost since 2007. GPA understands the pressure the legislature is under to address the funding need. We ask that the legislature understand the pressure that GPA is under to improve services to our customers while keeping rates as low as possible. Again, I thank you; I appreciate this opportunity to testify. I apologize for having such a rough draft. We've only had such a short time to prepare. I also want to share with you that if there is a requirement, there would be a seven-month compression of rates that will be needed to fund 1.2 million by September 30th of this year. It will cost approximately 1 and a half percent increase in rates so we would honor your wishes. We understand the challenges the legislature faces to pay the COLA, but it comes at some expense whether it comes out of the general fund or GPA. There would be a consequence to that in terms of rates. I want to emphasize that, and thank you very for the opportunity to testify.

Senator ben pangelinan: Thank you very much. Just a couple of questions. When legislation required the Port Authority to make these payments—because they're actually

making these payments—and when GPA makes this \$1100 COLA payment and the supplemental payment. How was it able to do that?

Joaquin Flores: We absorb it. So it's now a legal obligation. It's listed as a line-item in our budgets. And it's called out in our budgets, and it has to be funded through revenues in our authority as in the non-fuel portion. This now is a new requirement; we did not budget for \$1.2 million. We did budget for the supplement—the health insurance expenses and the actuarial requirements that is a shortfall. I don't know how that's calculated, but we fund that every year. We know about those expenses in advance, and we prioritize in advance. And we know that that legal obligation is paid. We had no idea that we were going to be assessed a three-year requirement for the \$1100 COLA. That was very clear in the budget bill that we weren't required to pay.

Senator ben pangelinan: Okay, Mr. Guevara, the same way?

19. Jose Guevara – Controller, Port Authority of Guam

Jose Guevara: The same thing, Senator. As far as the budget for FY 2010 we were aware that the cost of living allowance for 2010 will be assessed to us so we included it in our line item... included it in our supplemental and medical, dental which prior to that we were paying around 1.7 million. Adding the assessed cost of living allowance for 2010, it became around 2.1, but we did not anticipate this prior year.

Senator ben pangelinan: Any other questions? Senator Ada?

Senator Ada: So then if push came to shove, and you had to pay for this back-billing it would reflect itself in an increase in the rates of GPAs customers. It may trigger the Port Authority to go back to the PUC to ask for an increase in the tariffs. It just keeps rolling out. In essence it's not a free ride; it's going to come back to the consumers to have to pay for this back-billing. Is that the way you understand it?

Rick Agustin: That's the way we understand it for the Port Authority.

Joaquin Flores: That's correct for GPA.

Senator Ada: Okay, thank you.

Senator ben pangelinan: Thank you very much. Thank you, Gentlemen. Si Yu'os Ma'ase'. I'd like to call up Mayor Franklin Taitague, Ms. Bertha Duenas, Mr. John Benavente, and if Carmen Santos is still here? I know they submitted a written testimony from GCC. Mayor Taitague? If Ms. Santos is not here, then I'd like to call up Tom Diego, if he's still here. And if Mr. Diego's not here, then Mr. Fred Gofigan. We'll start with Mayor Taitague.

Panel Comments and Questions

None

20. Franklin Taitague – Mayor, Inarajan

Mayor Franklin Taitague: Good afternoon, Honorable Chairman and honorable senators, members of the panel. On behalf of the Inarajan Municipal Planning Council that submitted earlier the funding need of our sports facilities, I want to commend Senator Palacios for introducing a bill earlier that is now included in Bill 317. Earlier my focus was on Section 4, D3 for Inarajan. But looking at my colleagues needs also, I understand that we are all responsible for our community members for having good sports facilities. And after hearing DYA's testimony and some of the questions that were asked regarding our youth, I want to emphasize that Bill 317-30 for the repair of our facilities, island-wide, is an integral part in helping our youth. We are responsible, as we all know, for our youth in keeping them away from problems so they don't go to DYA. And one of the most important activities is to keep them busy with sports. As we speak, the facilities of Inarajan can not be used at night because of electrical problems—whether it's power source, power provisions, light fixtures, they're all in a bad state. Hopefully the consideration for \$50,000 will be considered by the 30th Guam Legislature as a whole. My focus was just on that section, but realizing as a retiree and perhaps a recipient and noticing the other agencies that have important programs and projects that are important for our community leads me to emphasize that on behalf of the people of Guam; certainly Bill 317-30 will assist our community members. Si Yu'os Ma'ase'.

Senator ben pangelinan: Thank you very much, Mr. Mayor. Ms. Duenas?

Panel Comments and Questions

None

21. Bertha Duenas – Director, Bureau of Budget and Management Research (BBMR)

Bertha Duenas: Thank you very much, Mr. Chairman... other members of the committee (Senators) and to the general public who are here, especially the manamko'. I'm here to support Bill 317 in its entirety. But I also, especially the part where it provides for the reimbursement to the general fund. I'm going to keep it very short, because JB is next to me. In the environment that we're in; it's really a vicious cycle—it's a dog-eat-dog with resources. Everyone is out to hang on to whatever they have. The long and short is for many years the General Fund has really been the source for this. For the most part, in recent years, there have been amendments to the law that provided that certain autonomous agencies were not compelled to reimburse the General Fund, and I think the Chairman is aware that I have been working and lobbying for the eventual reimbursement from all of the autonomous agencies. And I understand that perhaps a retroactive provision may not be acceptable or retroactive provision of something may not be operable. I do support the concept going forward. For the most part, I also want to provide information which is my duty as BBMR director to the committee on the status of special funds to support certain sections of this bill. I did a quick review; the office provided the required fiscal note to the committee. Seventeen of the provisions are either revenue-neutral or have no significant impact on the General Fund or any special fund for that matter. The COLA provisions are revenue-neutral. I want to share that as of the closing of the preliminary financials for Fiscal Year 09 there are two special fund sources that have an unreserved fund balance in the negative and are

being used as funding sources in this bill. Those two fund sources are the Guam Highway Fund and the Healthy Futures Fund. The Guam Highway Fund has a negative balance of \$1,046, 846, and should the bill pass in its present form, that shortfall will climb to \$2,796,846. The Healthy Futures Fund sits at a deficit \$182,879, and should the bill pass, the shortfall will rise to \$682,879. I'm offering that as information to the committee for your processing as far as the considerations that would be taken into account when the bill arrives for the governor's action. I am here to provide that information and to take any questions that you may have.

Senator ben pangelinan: Thank you very much, Ms. Duenas. We'll go ahead and hear from Mr. Benavente. Then we'll come back for questions.

22. John Benavente – General Manager, Consolidated Utilities & Services (GWA)

John Benavente: Thank you, Mr. Chairman, Members of the Committee on Appropriations, Taxing, Banking, Insurance, Retirement, and Land and Ladies and Gentlemen. Thank you for the opportunity to testify on Bill 317-30. My name is John Benavente, the General Manager of the Consolidated Utilities Services, and I'm here on behalf of the Guam Waterworks Authority to provide testimony on Bill 317-30, specifically Sections 15 and 16 that will mandate the Guam Waterworks Authority to reimburse the General Fund for COLA payments made by the General Fund in Fiscal Years 2007, 8, and 9 and to GWA's eligible retirees by September 30, 2010. While we understand the intent of this bill, I would like to point out what the impact passage of this bill will cost to our ratepayers. Bill 317-30, if signed into law and made effective April 2010 will require GWA to seek CCU and PUC approval in order to absorb the additional expense. This will mean GWA will be seeking approval of 4.61% rate increase in the form of a monthly surcharge on water and wastewater revenues from all its customers. This surcharge will be in addition to the current 3.49% surcharge already imposed on existing ratepayers to pay for annual annuities of GWA retirees. Unfortunately, GWA's FY2010 has little room to incur the additional expense this bill proposes, especially in light of the unfunded \$295 thousand mandate that was imposed upon GWA when Public Law 30-55, the FY2010 budget bill was signed into law and required GWA to pay for the FY2010 COLA obligation. This public law, alone, is estimated to require another 1.51% rate adjustment which will require GWA to petition the CCU's and PUC's approval in order to comply with the mandate. Taking this into account and the proposed obligation of Bill 317-30 translates to a potential 6.11% rate increase in a matter of months. Respectfully, we are asking that you give careful consideration on the impact of this bill to our ratepayers. I know it's a policy call of the legislature, and we can appreciate the difficulty of making this decision. However, we have a responsibility to advise the legislature the rate impact that will impose having to absorb the expenses. If I may deviate a little bit, I'd like to support the Agana Heights gym, because I, too, am a part of the Guam Masters, and I can attest to the people and the success of the basketball program.

Senator ben pangelinan: Thank you very much, Mr. Benavente. Mr. Gofigan...

23. Fred Gofigan – Administrator, Guam Veterans Affairs Office

Fred Gofigan: Good afternoon, Mr. Chair and Members of the committee. My name is Fred Gofigan, and I'm the administrator for the Guam Veterans Affairs Office, and I'm here to

testify in support of Section 10 of Bill 317 (the appropriations for the Veterans Affairs Office for the Veterans Cemetery). On July 2009, a triennial assessment was conducted by the U.S. Department of Veterans Affairs National Cemeteries Administration. The report cited many deficiencies from sunken grave markers, trash receptacles, and the lack of enforcement of cemetery rules and regs. The funds are needed to address these deficiencies. In addition to that, we have to prepare for Memorial Day which is coming up on May 31st; we need supplies and equipment to address that issue. In one of the long-term goals is to use the money to create a database and a grave locator for those laid to rest in our cemetery. Right now, there's no system set up; everything is just in folders. To do that, if someone wants to create a kiosk to key in an individual's name who was laid to rest in an approximate year, it would locate and show where it's at in our cemetery. That's one of our long-term goals that could be done within this year. Your processes of laying someone to rest; right now we're not following the standards set by National Cemeteries. When we lay someone to rest in the ground, we fill the gravesite and let nature take its course and do the settlement. But with National Cemeteries, that is compacted and practically evened out; the next day it looks like a burial didn't occur, and that's the level we want to reach. Also in the way we present laying our fallen heroes and loved ones to rest is to with a little more dignity than what's going on now. Last week, something occurred, and we filed a police report. It was pretty embarrassing. Parks and Rec does the work for us. What they did was at a burial up at Tiguac. They went to the cemetery to set up for the burial that day. They went to Tiguac, when they came back, the chairs that were set up for the burial to take place were stolen. People are now using the cemetery for illegal dumping so we're looking at contracting a security agency to open the gates at 7 o'clock and close it at 6:30. We're working on the staff, and Senator Ada is working with us in getting those things done, but these are challenges that we're faced with. There's so much for me to say about what's being conducted. I believe that with these additional funds we could reach that level. Thank you.

Senator ben pangelinan: Thank you very much, Mr. Gofigan. Just a couple quick questions before I ask the other members of the panel. Mr. Benavente, you said you would have to put a surcharge to make this payment... how long would that surcharge last?

Panel Comments and Questions

John Benavente: The surcharge usually applies for the length that's required to recover debt and then goes away.

Senator ben pangelinan: I know, so how much did you amortize that?

John Benavente: Seven months.

Senator ben pangelinan: So if you did it for five years, how much?

John Benavente: Of course, that will be a lower surcharge, but again—

Senator ben pangelinan: So the increases you're citing is all to recover within a seven month period.

John Benavente: That's correct, and there was no plan for this. The recurring rates and all its needs are—like Kin was mentioning earlier—it's tight for us. If it's going to be done, the process gets mixed in and looked at the needed rates to address it and address it once and for all.

Senator ben pangelinan: One of the requests you have is to ask the General Fund to help you out and to guarantee a loan that you want to enter into if you included this cost in that loan. And what would be the impact to the rates?

John Benavente: That loan is actually over five years so the surcharge portion—the recovery will be over five years.

Senator ben pangelinan: So seven months at 4% versus five years at 0.001%?

John Benavente: I don't think that low, but you are correct... it does come down.

Senator ben pangelinan: It would be less than half percent.

John Benavente: If it's amortized over a long period of time, maybe. If you do it all in this Fiscal Year, when all the funds are committed, and we still have obligations that we really didn't get enough for, that's where the impact is. Again, if you take it over time the answer to that is yes.

Senator ben pangelinan: Ms. Duenas you mentioned that at the preliminary closing of the FY2009 financial statements shows an unreserved balance—deficit of \$1.04 million for the Guam Highway Fund. Is that because of actual closing of the books of obligations, or is it because you're reserving authorizations to pay prior year obligations and accounting for that and booking that as part of the deficit in the fund?

Bertha Duenas: No, Sir. It's a true shortfall in the fund, meaning there were payments made out of the fund in the comingled system that we have. It incurred a shortfall of one million. The specific reason for that has to do with a 2-year-old problem at the Department of Public Works. If I'm not mistaken, about two years, the Federal Highway Administration suspended reimbursement to the Highway Division of Department of Public Works because of overtime abuse and other things. That stands out as one of the major contentions. Payroll for the employees for that were paid at the time continued, because they're classified employees. So they were paid out of a deficit situation with the fund. At the closing of FY09, it showed up in their financials. That's the reason for the deficit status.

Senator ben pangelinan: Is there any due to?

Bertha Duenas: BBMR imposed a reserve upon DPW this fiscal year to make up for that one million, and they are operating with one million less. The budget gave them a certain level, and we imposed a reserve so they can make up for the shortfall that happened as a result of that. It's my understanding that they're doing well with living within what is left. And they should complete the fiscal year within budget and take care of the one million that was owed. But the one million is still a problem through 2010 until we recoup through the reserve process.

Senator ben pangelinan: Okay, because the source of the appropriations in this is not new; it's actually reprogramming a 2009 appropriation surplus in the unexpended appropriation to the Mayors Council from that Guam Highway Fund. The residual balance of the 1.6...

Bertha Duenas: You're correct. Section 3, there's no impact; it's revenue-neutral, because you're just doing an unexpended, unencumbered carry-forward authorization to spend. But Section 10 does have an impact, because 1.6 million which was appropriated in Public Law 30-38 was not netted in the financials when it closed. The 1.6 that was given to the Mayors in that public law has not been booked; we have to consider that with this proposal.

Senator ben pangelinan: Senator Cruz?

Vice Speaker Cruz: You mentioned earlier on the Healthy Futures Fund... would you please re-read that testimony to me again?

Bertha Duenas: The fiscal impact of Section 6 is a deficit of 182 when you consider the previous proposed appropriations. The impact of Section 7 is the appropriation to DMH from Healthy Futures for half a million; the deficit will increase 682,879 which is the number I gave last when you consider the previous proposed appropriations. And I apologize if I'm not very clear, and there was a fiscal note that was provided to the committee which I'm sure they'll be disseminating to all the senators, on this bill. It is very detailed—we even attached a separate spreadsheet reflecting the unreserved fund balance of all the funds that are impacted for this bill. If I made any mistakes from this oral testimony I would like the committee to take the fiscal note as the matter of record.

Vice Speaker Cruz: Our office also received this report for the special funds ending December 31st for the 1st quarter. The amount for the Healthy Futures Fund from Tobacco taxes increased about 300% for the 1st quarter over last year's. As of the end of December 31st, 09, the amount of tobacco tax collected in that first period is \$1,980,277.21, and the report for the previous entire fiscal year was \$4, 807,859.19. In the 1st quarter of the 2010 fiscal year, I haven't been able to figure it out. We tried to cut back on smoking, but it seemed like it increased three-fold during the 1st quarter, before we passed this legislation. Where did you get this number, because the numbers for the Healthy Futures Fund, my total for the 1st quarter was \$2,814,000 and for the entire year 09 it was \$8,206,853? We've exceeded the percentage so far this year.

Bertha Duenas: It depends on what report you're picking that up from. It's possible—

Vice Speaker Cruz: That's from your office, on the special funds that you send out—the last report that you sent out. Quarter-ending December 31, 2009.

Bertha Duenas: I cannot answer to what may have contributed to the 300% rise; we call it as we see it in the system making our report with what we see. We could go deeper into reading what specific areas have an increase.

Vice Speaker Cruz: I was trying to answer the press queries about how much we expect to receive from the tobacco tax request. I was unable to make a reasonable extrapolation, because it seemed like the numbers were such an aberration. The Healthy Futures Fund Tobacco tax was less than 400,000, but the 1st quarter of 2010 was 1.5 million.

Bertha Duenas: On the sin tax, your proposal, would increase it by whatever percentage you extrapolate it from.

Vice Speaker Cruz: It was a 300% increase, but I wasn't sure if it was an increase from 2009 or the 2010.

Bertha Duenas: You should take it from the annual results of FY09, and that would be better than any quarter. The FY09 has already closed, and we have preliminary numbers, you should peg it against that—that would be a truer representation.

Vice Speaker Cruz: If we tripled it, it would be about \$15 million. Has your office done any kind of calculation?

Bertha Duenas: Yes, we have.

Vice Speaker Cruz: You've already done an LRC note to the governor. What was the increase in the Healthy Futures Fund for the Tobacco tax?

Bertha Duenas: That's in the fiscal note, but I don't have it with me. We'll get it to you. We already did a fiscal note on the bill, and we've also submitted our LRC comments on the bill to the governor.

Vice Speaker Cruz: I would be intrigued in getting the numbers to answer the press, but I don't want to use the wrong...

Bertha Duenas: We couldn't determine the fiscal impact right now, because we can't really tell how much of a detriment for smoking this is going to result in. There hasn't been any collection experience for us to peg that; we'll have to give it some time—maybe a year before we can tell. You could assume no one quit smoking in spite of it; we can get you that number. But we can not make that assumption, because we'd like to achieve the goal of discouraging smoking for peoples' health. We won't be able to get a true analysis of what it would bring, but we can give you a number if everything stayed the same.

Senator ben pangelinan: Thank you very much. Speaker Won Pat?

Speaker Won Pat: Bertha, I know you didn't mention anything for the TEFF so you have no objections to Section 4 then?

Bertha Duenas: I have no objections to Section 4; I'm in complete support of Section 4 for education. And the TEFF is very solvent.

Senator ben pangelinan: Thank you very much. Senator Taitague?

Senator Taitague: With the negative balance does that mean we owe that into the highway fund or it's obligated somewhere else?

Bertha Duenas: It's like writing a check for an amount that's not available in the checking account.

Senator Taitague: It is the same thing then. You mentioned revenue-neutral...

Bertha Duenas: That means that it's in-and-out. This bill proposes reimbursements from autonomous agencies for the last few years. It turns around, and in a separate section, it says what is recouped by the General Fund shall be paid out to the retirees. That's revenue-neutral, meaning 500 in, we pay 500 out.

Senator Taitague: Even though it doesn't really have an impact, the only impact is that the cost will be incurred by the public in some way through that agency.

Bertha Duenas: That's correct... whatever the policy call turns out to be the rates will either be raised or the General Fund goes deeper in debt for whatever we continue to absorb in the financial environment that we're in. We have a billion-dollar budget, and a half a billion dollar deficit; we balance what comes in against. I expect the deficit to be significantly reduced when we finally receive the financials for FY09.

Senator Taitague: Do you see that happening with the current spending right now?

Bertha Duenas: Because of the bond, we paid down our debt. We paid COLA, tax refunds with the bond and were able to float in June 2009. The government got a very good deal with the deficit bond. The economy is regurgitating a little bit.

Senator Taitague: FY 2010 General Fund, are we on target?

Bertha Duenas: We're not on target.

Senator Taitague: How far behind are we?

Bertha Duenas: We're trending about 2.4% of estimates for the quarter compared to the estimates for the quarter.

Senator Taitague: We're 3% lower than what was predicted?

Bertha Duenas: Yes, between 8 and 12 million depending on who you talk to in terms of budget estimates.

Senator Taitague: We are falling short 12 million?

Bertha Duenas: We're under by about 8 million for our operational budget, but we're under by about 12 if you include the required set-aside for deficit elimination for all prior year appropriations that in FY 2010 there was a 2% spending cap so that we could start paying down prior year obligations that we haven't been able to.

Senator Taitague: Have we set aside any money to pay down the bond that we just got?

Bertha Duenas: Yes in debt service... it's included in the budget for fiscal year 2011; we begin to pay down the debt service.

Senator ben pangelinan: Senator Barnes? Senator Ada?

Senator Ada: In Section 3, under all unexpended and unencumbered funds, to be collected and used to fund all the village projects... if we're falling short in tax collections, is it realistic to think that there'll be leftover unexpended and unencumbered money to do these projects?

Bertha Duenas: We're behind our collections on the General Fund; we're coming under estimates as far as 1st quarter is concerned. But what supports Section 3 is the Guam Highway Fund. Certain appropriations expire depending on the language of the law. This one expired and is now making available whatever was not expended—already quantified in previous collections of the Guam Highway Fund. This is making available to the mayors what they didn't get to spend since the passage of 30-38. It's authorizing us to book it and make it available for the mayors. The General Fund is what we were discussing earlier as far as the decline.

Senator Ada: This section gives the authorization of an additional \$26,000 for the upgrade of the Piti Baseball Field, but until we get healthier in cash, it's just a paper authorization. So another fiscal year can go by us, and if you don't have that extra cash to meet this in addition to other requirements in the government, this is just a paper authorization?

Bertha Duenas: This is all a paper authorization.

Senator Ada: In the paper this morning, we just finished the 1st quarter, and we're already under collecting about \$12 million less than what we've projected to collect.

Bertha Duenas: I want to point out that 1st quarter is the lowest quarter of the fiscal year in terms of collections. To peg the performance based on 1st quarter collections is not accurate. In fiscal year 09, there's nothing unusual. We're still within the range of the margin of error. We've done poorer than in fiscal year 09. There's too much dwelling on something we shouldn't be concerned about. We still have to be cautious and watch... the projections that were made for the fiscal year 09 budget was based on certain expectations (i.e., the military buildup). Those things are made with the best estimates with the best information we have at that time. There are more uncertainties with fiscal year 2011 so we made a very cautious approach with those projections. These projections included projects that are going to proceed apart from the negotiations between Japan and the U.S. We based the budget on the discussion that the 1st quarter trending are lower than the estimates and the current projects. We're fooling ourselves into wiping out

any economic activity. There's a level of confidence that this economy is still going to take place no matter what. Thank you very much.

Senator Ada: Thank you for that assurance.

Senator ben pangelinan: Thank you, Senator Ada. Senator Ada this appropriation in Section 3 takes the prior appropriations that have not been expended the same as the veterans' portion of the bill that you introduced in terms of taking money that's been reverted to the highway fund. Thank you very much. Si Yu'os Ma'ase', we'll continue now, we still have a couple of individuals... May I call on Mayor Nito Blas, Mayor Carol Tayama, Mayor Melissa Savares, and Mr. Sablan? We'll start with the president of the Mayors Council.

24. Melissa Savares – Mayor, Dededo & President of MCOG

Mayor Melissa Savares: Thank you Mr. Chair. For the record my name is Melissa Savares, Mayor of Dededo as well as the President of the Mayors Council. Today I'm here to testify in favor of Bill 317. Of course, in Dededo, there is an appropriation of \$100,000 for the repair and maintenance of the Hal's Angels Football Field; however, at this time, I would like to request that we don't limit it to just that recreational facility. There are other facilities within the community such as baseball fields and basketball courts that also need to get repaired. And if we limit it to strictly the Hal's Angels Football Field, I'll have parents and coaches and community members—children—who use the other fields frequently—in my office and pounding on the doors. If you're going to allow us to oversee the account, the appropriation, I would ask that it not be limited to just the Hal's Angels Field.

Senator ben pangelinan: Okay, thank you very much Mayor. Mayor Tayama?

Panel Comments and Questions

None

25. Carol Tayama – Mayor, Agat

Mayor Carol S. Tayama: Buenas and Háfa Adai, Mr. Chairman and honorable senators. For the record, my name is Carol Tayama, and I am the mayor of Agat. I come here today to support the passage of Bill 317-30. Any bill that provides additional funding to the mayors and vice mayors for the use in enhancing their village projects and other programs will always get my full support. I applaud Senator ben pangelinan for introducing this bill and Senator Tina Muna-Barnes for asking for our amendments and thinking of our needs in our villages. There is something, though, that could be added to this bill that will make it even more important to pass. The village of Agat—just like Agana Heights—is in dire need of repairing and refurbishing its gym. We have, over the years, done the band-aid approach by fixing what we could with the limited funds that we have. The time to take total approach and repair the facility so that it will become a safe facility for our residents—especially our youth—to practice, play, and interact through sports activities has long been overdue. At this present time, there are five schools that are utilizing the gym on a daily basis: 1) Southern High, 2) Oceanview, 3) Marshall Sablan, 4) Mount Carmel, 5) Southern Christian. These schools do not have any gym facilities that are

operable in their schools so we have been accommodating them and having them use our gym. We also host to the Southern Guam Basketball Association, the FIFA, Soccer Association of Guam, the Håya Youth Center, and of course, our summer youth camp during the summer. So you can see that the gym has been fully utilized, and like I said, just like Agana Heights, it is in dire need of repairs. I did get an estimate from a reliable contractor, and the repairs are pegged at around \$132 thousand. So you can see that it requires a major surgery and the band-aid approach will not fix the problem anymore. Again, I fully support the bill; adding a section for the Agat gym will make 317-30 an even better bill. Thank you, Senators, for your support. I know that you're always support the mayors and vice mayors so that we could meet the needs of our constituents of our villages. And I'd like to applaud you and thank you so much. Si Yu'os Ma'åse'.

Senator ben pangelinan: Si Yu'os Ma'åse' Mayor Tayama. Mayor Blas?

Panel Comments and Questions

None

26. Nito Blas – Mayor, Mangilao

Mayor Nito Blas: Thank you, Mr. Chairman. For the record, my name is Nito Blas, the mayor of the Eagles Field which is in my district. I'm in support of Bill 317. When I went through the bill, I noticed the funding requested for thirteen thousand dollars for the Eagles Field. I'd just like to make it clear that the Eagles Field now is the property of the federal government. It used to be the U.S. Air Force, and now it's in the hands of the U.S. Navy when they took over the control of the real estate. I had that Eagles Field since 1989 when the 27th Squadron deactivated, and I noticed the open field so I requested it. Since Mangilao is improving, I requested to make use of the empty fields there, right by the back road (Route 15). Then with the efforts of the Municipal Planning Council and the former mayor, Nick Francisco, and the squadron commander at that time, we managed to get them to grant me my request. And since then, we've had a Memorandum of Understanding with a lease agreement. The fields there—not only the football field—we have two baseball fields: one little league and one for the bigger boys. I also have the GPD club in the back. They allow me to use the nine acres of that property. Back in 1999 the parents of the—the coaches that were concerned organized a team and called themselves the Mangilao Eagles. We managed to get the parents, coaches, and all interested people to develop the football field. Since then, the football field there now stands. I just wonder if I'm allowed to spend Government of Guam funding to develop the lights—that's the most needed thing there now. We need to light that field. At one time, I had about fifteen street lights there, and I was forced to remove them, because the people complained that they needed the street lights in the residential areas more than in the football field which were only used till about ten o'clock at night. We took them out, and since then, there have not been any lights. The Eagles Field is controlled under my jurisdiction. Now the Guam Youth Football League had a team called the Giants. And I authorized the Guam Youth Football League Giants to be using the field, allowing them to use it, not giving them direct authority there. Everything was okay until in 2009 when most of the coaches of the same team, the Guam Youth Football League, decided to break off of the field and formed another league, and they called themselves the Guam National Youth Football League. There are two teams now; since then they've been

fighting over the use of the field not knowing that I am the one to authorize the use of the field. They have to come to my office or me to be allowed to use the field. Just like the other baseball fields. I have the Bill Muna field; I have two fields there. The big field is the one with the lights, and next to it is the Little League field for those twelve years and under. We reserve with Little League and Babe Ruth leagues and softball organizations. I have no problems with them. They're not fighting, because they respect my way of allowing them to use the fields through reservations. The Guam Youth Football League has been using it, but I made them undertake taking care of the field if they use it. And the Guam National Football League also wants to use it so they're fighting. All I want is for them to share the field. I think the Guam National Football League wants to control it, and so does the Guam Youth Football League. I'll take care of that, and I'll just kick them out all together. The youth use that. I just want them to share it equally to continue for the youth. The lights... the thirteen thousand dollars that are being requested for the Eagles Field only. I have other fields that I'd like to add lights to. If you pass this bill, I'll be more than glad to accept it and put the lights in the Eagles Field. My only thing is that I have to find out from the Navy, because at the Memorandum of Understanding—I leased that field from the Navy for five years. My lease agreement was just signed in November so I have it for another five years with the stipulation that I can not dig more than 5 feet; I can not put permanent structures there or build a restroom or any structures. They allow me to use the canopies with tarps for temporary use. I have three sets of thirty by forty canopies sitting there. Since the Navy took over, the engineering commander, Captain Lynch... I've discussed with him, and I'm asking him if I can add lights or to develop. I need to develop another football field so I can give the two fields for use. Football teams are not the only ones using the field; there are rugby teams. There's a girls rugby team, and the high school football teams are using it. And it's also a soccer field. But the rugby teams and football teams are using it now during the season which is now up to... I think the football teams start practicing in September. In September, rugby and soccer is done. And from September up to December, football comes in. An adult football league has just been formed, and they want to use the field also, at night time. And if I have the lights there, then the adult teams can use it at night time. I appreciate your support and for the passing of this entire bill, including the thirteen thousand. And also maybe you'll add more—another fifteen—for my other field. (Thirty thousand.) Amend the bill to change it from the "Eagles Field" and instead appropriate it to the Mangilao Mayor's Office rather than assigning it to someone. Make it payable to the Mangilao Mayor's Office, and that would be more appropriate. Thank you again. I hope you think of the thirty thousand dollars that you're going to give us for my other facilities. And by the way, I'm developing another field across from the Pãgat Mangilao Golf Course. The Chamorro Land Trust gave me an authorization to develop a recreational field for the people in the Pãgat area, because I feel sorry for the people in the Pãgat area. They have to go all the way to Bill Muna to practice. I'll be asking for your kind donation for those facilities there. The basketball court there will be completed by March 7th. That's from other sources; we did fundraising for the basketball court there. The lights there are also being developed. I'll have a total of eight fields in Mangilao. They're asking for more; I'm only asking for thirty thousand.

Senator ben pangelinan: We're going to have you stop before you ask for more. We'll ask Mr. Sablan to see if he can find the money if it's still there.

Panel Comments and Questions

None

27. Angel Sablan – Executive Director, Mayors Council of Guam

Angel Sablan: Good evening, Mr. Chair, and Members of the committee. I'm Angel Sablan, Executive Director of the Mayors Council of Guam, and I come in support of Bill 317-30 with the amendments that the mayors are asking for. On all those provisions, all the appropriations are made to the mayors' offices except for Mangilao where it goes to an organization. We're asking that that be changed and amended to have that go to the Mangilao Mayor's Office instead of an organization, because the field is leased by the mayor's office and not by any organization. We're still using the appropriation from Public Law 30-38 so the funds that are available may be less than to fund all the authorizations we're seeking so we may need to amend Section 9 where we are authorized to reallocate the funds; we've been asking for this since October when we knew we had problems spending our appropriations. We were using our carryover from the \$1.6 million. If we can amend Section 9 to use whatever is available here to fund some of the appropriations authorized in Section 3 since it's revenue-neutral. The other amendment that I'd like to suggest if it's germane to this bill has to do with the per diem of the mayors and vice mayors. I don't know whether legislatures before have never believed that mayors and vice mayors do any traveling. In the per diem law they're not mentioned; the mayors and vice mayors have never questioned this and have signed off on per diem based on what they're given. Every January, the federal government reviews their per diem rates, and ours are based on the federal rates. The rates have gone up, but they don't apply to the mayors and vice mayors unlike other officials and employees. Mayors and vice mayors are considered regular employees for per diem rates, and I can not give them 125% or 130% which is allowed other elected officials. They're considered regular employees. I did that in this last travel authorize for the conference sponsored by the Association of Pacific Island Local Government which the Mayors Council is involved in. The answer from the Travel Office is that I'm not authorized to give that rate, above an employee's rate. According to the Travel Office, I can not legally give them the 125% that applies to mayors and vice mayors. I'm sure that's not the intent of the legislation; it's probably just an oversight. I'm going to ask that a simple section be added to this bill to add on mayors and vice mayors for per diem rates. I don't feel comfortable to be getting a per diem that's higher than my bosses—that's not morally right. It's not going to be an appropriation as much as it'll be correcting an oversight.

Senator ben pangelinan: Speaker Won Pat? Senator Taitague? Senator Barnes?

Panel Comments and Questions

Senator Barnes: Mayor Savares, do you have a list of fields and facilities that need repairs to date that you can provide to the committee of all the fields and facilities that need refurbishment?

Mayor Savares: There are several basketball facilities; however, I do have the buffer strip account that we will work with for the basketball facilities. With the limited resources for baseball fields—next to the Hal's Angels football field is a baseball field that has been run-down. We can cut the grass every week, but you need to grade and get the rocks off the field to make it safe for the players. I don't have the funding for that, but our service workers and maintenance

staff have been working with the resources we have in the community to repair the fields. We're trying to do the same thing in As Tum Bo and the construction of the baseball fields at the Sports Complex facility; I was hoping that one of the Little League teams could use those facilities for these practices. I was informed, however that it's utilized for only the games. When construction of Liguán Elementary school was planned, it took our baseball field away in that area. Paradise estates took away the baseball field in the Ipaopao Estates. We will provide the list.

Senator Muna-Barnes: We've worked together with GHURA in the past with their community block grant, the CBDG, have we ascertained any of the programs they have to have them help us with the facilities there?

Mayor Savares: Yes, and it's a partnership between GHURA, the Mayor's Office, and Parks and Rec; because it's a partnership, I can't restrict usage or access to only residents of Dededo. I know that several of our villages do not qualify for CBDG but some could. The problems have to do with finding properties for these facilities.

Senator Muna-Barnes: Can there be funds from the CBDG to help with the upgrade or refurbishment or are these just to build the new facilities?

Mayor Savares: We can work on something to refurbish and to include restrooms. With upcoming census other villages may qualify.

Senator ben pangelinan: Thank you very much, thank you Mayors. We have one final witness who signed up: former Vice Speaker Ted Nelson.

28. Ted Nelson

Ted Nelson: Senators, I love what you guys are doing. My name is Ted Nelson. I graduated from Ohio State with a major in physical education, and I taught P.E. for years. I am very comfortable with what you're doing to support the mayors, and I feel that it's long overdue. Our government has neglected these mayors who've been crying for help. I remember Mayor Portusach's fight for the gym. Hal's Angels field was built by Harold Shiroma, himself. It was all done by the parents and the community. We've got sports leagues without compensation and our help. I hope we can one day give money to help with equipment and uniforms. By giving the mayors the resources... they need recreational staff. The mayors can't do this all by themselves; I hope you can find the money to hire recreational, part-time staff in these villages. It's the Hawai'ian community who brought in football to Guam, but they're hardly mentioned at all as pioneers for football in Guam and did a lot without compensation. They were never paid. Now the families are the ones organizing the football leagues by themselves and should be recognized by Parks and Rec. Thank you to the Shiromas for what Hal has done for the island. These are the people we owe our recognition to. I support the Mayor of Dededo in funding the lights and the bleachers, and in honor to Harold Shiroma and his kids let's put the lights up and the bleachers to be proud. Please consider all the dedication of the people.

Panel Comments and Questions

None

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Taxation, Banking, Insurance, Retirement, and Land, hereby reports Bill No.317-30 (COR), As Substituted by the Committee, with the recommendation TO PASS.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) REGULAR SESSION

Bill No. 317-30 (COR)

Introduced by:

v.c. pangelinan

[Handwritten signature and notes]

**AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR
VARIOUS PROGRAMS AND PROJECTS AND OTHER
PURPOSES FOR FISCAL YEAR 2010.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent.

I Liheslaturan Guåhan intends to ensure that there is continuity of service in the operations of the government of Guam in the Fiscal Year 2010 and as such, hereby authorize the appropriations of funding for various programs and projects to be started and completed in FY 2010 by the Mayors of Guam, certain government of Guam department and agencies and the Department of Education.

In light of the important nature and benefits of the programs and projects identified in this Act to be enjoyed by all our people and the anticipated improvement in the quality of life for island residents in communities throughout Guam, *I Liheslaturan Guåhan* further intends to ensure that these programs and projects receive the utmost attention of *I Liheslaturan Guåhan* throughout the

1 process of deliberation and ultimately, passage of the provisions contained in this
2 Act.

3 In June 2009, the Government of Guam successfully sold \$246 million
4 dollars of bonds also known as Deficit Bonds to pay for outstanding unfunded
5 court ordered COLA obligations. After disbursement of the bond proceeds, there
6 are remaining balances due to the *Superior Court No. SP0206-93 Rios v.*
7 Camacho, claimants from interest that accrued prior to the full payment of
8 principal.

9 *I Liheslaturan Guåhan* further finds that seventy-two (72) retirees who were
10 eligible to be part of the COLA class in the case, *Superior Court No. SP0206-93*
11 Rios v. Camacho were elderly and not fully conversant with the consequences of
12 signing documents issued at the time the class was being formed, signed the
13 documents opting out of the court case.

14 *I Liheslaturan Guåhan* finds that all government of Guam retirees are owed
15 gratitude and respect for their years of service and dedication and thus should be
16 compensated promptly and without further delay.

17 **Section 2. Short Title.** This Act shall be referred to as the “*Supplemental*
18 *Budget Act of 2010*”.

19 **Section 3. A new subsection (d) is added to Section 2 of Public Law 30-**
20 **38:**

1 “(d) All unexpended and unencumbered funds as of the effective date of
2 this Act shall fund village projects and other priorities in order of priority outlined
3 below:

4 **i. *Twenty-Six Thousand Dollars (\$26,000)*** to the Office of
5 the Mayor of Piti to repair lighting at the Piti Baseball Field.

6 **ii. *Thirteen Thousand Dollars (\$13,000)*** to the Guam
7 Youth Football League for the purpose of purchasing a photo voltaic
8 lighting system at the Eagle Football Field at the village of Mangilao.

9 **iii. *Fifty Thousand Dollars (\$50,000)*** to the Inarajan
10 Mayor’s Office for the repair of the Inarajan sport facilities’ electrical
11 system and light fixtures at the Malojloj multi-purpose court, the
12 Inarajan volleyball court and the Inarajan basketball court.

13 **iv. *Seventy-three Thousand Six Hundred Dollars (\$73,600)***
14 to the Mayor’s Office of Talofoyo to repair lighting and electrical
15 system of the Talofoyo Baseball Field.”

16 **v. *Eighty-Five Thousand Dollars (\$85,000)*** to the Mayor’s
17 Office of Agana Heights for the purposes of making necessary repairs
18 to the Agana Heights Gymnasium and Baseball Field.

1 vi. ***One Hundred Thousand Dollars (\$100,000)*** to the
2 Dededo Mayor's Office for the repair and maintenance of the Hal's
3 Angels Football Field.”

4 **Section 4.** Notwithstanding any other provision of law, *I Liheslaturan*
5 *Guahan* hereby appropriates the total sum of ***Four Million Six Hundred Fifty***
6 ***Thousand Dollars (\$4,650,000)*** from the unreserved fund balance of the
7 Territorial Education Facilities Fund (TEFF) to the Department of Education to be
8 apportioned as follows;

- 9 (a) \$2,800,000 – CIP Reimbursement;
10 (b) \$1,600,000 – Textbooks;
11 (c) \$150,000 – Vehicles for DOE Maintenance;
12 (d) \$100,000 – Vehicles for DOE Warehouse.

13 **Section 5.** The sum of ***Six Hundred Thousand Dollars (\$600,000)*** is
14 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
15 to the Medical Referral Office for Contractual Services (Object Class 230).

16 **Section 6.** The sum of ***Five Hundred Thousand Dollars (\$400,000)*** is
17 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
18 for reimbursements to the Government of Guam Retirement Fund prior year,
19 current and future expenditures as follows:

1 **(1) *Eight Thousand Dollars (\$8,000)*** shall be reimbursed to the
2 Retirement Fund for Medicare premium reimbursements for Fiscal Year
3 2007.

4 **(2) *Ninety-Two Thousand Dollars (\$92,000)*** shall be reimbursed
5 to the Retirement Fund for Medicare Premium reimbursements for Fiscal
6 Year 2008.

7 **(3) *Three Hundred Thousand Dollars (\$300,000)*** to the
8 Retirement Fund for current and future Fiscal Year Medicare premium
9 reimbursements.

10 **Section 7.** The sum of ***Five Hundred Thousand Dollars (\$500,000)*** is
11 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
12 to the Guam Memorial Hospital for prior or current year vendor payables due in
13 excess of One Hundred Eighty days (180).

14 **Section 8. Authorization to make payments of prior year obligations.**

15 Notwithstanding any other provision of law, the Mayor's Council of Guam
16 (MCOG) is authorized to utilize unexpended funds appropriated to the MCOG for
17 Fiscal Year 2009 and carried over to Fiscal Year 2010 as mandated in Public Law
18 30-55, Chapter VIII, Section 10, to pay for obligations incurred in FY 2009 and to
19 carry over any remaining unencumbered Fiscal Year 2009 funds appropriated to
20 the MCOG.

1 **Section 9. Authorization to Reallocate Funds.** Notwithstanding any

2 other provision of Law, the Mayor’s Council of Guam (MCOG) is authorized to
3 reallocate funds appropriated in Fiscal Year 2010 Miscellaneous (Object Category
4 290) into other categories within its Base Operational Appropriations and to the
5 MCOG Central Cost Accounts administered by the Department of Administration,
6 for the purpose of ensuring any shortfalls within other specified Object Categories
7 are both funded and authorized for payment.

8 **Section 10. Appropriations to the Veterans Affairs Office.**

9 Notwithstanding any other provision of the law, the sum of *One Hundred Fifty*
10 *Thousand Dollars (\$150,000)* is reprogrammed from the Guam Highway Fund to
11 the Guam Veterans Affairs Office for the following use:

12 (1) Purchase material to sustain cemetery maintenance
13 efforts for Fiscal Year 2010,

14 (2) Procure service to address the deficiencies which were
15 identified in the August 2009 Department of Veterans Affairs
16 National Cemetery Administration's Triennial Report on the Guam
17 Veterans Cemetery.

18 **Section 11. Reprogramming of Appropriations within the Guam**

19 **Veterans Affairs for Fiscal Year 2010 Operations Budget.** Notwithstanding
20 any other provision of the law, the sum of *Forty-Thousand Dollars (\$40,000)* is

1 hereby transferred from Capital Outlay (Object Class 450) to Miscellaneous
2 (Object Class 290) Appropriations Category for the normal operations and
3 maintenance of the Guam Veterans Cemetery pursuant to and in accordance with
4 the August 2009 Department of Veterans Affairs National Cemetery
5 Administration's Triennial Report.

6 **Section 12.** Section 8, Chapter 13 of P.L. 30-55 is hereby amended to read
7 as follows:

8 **“Section 8. Special Fund Transfer.** Unless specified in this Act, *I*
9 *Maga'lahaen Guåhan* is authorized to transfer to the General Fund any cash
10 available from any appropriated Special Fund *or* Revolving Fund to fund the
11 appropriations authorized by this Act.

12 All cash from Special Funds *or* Revolving Funds transferred to cover
13 the appropriations authorized by this Act *shall* be promptly reimbursed to
14 the Special *or* Revolving Fund from which it was withdrawn as cash
15 becomes available.

16 *I Maga'lahaen Guåhan shall* submit a report to the Speaker of *I*
17 *Liheslaturan Guåhan* on the fifth (5th) day of every month on all transfers
18 made pursuant to this Section. Said report *shall* enumerate the amount of
19 each transfer, identify the funds to and from which the transfer was made
20 and state the purpose of each transfer.

1 Unless otherwise restricted or specifically allowed by this Act, for FY
2 2010 I Maga'lahaen Guåhan is authorized to transfer up to fifteen percent
3 (15%) between object categories within an agency Fiscal Year 2010 Special
4 Fund base operational (except the utility funds) appropriations contained in
5 Chapter V and in Parts II, III and IV of Chapter III of this Act; provided that
6 notice of each transfer and justification therefore are delivered within fifteen
7 (15) working days after the transfer is made to the Speaker of I Liheslaturan
8 Guåhan and the Office of Finance and Budget."

9 **Section 13. Section 77305, Title 12, Guam Code Annotated, Chapter 77,**
10 **Article 3, is hereby amended to read as follows:**

11 "§77305. Cap on GRT Credits for Design and Construction of the
12 Soccer Stadium and Facilities. The total amount of credits against Gross
13 Receipts Taxes for the design and construction of the soccer stadium and
14 facilities authorized herein *shall not exceed* One Million Two Hundred
15 Thousand Dollars (\$1,200,000)."

16 **Section 14. Section (d)(3)(C) is hereby added to Chapter 5 of P.L. 30-55**
17 **as follows:**

18 (d)(3)(C) The sum of *One Hundred Thousand Dollars*
19 (\$100,000) is appropriated from the Indirect Cost Fund to the Bureau
20 of Budget and Management Research for Payment of Overtime for

1 training of Department of Education personnel at the Financial
2 Services Division and Personnel Services Division specifically to
3 address deficiencies in personnel management and the financial
4 administration of all funds under the purview of the Department of
5 Education, activity related to the American Recovery and
6 Reinvestment Act of 2009 and any other operational costs.

7 **Section 15. Mandating the reimbursement of COLA payments made in**
8 **Fiscal Years 2007, 2008 and 2009.**

9 In June 2009, the Government of Guam successfully sold \$246
10 million dollars of bonds also known as Deficit Bonds to pay for *I*
11 *Liheslaturan Guåhan* wishes to ensure the timely resolution of the payment
12 of remaining unfunded court ordered COLA obligations.

13 *I Liheslaturan Guåhan* further finds seventy-two (72) retirees who
14 were eligible to be part of the class action suit, *Superior Court No. SP0206-*
15 *93, Rios v. Camacho*. These retirees who rendered the same services and
16 worked the same number of years in loyal service to the people of Guam are
17 excluded from any payments resulting from the settlement. These retirees
18 believed that the government would treat them fairly and pay them what is
19 due to them without having to take the government to court. In recognition
20 of these factors and given the small number of retirees who opted out of the

1 court case, and the reasons cited by these retirees, *I Liheslaturan Guåhan*
2 wishes to exercise fairness and include these retirees in the court settlement.

3 Furthermore, *I Liheslaturan Guåhan* finds that the some Autonomous
4 Agencies were not included in the list of agencies which were required to
5 reimburse the General Fund for the payment of the annual lump sum COLA
6 by the General Fund to their respective retirees. Autonomous Agencies are
7 independent component units of the government of Guam that are self-
8 funded through operations. Each Autonomous Agency except the Guam
9 Memorial Hospital has the capacity to fund the annual cost of living
10 adjustments of its retired employees.

11 *I Liheslaturan Guåhan* further finds that after the successful sale of
12 deficit bonds and disbursement of the proceeds in June 2009, a balance of
13 Seventeen Million One Hundred Sixty-one Thousand One Hundred Eighteen
14 Dollars (\$17,161,118) of interest is still owed to qualified retirees based on
15 the judgment rendered in, *Superior Court No. SP0206-93, Rios v. Camacho*
16 and continues to accrue interest at a rate of seven percent.

17 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate the
18 Government of Guam Retirement Fund (GGRF), Guam International Airport
19 Authority (GIAA), Guam Visitors Bureau (GVB), Guam Economic
20 Development and Commerce Authority (GEDA), Guam Housing

1 Corporation (GHC), University of Guam (UOG), Guam Community College
 2 (GCC), Guam Power Authority (GPA), Guam Waterworks Authority
 3 (GWA) and the Port Authority of Guam (PAG) reimburse the General Fund
 4 for COLA payments made in Fiscal Year 2007, 2008 and 2009 to fund the
 5 principal and interest still owed to eligible retirees based on the following
 6 table:

7	Agency	2007	2008	2009	Total
8	GGRF	\$28,600	\$0	\$0	\$28,600
9	GIAA	\$80,300	\$0	\$0	\$80,300
10	GVB	\$8,800	\$8,800	\$9,900	\$27,500
11	GEDA	\$9,900	\$0	\$0	\$9,900
12	GHC	\$17,600	\$0	\$0	\$17,600
13	UOG	\$369,600	\$382,800	\$399,300	\$1,151,700
14	GCC	\$183,700	\$194,700	\$195,800	\$574,200
15	GPA	\$382,800	\$392,700	\$402,600	\$1,178,100
16	GWA	\$292,600	\$310,200	\$295,900	\$898,700
17	PAG	<u>\$341,000</u>	<u>\$345,400</u>	<u>\$339,900</u>	<u>\$1,026,300</u>
18	Total	\$1,714,900	\$1,634,600	\$1,643,400	\$4,992,900

19 **Section 16. Mandate of Reimbursements.** The GGRF has determined that
 20 the total amount of Fiscal Year 2007, 2008 and 2009 COLA payments issued to

1 retirees by the General Fund on behalf of Autonomous Agencies not required to
2 reimburse the General Fund is **Four Million Nine Hundred Nine-two Thousand**
3 **Nine Hundred Dollars (\$4,992,900).**

4 (a) The GGRF shall reimburse the General Fund for COLA
5 payments made to retirees of the GGRF as follows:

6 (1) from Fiscal Year 2007 the amount of *Twenty-eight*
7 *Thousand Six Hundred Dollars (\$28,600);*

8 (b) The GIAA shall reimburse the General Fund for COLA
9 payments made to retirees of the GIAA as follows:

10 (1) from Fiscal Year 2007 the amount of *Eighty Thousand*
11 *Three Hundred Dollars (\$80,300);*

12 (c) The GVB shall reimburse the General Fund for COLA
13 payments made to retirees of the GVB as follows:

14 (1) from Fiscal Year 2007 the amount of *Eight Thousand*
15 *Eight Hundred Dollars (\$8,800);*

16 (2) from Fiscal Year 2008 the amount of *Eight Thousand*
17 *Eight Hundred Dollars (\$8,800);*

18 (3) from Fiscal Year 2009 the amount of *Nine Thousand Nine*
19 *Hundred Dollars (\$9,900);*

1 (d) The GEDA shall reimburse the General Fund for COLA
2 payments made to retirees of the GEDA as follows:

3 (1) from Fiscal Year 2007 the amount of *Nine Thousand Nine*
4 *Hundred Dollars (\$9,900)*;

5 (e) The GHC shall reimburse the General Fund for COLA
6 payments made to retirees of the GHC as follows:

7 (1) from Fiscal Year 2007 the amount of *Seventeen Thousand*
8 *Six Hundred Dollars (\$17,600)*;

9 (f) The UOG shall reimburse the General Fund for COLA
10 payments made to retirees of the UOG as follows:

11 (1) from Fiscal Year 2007 the amount of *Three Hundred*
12 *Sixty-nine Thousand Six Hundred Dollars (\$369,600)*;

13 (2) from Fiscal Year 2008 the amount of *Three Hundred*
14 *Eighty-two Thousand Eight Hundred Dollars (\$382,800)*;

15 (3) from Fiscal Year 2009 the amount of *Three Hundred*
16 *Ninety-nine Thousand Three Hundred Dollars (\$399,300)*;

17 (g) The GCC shall reimburse the General Fund for COLA
18 payments made to retirees of the GCC as follows:

19 (1) from Fiscal Year 2007 the amount of *One Hundred*
20 *Eighty-three Thousand Seven Hundred Dollars (\$183,700)*;

1 (2) from Fiscal Year 2008 the amount of *One Hundred*
2 *Ninety-four Thousand Seven Hundred Dollars (\$194,700);*

3 (3) from Fiscal Year 2009 the amount of *One Hundred*
4 *Ninety-five Thousand Eight Hundred Dollars (\$195,800);*

5 (h) The GPA shall reimburse the General Fund for COLA
6 payments made to retirees of the GPA as follows:

7 (1) from Fiscal Year 2007 the amount of *Three Hundred*
8 *Eighty-two Thousand Eight Hundred Dollars (\$382,800);*

9 (2) from Fiscal Year 2008 the amount of *Three Hundred*
10 *Ninety-two Thousand Seven Hundred Dollars (\$392,700);*

11 (3) from Fiscal Year 2009 the amount of *Four Hundred Two*
12 *Thousand Six Hundred Dollars (\$402,600);*

13 (i) The GWA shall reimburse the General Fund for COLA
14 payments made to retirees of the GWA as follows:

15 (1) from Fiscal Year 2007 the amount of *Two Hundred*
16 *Ninety-two Thousand Six Hundred Dollars (\$292,600);*

17 (2) from Fiscal Year 2008 the amount of *Three Hundred Ten*
18 *Thousand Two Hundred Dollars (\$310,200);*

19 (3) from Fiscal Year 2009 the amount of *Two Hundred*
20 *Ninety-Five Thousand Nine Hundred Dollars (\$295,900);*

1 (j) The PAG shall reimburse the General Fund for COLA
2 payments made to retirees of the PAG as follows:

3 (1) from Fiscal Year 2007 the amount of *Three Hundred*
4 *Forty-one Thousand Dollars (\$341,000)*;

5 (2) from Fiscal Year 2008 the amount of *Three Hundred*
6 *Forty-five Thousand Four Hundred Dollars (\$345,400)*;

7 (3) from Fiscal Year 2009 the amount of *Three Hundred*
8 *Thirty-Nine Thousand Nine Hundred Dollars (\$339,900)*;

9 The Autonomous Agencies in this section *shall* reimburse the General Fund
10 for the cost of funding the annual COLA paid to their respective retirees by
11 September 30, 2010. Any Autonomous Agencies mandated in this section that
12 have already reimbursed or already paid COLA for any amounts in the specified
13 fiscal years are not required to repay said amount. The Government of Guam
14 Retirement Fund and Department of Administration *shall* prepare an official report
15 no later than thirty (30) days of enactment of this act that details the funding source
16 of payments to Autonomous Agency retirees during Fiscal Years 2007, 2008 and
17 2009.

18 **Section 17. Authorization to use excess COLA appropriations.** Upon
19 the conclusion of COLA case, *Superior Court No. SP0206-93, Rios v. Camacho*
20 the GGRF performed audits of the individual accounts which resulted in payments

1 due of One Hundred Twenty-one Million Five Hundred Forty-three Thousand
 2 Eight Hundred and Two Dollars (\$121,543,802) to the COLA class. The GGRF is
 3 hereby authorized to use the excess appropriations of **One Million Four Hundred**
 4 **Fifty-six Thousand One Hundred Ninety-eight Dollars (\$1,456,198)** from
 5 appropriations made in Public Laws 29-04, 29-19, 28-151, 30-7 less COLA
 6 payments for obligations listed in Section 19(b) of this Act.

Appropriations	Total
P.L. 29-04	\$8,000,000
P.L. 29-19	\$14,000,000
P.L. 28-151	\$9,000,000
P.L. 30-07	<u>\$92,000,000</u>
TOTAL	\$123,000,000
Payments	<u>(\$121,543,802)</u>
Excess Appropriation	\$1,456,198

15 **Section 18. A total of Four Million Nine Hundred Nine-two Thousand**
 16 **Nine Hundred Dollars (\$4,992,900)** from the reimbursements referred to in
 17 Section 16 of this Act is hereby appropriated to claimants set forth in Title 5 Guam
 18 Code Annotated, Chapter 6, Article 4, subsections 6404(d)(1) and subsection
 19 6404(d)(2) and Section 6 of this Act.

20 **Section 19. Priority of Disbursements.**

1 The priority of appropriation and excess appropriations disbursements in
2 Section 4 of this Act are as follows:

3 a) Payments authorized in Section 20 of this Act

4 b) Interest from principal owed to claimants set forth in Title 5 Guam
5 Code Annotated, Chapter 6, Article 4, subsections 6404(d)(1) starting
6 with the claimant with the lowest initial award from the class
7 settlement, followed by the next lowest initial award and repeating
8 this disbursement methodology until all the funds appropriated and
9 authorized are exhausted.

10 **Section 20. Inclusion of Retirees in COLA Settlement.**

11 Notwithstanding any other provision of law, *I Liheslaturan Guåhan* hereby
12 find that those retirees who initially opted out and are not covered by the
13 settlement agreement in *Superior Court No. SP0206-93, Rios v. Camacho*, are
14 eligible for payment under the same terms and conditions as the certified class.
15 Interest shall *not* accrue from any payments due to retirees who opted out.

16 The GGRF shall determine the amount of award due to the retirees who
17 opted out and reduce the amount by ten percent (10%) to promote parity by
18 accounting for attorney fees awarded in, *Superior Court No. SP0206-9, Rios v.*
19 *Camacho*.

1 All retirees who opted out prior to receipt of any payment as authorized in
2 this Section shall sign a waiver with the GGRF of all future rights and interest to
3 payments due or may be due pursuant to *Superior Court No. SP0206-9 Rios v.*
4 Camacho.

5 **Section 21. Effective Date.** This Act shall become effective upon
6 enactment.

7 **Section 22. Severability.** If any provisions of this Act or the application
8 thereof to any person or circumstance is held invalid, such invalidity shall not
9 affect any other provision or application of this Act which can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) REGULAR SESSION

Bill No. 317-30 (COR)

As substituted by the Committee
on Appropriations, Taxation,
Banking, Insurance, Retirement,
and Land

Introduced by:

v.c. pangelinan

**AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR
VARIOUS PROGRAMS AND PROJECTS AND OTHER
PURPOSES FOR FISCAL YEAR 2010.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Statement and Intent.**

2 *I Liheslaturan Guåhan* wishes to ensure that there is continuity of service in
3 the operations of the government of Guam in the Fiscal Year 2010 and as such,
4 seeks to reprioritize appropriations of funding for various programs and projects to
5 be started and completed in FY2010.

6 *I Liheslaturan Guåhan* finds that various health programs require additional
7 funding to maintain the continuity of care for residents who are forced to travel to
8 the Philippines, United States and Hawaii to receive health care services not
9 available on Guam. In order to maintain adequate services and continuity of care,
10 additional funding is required.

1 Retirees that purchased Medicare insurance as part of a government of
2 Guam program in Fiscal Year 2009 were not reimbursed due to a larger
3 participation in the program than anticipated. These retirees depend on these
4 reimbursements to fund future Medicare insurance premium payments. Should
5 retirees drop out of this program due to problems with reimbursement then the
6 government of Guam health insurance premiums will rise much faster because by
7 default the government of Guam health insurance will be designated the primary
8 payer to claims currently paid by Medicare.

9 The Guam Memorial Hospital (GMH) continues to struggle financially due
10 to providing care to residents without insurance or the ability to pay for services.
11 Vendors continue to notify GMH of delinquent payables while some have
12 suspended doing business with GMH until payment is received. Therefore, *I*
13 *Liheslaturan Guåhan* wishes to supplement Fiscal Year 2010 appropriations to
14 assist GMH operations.

15 *I Liheslaturan Guåhan* further finds that sections of Public Law 30-55
16 require reprioritization or adjustments due to information received after its
17 enactment. The changes required in Public Law 30-55 will allow prior year
18 obligation payments; improve the flexibility and ability of Mayors to provide grass
19 cutting services to the Department of Education; provide continued authority to
20 access unexpended resources to repair and maintain the Guam Veterans Cemetery;

1 provide financial expertise assistance to the Department of Education; clearly
2 delineate the funding provided for additional employees for the *I Famagu'on-ta*
3 program and provide resources for a nurse and medication to deliver care to
4 additional clients of the Department of Youth Affairs added after the start of the
5 fiscal year.

6 *I Liheslaturan Guåhan* finds that sports and recreational facilities in the
7 villages of Dededo, Agana Heights, Agat, Mangilao, Inarajan, Talafofo, Merizo,
8 Tamuning and Piti require funding to repair various sports fields, gymnasiums and
9 other facilities in order to provide safe venues for recreation for all residents of the
10 island.

11 In addition to facilities required within the villages, a planned regional sports
12 complex for southern residents is eligible for private matching grants to complete
13 its development. Thus, in order to provide the same opportunities to practice and
14 participate in sporting events as residents in the north, *I Liheslaturan Guåhan*
15 wishes to continue to support youth programs by extending the existing tax credit
16 matching program to complete development of facilities in the south.

17 *I Liheslaturan Guåhan* further finds that retirees are still due money from
18 *Rios v. Camacho*, Superior Court No. SP0206-93. The recipients of the COLA
19 class continue to be asked to wait for full payment of principal and interest due
20 them. Government of Guam tax receipts and operational expenses continue to

1 challenge its financial managers to identify a funding source to once and for all put
2 to rest the years of injustice caused by denying COLA payments to retirees.

3 *I Liheslaturan Guåhan* wishes to identify funds to reduce any principal and
4 interest still due to COLA awardees and to also identify funding to pay COLA
5 awards for OPT OUT retirees that did not participate in Rios v. Camacho, Superior
6 Court No. SP0206-93.

7 *I Liheslaturan Guåhan* further finds that the Guam Waterworks Authority
8 ("GWA") seeks a loan guarantee from the General Fund to provide funds for
9 GWA's Moratorium Project, to fund certain reserve accounts so that GWA may
10 issue an additional One Hundred and Eighteen Million Dollars (\$118,000,000) in
11 bonds that will greatly improve the island's water and wastewater system. In order
12 to further avoid penalties related to previous court orders, *I Liheslaturan Guåhan*
13 finds that it is necessary to guarantee a short term loan authorized in Section 14235
14 of Article 2 of Chapter 14 of Title 12 Guam Code Annotated.

15 **Section 2. Short Title.** This Act shall be referred to as the "***Supplemental***
16 ***Budget Act of 2010***".

17 **Section 3. A new subsection (d) is added to Section 2 of Public Law 30-**
18 **38:**

19 "(d) All unexpended and unencumbered funds shall fund village
20 projects and other priorities:

1 i. ***One Hundred Thousand Dollars (\$100,000)*** to the
2 Dededo Mayor's Office for:

3 (a) Repair of the Hal's Angels Football Field;

4 (b) Repair of other village sports and recreational facilities;

5 (c) Maintenance of sports and recreational facilities.

6 ii. ***Eighty-Five Thousand Dollars (\$85,000)*** to the Mayor's
7 Office of Agana Heights for the purposes of making necessary repairs
8 to the Agana Heights Gymnasium and Baseball Field.

9 iii. ***Eighty Thousand Dollars (\$80,000)*** to the Agat Mayor's
10 Office for the purpose of making necessary repairs to the Agat
11 Gymnasium.

12 iv. ***Thirty Thousand Dollars (\$30,000)*** to the Mangilao
13 Mayor's Office for the development, repair and maintenance of
14 village sports and recreational facilities.

15 v. ***Fifty Thousand Dollars (\$50,000)*** to the Inarajan
16 Mayor's Office for the repair of the Inarajan sport facilities' electrical
17 system and light fixtures at the Malojloj multi-purpose court, the
18 Inarajan volleyball court and the Inarajan basketball court.

1 vi. ***Seventy-three Thousand Six Hundred Dollars (\$73,600)***
2 to the Mayor’s Office of Talofofo to repair lighting and electrical
3 system of the Talofofo Baseball Field.

4 vii. ***Twenty-Five Thousand Dollars (\$25,000)*** to the Merizo
5 Mayor’s Office for the sole purpose of repairing restrooms facilities
6 and to conduct minor renovations to its mayoral office and community
7 center.

8 viii. ***Fifty Thousand Dollars (\$50,000)*** to the Tamuning
9 Mayor’s Office for the development, repair and maintenance of
10 village sports and recreational facilities.

11 ix. ***Twenty-Six Thousand Dollars (\$26,000)*** to the Office of
12 the Mayor of Piti to repair lighting at the Piti Baseball Field.”

13 **Section 4.** The sum of ***Six Hundred Thousand Dollars (\$600,000)*** is
14 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
15 to the Medical Referral Office for Contractual Services (Object Class 230).

16 **Section 5.** The sum of ***One Hundred Fifty-five Thousand Dollars***
17 ***(\$155,000)*** is appropriated from the unreserved fund balance of the Healthy
18 Futures Fund (HFF) to the Government of Guam Retirement for Medicare
19 premium reimbursements for Fiscal Year 2009. Any remaining balance from this

1 appropriation shall be carried forward and applied to future Fiscal Year Medicare
2 premium reimbursements.

3 **Section 6.** The sum of *Five Hundred Thousand Dollars (\$500,000)* is
4 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
5 to the Guam Memorial Hospital for any vendor payables due in excess of One
6 Hundred Eighty days (180).

7 **Section 7. The paragraphs preceding the table in Section 2 of Public**
8 **Law 30-85 is hereby amended to read as follows:**

9 **“Section 2. Grounds Maintenance for School.** Subject to approval
10 and scheduling of the public school principals, the Mayors are responsible
11 for the eighteen (18) cuts of regular grounds maintenance of DOE school
12 grounds in their respective districts where ground maintenance is *not* already
13 subject to an existing contract. Subject to approval of scheduling with the
14 public school principals, the Mayor may contract with a private entity to
15 provide the services authorized by this Section.

16 The sum of Four Hundred Seventy-four Thousand Seven Hundred
17 Twenty Dollars (**\$474,720**) is appropriated from the General Fund to the
18 ~~Community Development Fund~~ Mayors Council of Guam Revolving Fund
19 for the grounds maintenance of specified schools of the Department of
20 Education below to be allocated as follows:”

1 **Section 8. Section 10 of Chapter VIII of Public Law 30-55 is hereby**
2 **amended to read as follows:**

3 **“Section 10. Continuing Appropriation to the Mayors Council.**

4 The unexpended balance of the funds appropriated to the Mayors Council
5 for Fiscal Year 2009 *shall not* lapse and is available to the Mayors Council
6 for obligations incurred in Fiscal Year 2009 and expenditures in Fiscal Year
7 2010.”

8 **Section 9. Section 11 of Chapter VIII of Public Law 30-55 is hereby**
9 **added to read as follows:**

10 “Section 11. Authorization to Reallocate Funds. Notwithstanding
11 any other provision of Law, the Mayor’s Council of Guam (MCOG) is
12 authorized to reallocate funds appropriated in Fiscal Year 2010
13 Miscellaneous (Object Category 290) into other non-personnel cost object
14 categories within its Base Operational Appropriations and to the MCOG
15 Central Cost Accounts administered by the Department of Administration
16 and projects listed in in Public Law 30-38:2(d), for the purpose of ensuring
17 any shortfalls within other specified Object Categories are both funded and
18 authorized for payment.”

1 Section 10. Summary of Base Operational Appropriation, Object
 2 Categories REG SAL and BENEFITS in Subsection (k) of Chapter V of
 3 Public Law 30-55 is hereby amended to read as follows:

4 **“(k) DEPARTMENT OF PUBLIC WORKS**

5 **SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBL. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
REG SAL	111 Total	\$6,028,670	\$6,675,408	\$12,704,078
BENEFITS	113 Total	\$1,705,722	\$1,948,983	\$3,654,705
Guam Highway Fund		\$7,499,625	\$7,349,625 (111-\$5,080,124	\$4,964,022; 113-\$1,474,355
		\$1,440,457; 230-\$421,000; 240-\$476,146; 363-\$48,000)”		

6
 7
 8
 9
 10
 11 Section 11. A new Subsection (x)(3) of Chapter V of Public Law 30-55 is
 12 hereby added to read as follows:

13 **“(3) Guam Veterans Cemetery Appropriation.**

14 Notwithstanding any other provision of the law, the sum of One
 15 Hundred Fifty Thousand Dollars (\$150,000) is appropriated to the
 16 Guam Veterans Affairs Office for the following use:

- 17 i. Purchase material to sustain cemetery
 18 maintenance efforts for Fiscal Year 2010,
- 19 ii. Procure service to address the deficiencies which
 20 were identified in the August 2009 Department of Veterans

1 Affairs National Cemetery Administration's Triennial Report on
2 the Guam Veterans Cemetery.”

3 **Section 12. Summary of Base Operational Appropriation, Object**
4 **Category CAP. OTLY., Subsection (x) of Chapter V of Public Law 30-55 is**
5 **hereby amended to read as follows:**

6 **“(x) VETERAN'S AFFAIRS OFFICE**

7 **SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBL. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
CAP. OTLY.	450 Total	\$40,000-\$0	\$0	\$40,000-\$0

8
9 **Section 13.** Subsection (x)(4) of Chapter V of Public Law 30-55 is hereby
10 added to read as follows:

11 “(4) The sum of *Forty-Thousand Dollars (\$40,000)* is
12 appropriated for the normal operations and maintenance of the Guam
13 Veterans Cemetery pursuant to and in accordance with the August
14 2009 Department of Veterans Affairs National Cemetery
15 Administration’s Triennial Report.

16 **Section 14. Section 8 of Chapter XIII of Public Law 30-55 is hereby**
17 **amended to read as follows:**

18 **“Section 8. Special Fund Transfer.** Unless specified in this Act, *I*
19 *Maga’lahen Guåhan* is authorized to transfer to the General Fund any cash

1 available from any appropriated Special Fund *or* Revolving Fund to fund the
2 appropriations authorized by this Act.

3 All cash from Special Funds *or* Revolving Funds transferred to cover
4 the appropriations authorized by this Act *shall* be promptly reimbursed to
5 the Special *or* Revolving Fund from which it was withdrawn as cash
6 becomes available.

7 *I Maga'lahen Guåhan shall* submit a report to the Speaker of *I*
8 *Liheslaturan Guåhan* on the fifth (5th) day of every month on all transfers
9 made pursuant to this Section. Said report *shall* enumerate the amount of
10 each transfer, identify the funds to and from which the transfer was made
11 and state the purpose of each transfer.

12 Unless otherwise restricted *or* specifically allowed by this Act, for FY
13 2010 *I Maga'lahen Guåhan* is authorized to transfer up to fifteen percent
14 (15%) between object categories within an agency Fiscal Year 2010 Special
15 Fund base operational (*except* the utility funds) appropriations contained in
16 Chapter V and in Parts II, III and IV of Chapter III of this Act; provided that
17 notice of each transfer and justification therefore are delivered within fifteen
18 (15) working days *after* the transfer is made to the Speaker of *I Liheslaturan*
19 *Guåhan* and the Office of Finance and Budget."

1 **Section 15. Section 77305, Title 12, Guam Code Annotated, Chapter 77,**
2 **Article 3, is hereby amended to read as follows:**

3 "§77305. Cap on GRT Credits for Design and Construction of the
4 Soccer Stadium and Facilities. The total amount of credits against Gross
5 Receipts Taxes for the design and construction of the soccer stadium and
6 facilities authorized herein *shall not exceed* One Million Two Hundred
7 Thousand Dollars (\$1,200,000). The development of soccer facilities in the
8 southern part of the island shall be funded using additional tax credits and
9 matching funds secured."

10 **Section 16. Subsection (d)(3)(C) of Chapter V of Public Law 30-55 is**
11 **hereby added to read as follows:**

12 (C) The sum of One Hundred Thousand Dollars (\$100,000) is
13 appropriated from the Indirect Cost Fund to the Bureau of Budget and
14 Management Research for Payment of Overtime for training of
15 Department of Education personnel at the Financial Services Division
16 and Personnel Services Division specifically to address deficiencies in
17 personnel management and the financial administration of all funds
18 under the purview of the Department of Education, activity related to
19 the American Recovery and Reinvestment Act of 2009 and any other
20 operational costs.

1 **Section 17. Mandating the reimbursement of COLA payments made in**
2 **Fiscal Years 2007, 2008 and 2009.**

3 In June 2009, the Government of Guam successfully sold \$246
4 million dollars of bonds also known as Deficit Bonds to pay for *I*
5 *Liheslaturan Guåhan* wishes to ensure the timely resolution of the payment
6 of remaining unfunded court ordered COLA obligations.

7 *I Liheslaturan Guåhan* further finds 72 retirees who were eligible to
8 be part of the class action suit Rios v. Camacho, Superior Court No.
9 SP0206-93. These retirees who rendered the same services and worked the
10 same number of years in loyal service to the people of Guam are excluded
11 from any payments resulting from the settlement. These retirees believed
12 that the government will treat them fairly and pay them what is due to them
13 without having to take the government to court. Some of these retirees have
14 come forward presenting that the documents were legally technical and long
15 and therefore confusing to them. It asked for a signature and return and
16 some OPT OUT retirees simply executed the document without full
17 realization of its effects. In recognition of these factors and given the small
18 number of retirees who opted out of the court case, and the reasons cited by
19 these retirees, *I Liheslaturan Guåhan* wishes to exercise fairness and include
20 these retirees as beneficiaries of COLA proceeds.

1 Furthermore, *I Liheslaturan Guåhan* finds that the some Autonomous
2 Agencies and Public Corporations were not included in the list of agencies
3 which were required to reimburse the General Fund for the payment of the
4 annual lump sum COLA by the General Fund to their respective retirees.
5 Autonomous Agencies and Public Corporations are independent component
6 units of the government of Guam that are self-funded through operations.
7 Each Autonomous Agency and Public Corporation except the Guam
8 Memorial Hospital has the capacity to fund the annual cost of living
9 adjustments of its retired employees by identifying and implementing
10 operational efficiencies.

11 *I Liheslaturan Guåhan* further finds that after the successful sale of
12 deficit bonds and disbursement of the proceeds in June 2009, a balance of
13 Seventeen Million One Hundred Sixty-one Thousand One Hundred Eighteen
14 Dollars (\$17,161,118) of principal or interest is still owed to qualified
15 retirees based on the judgment rendered in Rios v. Camacho, Superior Court
16 No. SP0206-93 and principal continues to accrue interest at a rate of seven
17 percent.

18 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate the
19 Government of Guam Retirement Fund (GGRF), Guam Visitors Bureau
20 (GVB), Guam Economic Development and Commerce Authority (GEDA),

1 University of Guam (UOG), Guam Community College (GCC), Guam
 2 Power Authority (GPA), Guam Waterworks Authority (GWA) and the Port
 3 Authority of Guam (PAG) reimburse the General Fund for COLA payments
 4 made in Fiscal Year 2007, 2008 and 2009 to fund the principal and interest
 5 still owed to eligible retirees based on the following table:

6	Agency	2007	2008	2009	Total
7	GGRF	\$28,600	\$0	\$0	\$28,600
8	GVB	\$8,800	\$8,800	\$9,900	\$27,500
9	GEDA	\$9,900	\$0	\$0	\$9,900
10	UOG	\$369,600	\$382,800	\$399,300	\$1,151,700
11	GCC	\$183,700	\$194,700	\$195,800	\$574,200
12	GPA	\$382,800	\$392,700	\$402,600	\$1,178,100
13	GWA	\$292,600	\$310,200	\$295,900	\$898,700
14	PAG	<u>\$341,000</u>	<u>\$345,400</u>	<u>\$339,900</u>	<u>\$1,026,300</u>
15	Total	\$1,714,900	\$1,634,600	\$1,643,400	\$4,895,000

16 **Section 18. Mandate of Reimbursements.** The GGRF has determined that
 17 the total amount of Fiscal Year 2007, 2008 and 2009 COLA payments issued to
 18 retirees by the General Fund on behalf of Autonomous Agencies not required to
 19 reimburse the General Fund is **Four Million Eight Hundred Nine-five Thousand**
 20 **Dollars (\$4,895,000).**

1 (a) The GGRF shall reimburse the General Fund for COLA
2 payments made to retirees of the GGRF as follows:

3 (1) from Fiscal Year 2007 the amount of Twenty-eight
4 Thousand Six Hundred Dollars (\$28,600);

5 (b) The GVB shall reimburse the General Fund for COLA
6 payments made to retirees of the GVB as follows:

7 (1) from Fiscal Year 2007 the amount of Eight Thousand Eight
8 Hundred Dollars (\$8,800);

9 (2) from Fiscal Year 2008 the amount of Eight Thousand Eight
10 Hundred Dollars (\$8,800);

11 (3) from Fiscal Year 2009 the amount of Nine Thousand Nine
12 Hundred Dollars (\$9,900);

13 (c) The GEDA shall reimburse the General Fund for COLA
14 payments made to retirees of the GEDA as follows:

15 (1) from Fiscal Year 2007 the amount of Nine Thousand Nine
16 Hundred Dollars (\$9,900);

17 (d) The UOG shall reimburse the General Fund for COLA
18 payments made to retirees of the UOG through the offset of prior year
19 General Fund or Special Fund receivables as follows:

1 (1) from Fiscal Year 2007 the amount of Three Hundred Sixty-
2 nine Thousand Six Hundred Dollars (\$369,600);

3 (2) from Fiscal Year 2008 the amount of Three Hundred
4 Eighty-two Thousand Eight Hundred Dollars (\$382,800);

5 (3) from Fiscal Year 2009 the amount of Three Hundred
6 Ninety-nine Thousand Three Hundred Dollars (\$399,300);

7 (e) The GCC shall reimburse the General Fund for COLA
8 payments made to retirees of the GCC through the offset of prior year
9 General Fund or Special Fund receivables as follows:

10 (1) from Fiscal Year 2007 the amount of One Hundred Eighty-
11 three Thousand Seven Hundred Dollars (\$183,700);

12 (2) from Fiscal Year 2008 the amount of One Hundred Ninety-
13 four Thousand Seven Hundred Dollars (\$194,700);

14 (3) from Fiscal Year 2009 the amount of One Hundred Ninety-
15 five Thousand Eight Hundred Dollars (\$195,800);

16 (f) The GPA shall reimburse the General Fund for COLA
17 payments made to retirees of the GPA as follows:

18 (1) from Fiscal Year 2007 the amount of Three Hundred
19 Eighty-two Thousand Eight Hundred Dollars (\$382,800);

1 (2) from Fiscal Year 2008 the amount of Three Hundred
2 Ninety-two Thousand Seven Hundred Dollars (\$392,700);

3 (3) from Fiscal Year 2009 the amount of Four Hundred Two
4 Thousand Six Hundred Dollars (\$402,600);

5 (g) The GWA shall reimburse the General Fund for COLA
6 payments made to retirees of the GWA as follows:

7 (1) from Fiscal Year 2007 the amount of Two Hundred Ninety-
8 two Thousand Six Hundred Dollars (\$292,600);

9 (2) from Fiscal Year 2008 the amount of Three Hundred Ten
10 Thousand Two Hundred Dollars (\$310,200);

11 (3) from Fiscal Year 2009 the amount of Two Hundred Ninety-
12 Five Thousand Nine Hundred Dollars (\$295,900);

13 (h) The PAG shall reimburse the General Fund for COLA
14 payments made to retirees of the PAG as follows:

15 (1) from Fiscal Year 2007 the amount of Three Hundred Forty-
16 one Thousand Dollars (\$341,000);

17 (2) from Fiscal Year 2008 the amount of Three Hundred Forty-
18 five Thousand Four Hundred Dollars (\$345,400);

19 (3) from Fiscal Year 2009 the amount of Three Hundred
20 Thirty-Nine Thousand Nine Hundred Dollars (\$339,900);

1 Autonomous Agencies in this section *shall* reimburse the General Fund for
2 the cost of funding the annual COLA paid to their respective retirees by September
3 30, 2010.

4 Any Autonomous Agencies or Public Corporations mandated in this section
5 that have already reimbursed or already paid COLA for any amounts in the
6 specified fiscal years are not required to repay said amount.

7 Any remaining COLA reimbursement mandated in this section due from the
8 UOG and GCC after the offset of monies due them from the General Fund for
9 fiscal year 2009 and prior shall not be required.

10 The Government of Guam Retirement Fund and Department of
11 Administration *shall* prepare an official report no later than thirty (30) days of
12 enactment of this act that details the funding source of payments to Autonomous
13 Agency and Public Corporation retirees during Fiscal Years 2007, 2008 and 2009.

14 **Section 19. Inclusion of Retirees in COLA Payments.**

15 Notwithstanding any other provision of law, *I Liheslaturan Guåhan* hereby
16 deem those retirees who initially opted out and are not covered by the settlement
17 agreement in Rios v. Camacho, Superior Court No. SP0206-93, eligible for
18 payment under the same terms and conditions as the certified class. Interest shall
19 not be accrued or paid for any payments due to OPT OUT retirees.

1 The GGRF shall determine the amount of award due to these OPT OUT
2 retirees and reduce the amount by ten percent (10%) to promote parity by
3 accounting for attorney fees awarded in Rios v. Camacho, Superior Court No.
4 SP0206-93.

5 OPT OUT retirees who accept payment authorized in this section shall
6 irrevocably and unconditionally release and forever discharge the government of
7 Guam from all charges, complaints, claims, demands, liabilities, obligations,
8 actions and causes of action of any kind or nature, including for attorneys' fees,
9 interest, expenses and costs actually occurred, that exist or have accrued, whether
10 known or unknown, suspected or unsuspected, arising out of or relating to Rios v.
11 Camacho, Superior Court No. SP0206-93.

12 **Section 20. Authorization to use COLA balance.** Upon the conclusion of
13 COLA case Rios v. Camacho, Superior Court No. SP0206-93, the GGRF
14 performed audits of the individual accounts which resulted in payments due of One
15 Hundred Twenty-one Million Five Hundred Forty-three Thousand Eight Hundred
16 and Two Dollars (\$121,543,802) to the COLA class. The GGRF is hereby
17 authorized to use the balance of **One Million Four Hundred Fifty-six Thousand**
18 **One Hundred Ninety-eight Dollars (\$1,456,198)** from appropriations made in
19 Public Laws 29-04, 29-19, 28-151, 30-7 less COLA payments for obligations listed
20 in Section 22(a) of this Act.

	Appropriations	Total
2	P.L. 29-04	\$8,000,000
3	P.L. 29-19	\$14,000,000
4	P.L. 28-151	\$9,000,000
5	P.L. 30-07	<u>\$92,000,000</u>
6	TOTAL	\$123,000,000
7	Payments	<u>(\$121,543,802)</u>
8	Balance	\$1,456,198

9 **Section 21. A total of Three Million One Hundred Sixty-nine Thousand**
10 **One Hundred Dollars (\$3,169,100)** from the reimbursements referred to in
11 Section 18 of this Act is hereby appropriated as follows:

12 (a) Two Million Twenty-one Thousand Three Hundred
13 Forty-seven dollars (\$2,021,347) to claimants set forth in Title 5
14 Guam Code Annotated, Chapter 6, Article 4, subsections 6404(d)(1)
15 and subsection 6404(d)(2);

16 (b) One Million One Hundred Forty-seven Thousand Seven
17 Hundred Fifty-three dollars (\$1,147,753) for retirees authorized by
18 Section 19 of this Act.

19 (c) The Government of Guam Retirement Fund shall not
20 disburse appropriations in this section to COLA class awardee estates

1 or OPT OUT Retiree estates except pursuant to a court order for
2 distribution or unless heirs are otherwise legally determined.

3 **Section 22. COLA Disbursement Provisions.**

4 (a) The disbursement provisions for the authorization in
5 Section 20 and appropriations in Section 21 are as follows: Principal
6 or Interest from principal owed to claimants set forth in Title 5 Guam
7 Code Annotated, Chapter 6, Article 4, subsections 6404(d)(1) starting
8 with the claimant with the lowest initial award from the class
9 settlement, followed by the next lowest initial award and repeating
10 this disbursement methodology until all the funds appropriated and
11 authorized are exhausted.

12 (b) Payments to retirees in Section 19 shall not exceed
13 Twenty Thousand Dollars (\$20,000).

14 **Section 23. Section 8137 (g) of Article 1, Chapter 8 of Title 4 Guam**
15 **Code Annotated is amended to read:**

16 “8137 (g) For Fiscal Year 2002, separately, the Guam Power
17 Authority, the Guam Telephone Authority, the Guam Waterworks Authority,
18 the A. B. Won Pat Guam International Airport Authority, the Guam
19 Economic Development Authority, the Guam Housing Corporation, The
20 Government of Guam Retirement Fund, the Port Authority of Guam, ~~the~~

1 ~~Guam Memorial Hospital Authority,~~ and the Guam Visitors Bureau shall
2 remit to the Government of Guam Retirement Fund an amount equal to the
3 number of employees which are retired from each entity multiplied by the
4 amounts of: (1) Four Thousand Two Hundred Thirty-eight Dollars
5 (\$4,238.00), known as the sum of the One Thousand Two Hundred Dollars
6 (\$1,200.00), One Thousand Five Hundred Dollars (\$1,500.00), Seven
7 Hundred Dollars (\$700.00) and Eight Hundred Thirty-eight Dollars
8 (\$838.00) supplemental annuity benefits formerly contained in various
9 General Appropriation Acts; and (2) One Thousand One Hundred Dollars
10 (\$1,100.00), known as the latest cost of living adjustment. Each of the
11 above listed entities shall also remit to the Government of Guam Retirement
12 Fund the amounts necessary to defray the cost of Medicare premiums for
13 Retirees of those agencies and their survivors who are eligible to receive
14 social security income benefits and are required under the government of
15 Guam group health insurance program to pay such premiums to continue to
16 participate in such health insurance program, failing which they are excluded
17 therefrom (to continue existing programs contained in the monthly
18 payments).

19 The remittances required herein shall be made in two (2) equal
20 installments and shall be due on or before December 31st and March 31st,

1 respectively. The Government of Guam Retirement Fund shall promulgate,
2 continue and amend, if necessary, previous administrative procedures to
3 ensure the proper submission, receipt and accounting of all sums remitted in
4 conformance with this section.”

5 **Section 24. Section 23104(a)(1) of Chapter 23, Title 5 Guam Code**

6 **Annotated is amended to read as follows:**

7 “§23104 (a)(1) If the employee is the Governor, Lieutenant Governor, a
8 member of the Legislature, ~~or a Judge, or a Mayor or Vice-Mayor,~~ the rates are
9 One Hundred Thirty Percent (130%) of the basic per diem rates;”

10 **Section 25. Summary of Base Operational Appropriation, Object**
11 **Categories REG SAL, BENEFITS, SUP. & MAT, Chapter III, Part III,**

12 **Section 1 of P.L. 30-55 is hereby amended to read as follows:**

13 **“SUMMARY OF BASE OPERATIONAL APPROPRIATION**

APP CLASS	OBJ. CLASS	GENERAL FUND	SPECIAL FUND(S)	TOTAL AMOUNT
REG SAL	111 Total	\$3,621,143 <u>\$3,494,880</u>	\$807,761	\$4,428,874 <u>\$4,302,641</u>
BENEFITS	113 Total	\$1,200,228 <u>\$1,154,599</u>	\$265,591	\$1,465,819 <u>\$1,420,190</u>
SUP. & MAT.	240 Total	\$1,627,754 <u>\$1,477,754</u>	\$327,855	\$1,955,609 <u>\$1,805,609</u> ”

18 **Section 26. Section 6 of Chapter III, Part III of Public Law 30-55 is hereby**
19 **added to read as follows:**

20 **“Section 6. Appropriations for new *I Famagu'on-ta***

21 **Wraparound Care Teams. Notwithstanding any other provisions of**

1 the law, the sum of One Hundred Twenty-six Thousand Two Hundred
2 Thirty-three dollars (\$171,862) is appropriated from the General Fund
3 to the Department of Mental Health and Substance Abuse, Child and
4 Adolescent Service Division to fund two (2) new *I Famagu'on-ta*
5 Wraparound Care Team consisting of two (2) Care Coordinator; two
6 (2) Psychiatric Social Worker II; two (2) Social Worker III; one (1)
7 Community Program Aide II; one (1) Psychiatric Social Worker II;
8 and one (1) Social Worker II.

9 **Section 27.** Subsection (r)(4) of Chapter V of Public Law 30-55 is hereby
10 added to read as follows:

11 **“(4) Appropriations to the Department of Youth Affairs for**
12 **Nurse and medication.** Notwithstanding any other provision of the
13 law, the sum of One Hundred Fifty Thousand (\$150,000) is
14 appropriation from the General Fund to the Department of Youth
15 Affairs to fund medication for clients and one (1) Nurse.”

16 **Section 28.** **Section 23 of Chapter XIII of Public Law 30-55 is hereby**
17 **added to read as follows:**

18 **“Section 23. Authorization to make payments of prior year**
19 **obligations.**

1 Notwithstanding any other provision of law, all government of Guam
2 agencies in Chapter V are authorized to utilize Fiscal Year 2010
3 appropriations to pay for prior year obligations. Payments of prior year
4 obligations with Fiscal Year 2010 appropriations shall only be authorized
5 from the same object class category as the prior year obligation. I
6 Maga'lahaen Guåhan shall submit a report to the Speaker of I Liheslaturan
7 Guåhan on the fifth (5th) day of every month detailing any payments of prior
8 year obligations made pursuant to this Section. Said report shall enumerate
9 the amount of each payment and funding source used to pay said
10 obligations.”

11 **Section 29. General Fund Guarantee for the Guam Waterworks**
12 **Authority loan.**

13 The government of Guam hereby guarantees all payments due for a
14 maximum ten (10) year term that would be due under the Thirty Million Dollar
15 (\$30,000,000) credit facility issued by the Guam Economic Development
16 Authority on behalf of the Guam Waterworks Authority (GWA) authorized under
17 Section 14235 of Article 2 of Chapter 14 of Title 12 Guam Code Annotated for the
18 purpose of securing a Thirty Million Dollar (\$30,000,000) loan to provide funds
19 for the Moratorium Project, fund certain reserve accounts and other purposes
20 approved by the Consolidated Commission on Utilities. This Guarantee is a

1 general obligation of the government of Guam, subject to the full faith and credit
2 of the government of Guam. The Guarantor consents to any and all extension of
3 time and waiver or modification of obligations guaranteed hereunder.

4 **Section 30. GWA Default.** In the event that the Guam Waterworks
5 Authority defaults on any payments for loans authorized under Section 14235 of
6 Article 2 of Chapter 14 of Title 12 Guam Code Annotated and the Government of
7 Guam by virtue of its Loan Guarantee in Section 29 of this Act pays any principal
8 or interest toward said loan, the following provisions shall apply:

9 1) The Guam Waterworks Authority shall repay the General
10 Fund the full value of any payments made plus annual interest at a
11 rate which is three per cent (3%) above the existing Bank Note rate
12 and a default fee equal to an additional five percent (5%) of each
13 defaulted amount.

14 2) The obligation will continue to be subordinate to GWA's
15 2005 Series Bond Indenture.

16 **Section 31. Refunding of Loan.** The outstanding balance of the loan
17 authorized in Section 14235 of Article 2 of Chapter 14 of Title 12 Guam Code
18 Annotated and obligations incurred under provisions in Section 30 of this Act shall
19 be refunded or repaid as part of the next Water and Wastewater System Revenue
20 Bond issue for the next series of GWA capital improvement projects. The General

1 Fund guarantee authorized in Section 29 of this Act shall end upon retirement of
2 the loan authorized in Section 14235 of Article 2 of Chapter 14 of Title 12 Guam
3 Code Annotated.

4 **Section 32. Subsection (o)(4) of Chapter V of Public Law 30-55 is**
5 **hereby added to read as follows:**

6 “(4) Department of Corrections Collections. The Department of
7 Corrections is authorized for its Fiscal Year 2010 operations to expend up to
8 the level of revenues collected for the Corrections Revolving Fund in Fiscal
9 Year 2010 for overtime and special pay.”

10 **Section 33. Severability.** If any provisions of this Act or the application
11 thereof to any person or circumstance is held invalid, such invalidity shall not
12 affect any other provision or application of this Act which can be given effect
13 without the invalid provision or application, and to this end the provisions of this
14 Act are severable.

15
16



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
 Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 Wednesday, February 3, 2010
BILL NO. 317-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
7 (COLA) Mrs. Gloria Nelson	P.O. Box 10513 Tam Gu 96931	646-2451	tblhena@guam.net			Yes/No
10.3 (COLA) Miguel-Angel Sandoval Rivera	UOG Mangilao 96913	735-2942	2nd@guam.org			No
Major (COLA) Zeny Suncion-Nava	11470 E MARIANA PR 96913	477-1237	PT: a@pangelinan.net			Yes



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
FRANK HILL (COR)	Primo Ave	7340735			✓	yes
Barbara Reilly (COR)	Chalco Pkwy	4226147			✓	
Taitague Mayor	TALICAN	782-2134		✓		yes



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
+ RICHARD LAI	BARBARA	788-0999	RichardLai@go10.com		X	Yes
+ VALBORTINO SAN GIL	Lawson				X	Yes
+ Tony ADA	Manlyland				X	Yes



Mina' Trenta Na Liheslaturan Guahan
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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
+ Jane Ferris (GNH)		647-2934	jane.ferris@gnh.gu	✓	✓	✓
T FRANCISCO L. ROBERTO		482-3866	francisco@prty.gov.gu	✓	✓	✓
+ XXXXXXXXXX	DOE	720-1550	XXXXXXXXXX@net			✓
+ XXXXXXXXXX	DOE					✓



Mina' Trenta Na Liheslaturan Guahan
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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
+ Matao Pagut	Mungilao	633-5844				Yes
+ Oling Jackson	" "	" "				Yes
X Faet Ben Carrido	Tumuning	646-1939			✓	Yes
X Myahar W. Dandy	AGANA HTS	472-9255		X		Yes



Mina' Trenta Na Liheslaturan Guahan
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 Senator vicente "ben" c. pangelinan

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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Ernest Changozaf	Merizo	828-8392			✓		
Frankie O. Robledo JR.	Salt Lake	545-2447			✓		
TRICK AGUSTIN	PAS				✓		
JOSE CUEVABA	PAG						



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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Joquin Flores	G-10A	646-3180			<input checked="" type="checkbox"/>	
Franklin Torres		482-4666	Mayor Is. Ayhanan		<input checked="" type="checkbox"/>	Yes
Betha Suarez		475-9318			<input checked="" type="checkbox"/>	Yes
John Bernard	GWA	647-2600		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	



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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
✓/ Carmen Santos	GCC		Carmen.kwet Santos@guamcc.edu	✓		No
✓/ Tom Dieg's	Inarayan		tomdiego-guam @yahoo.com			Yes
+ Fred Infiquan	6VVO		Fred.infiquan@guam.gov	✓		Yes



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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
NITO C. VILAS	MARILLO	734-8112			✓	✓
CAROL S. TAYAMA	AGAT	888-1492			✓	✓
Melissa Savarus	Delada				✓	✓



Mina' Trenta Na Liheslaturan Guahan
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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT No
Victor Durans	Innanjan	728-0001			✓	



Mina' Trenta Na Liheslaturan Guahan
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NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Angel Sablan	MCOG	4726940			✓	✓
Magnus M. M. M. M.					✓	✓



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
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BILL NO. 317-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Melissa	14 Km 653 477 3				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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



FELIX P. CAMACHO
Governor of Guam
MICHAEL W. CRUZ
Lieutenant Governor of Guam

PORT AUTHORITY OF GUAM
ATURIDAT I PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
GOVERNMENT OF GUAM
1026 Cabras Highway, Suite 201
Piti, Guam 96915



Telephone: (671) 477-5931/35
(671) 477-2683/85
Facsimile: (671) 477-2689/4445
Webpage: www.portofguam.com

February 3, 2010

The Honorable Vicente C. Pangelinan
Chairman
Committee on Appropriations, Taxation, Banking,
Insurance, Retirement, and Land
Suite 101 Quan Building
324 W. Soledad Avenue
Hagåtña, Guam 96910

Re: Testimony on Bill No. 317-30 an act to reprogram and appropriate funds for various programs and projects and other purposes for Fiscal Year 2010.

Hafa Adai Mr. Chairman and Members of the Committee:

I want to thank you for this opportunity to provide testimony on behalf of the Port Authority of Guam Board of Directors regarding Bill No. 317-30 **AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010**. For the record, my name is Monte Mesa, Chairman of the Board of Directors for the Port Authority of Guam.

While the Port Authority of Guam supports the intent of this legislation, we do have some concerns that we feel need to be addressed before moving forward. Specifically, our concerns are that any further erosion of our revenues will severely hamper our Modernization Efforts.

As you all know, the Port has engaged in the most aggressive modernization program this government has ever seen. We are currently awaiting word from our federal partners on a \$50 million ARRA grant application. Once approved, that will trigger the awarding of about \$50 Million in USDA loans. All those funds combined will be used to implement Phase 1 of our Modernization Program.

The USDA loans require a debt service and that is why we went before the PUC recently for an interim tariff increase to help pay back this anticipated debt. We were successful with nearly all our requests before the PUC but even the commissioners noted that the

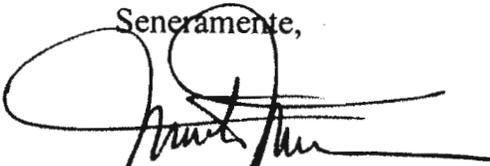
increases will not be sufficient to pay down the debt service. According to the January 21st ***“Report of the Interim Tariff Review for the Port Authority of Guam For Guam Public Utilities Commission Support Docket 09-02”*** prepared by Slater & Nakamura, *“It can be concluded that the proposed tariff increases are insufficient to meet the needs of the PAG in achieving its stated Mission and Vision. Based upon this, the increase is considered “just” and “reasonable” however, it should be examined to determine if a higher increase is required or if the debt servicing ratio should be reduced or both.”* It is clear that the Port’s current revenue trends are lower than plan and currently the PUC has determined that the Port may face a huge financial challenge to fund its modernization plan even with the approved interim 3.4% increase in Port tariffs.

This legislation would require that the Port Authority of Guam pay \$1.2 Million to the General Fund. That money is desperately needed in order for us to fulfill our mission and our plans to create a world-class facility ready to serve our entire community, which includes all of our retirees.

It should also be noted that during the year ended September 30, 1997, the Port Authority of Guam transferred \$3,500,000 (\$3.5 Million) to the Government of Guam Autonomous Agency Infrastructure Collection Fund. That money was never reimbursed to the Port. Also, in December of 1997, the Guam Legislature passed and the Governor signed Public Law 24-117, the “Super Typhoon Paka Emergency Recovery Act,” which authorized the Governor of Guam to expend funds from Government of Guam autonomous agencies for the purpose of providing and restoring damaged government services and infrastructure to the people of Guam. On May 15, 1998, the Port transferred \$2,000,000 to the Government of Guam. Although required by the law, those funds also were never reimbursed to the Port Authority of Guam.

It is our desire to see any funds you would like the Port to pay the General Fund through this proposed legislation to be off-set by the millions still owed to the Port Authority of Guam. Due to our agency’s aggressive efforts to modernize our facility to prepare for the growth of our community and our region and the need to expand our Port-related facilities, we respectfully request that you allow our funds to stay with our agency so that the Port Authority of Guam can continue to serve as the lifeline of our entire community.

Seneramente,

A handwritten signature in black ink, appearing to read 'Monte Mesa', written over a large, stylized circular flourish.

Monte Mesa
Chairman

Testimony of Dr. Mary A.Y. Okada

President

Guam Community College

Bill Number 317-30

Presented by Carmen K. Santos, CPA,

GCC Vice President for Business & Finance

Senators, thank you for allowing me to appear before you to discuss the matter of Bill Number 317-30, An Act to Reprogram and Appropriate Funds For Various Programs and Projects and other purposes for Fiscal Year 2010.

While the intent of the bill is admirable, I am here to point out how this bill would adversely affect the Guam Community College's financial situation. The bill requires that GCC pay a total of \$574,200 as reimbursement for COLA payments made covering Fiscal Years 2007, 2008, and 2009, in order to reimburse the General Fund for the principal and interest still owed to eligible retirees as a result of the COLA retirees settlement ordered by the Superior Court of Guam.

GCC recognizes the hard work of the many retired Government of Guam employees and does not dispute the fact that they may need cost of living allowances. However, I must point out that the bill errs in including the Guam Community College in its list of autonomous agencies. GCC is not fully autonomous, except with regard to our accreditation standards. GCC relies heavily on our allotment from the General Fund each fiscal year. General fund monies currently fund 93 percent (or \$12,272,420 of \$13,148,088) of all employee positions at the college. For the last two years in a row, GCC has received approximately \$13.2 million for its General Fund allotment, even though we have increased our high school programs and our enrollment has increased tremendously over that period. This academic year alone, postsecondary enrollment jumped by 18.75 percent during the Fall Semester, and eight percent during our recently completed Spring 2010 enrollment, which traditionally has a lower enrollment number than that of the fall semester. Although it is a challenge to keep up with the increasing demands for workforce education and training in our community while our budget does not reflect these increases, we believe it to be a good sign that so many people are turning to GCC to acquire new skills in order to improve their employment opportunities.

If we were to lose over half a million dollars of our allotment for this year, it would greatly impact our ability to pay our current year obligations for student support and instruction. The Spring semester is already well

underway and instructors have already started teaching full classes. As an institution accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, we are sensitive to the requirements set forth in their standards. Standard III, which covers Financial Resources, states: "Financial resources are sufficient to support student learning programs and services and to improve institutional effectiveness." Using over half a million dollars of our budget to pay for this liability may jeopardize our ability to meet this standard, especially in light of the fact that GCC is now preparing for its reaffirmation of accreditation, which we are confident we will be granted during our comprehensive ACCJC visit in Spring 2012.

Senators, you know that GCC is one of the most fiscally responsible agencies of the government. For the last eight years, the college has been able to maintain clean audits. We have been very fortunate to have dedicated staff who ensure that we are fiscally accountable. Every investment in the Guam Community College has proven to be a wise one. We account for all funds that are given to us, but we do need every penny of our allotment. In Fiscal Year 2006, the college did not receive \$2,578,344 of its appropriation. This "hold back" also came at a time when GCC had to pay the \$3 million dormitory loan when it converted the proposed dormitory to the administration building after the damage sustained by Super typhoon Pongsona. We are still managing that debt and will have our obligation repaid by the end of 2010.

Another important point I would like to make is that Public Law 21-03 exempted GCC from the unfunded retirement liability. Section 31113 of Chapter 31 of Title 17 of the Guam Code Annotated states that: "The annual allocation of the Unfunded Retirement Fund Contribution Payable relating to the employees of the Guam Community College as determined by an independent auditor will not be reported on the financial statements of the Guam Community College. These allocations, including allocations for previous years, will be the responsibility of the government of Guam General Fund."

Although this law specifically refers to unfunded retirement liabilities, COLA is awarded to eligible retirees from the General Fund, and in our opinion, should be an obligation of the General Fund. So requiring GCC to pay back \$574,200 in COLA payments, as Bill Number 317-30 would do, would be in direct contravention of Public Law 21-03, which states that unfunded retirement liabilities are the responsibility of the General Fund. While we understand that the government needs additional cash for other agencies' funding requirements, we believe it would be unfair to burden us further with this debt that is mandated by law to be paid for by the General Fund.

In addition, this debt would adversely impact our mission, which is to be a leader in career and technical workforce development by providing the

highest quality education and job training in Micronesia. In the past several months, you have seen the increasing demands for programs, and the college has been responding to these demands from our students and from the industries in our community while also dealing with the untimely release of allotments. If GCC continues to be included in this legislation, all of the students that are attending GCC to earn associate's degrees and certificates in order to better position themselves for employment in our expanding economy will be affected as well.

We therefore urge you to remove both the Guam Community College and the University of Guam from the list of autonomous agencies required to reimburse the General Fund for COLA payments in Bill 317-30.

Si Yu'os ma'ase for the opportunity to provide this testimony and for your continued support of the Guam Community College. Your commitment and investment in our institution is greatly appreciated by our faculty, staff, and most importantly, our students and their families.



GUAM HOUSING CORPORATION

Korporasion Ginima' Guahan

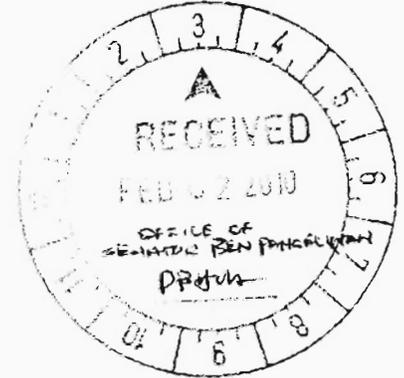
P.O. Box 1457, Hagatna, Guam 96931

Felice P. Camacho
Governor of Guam

Michael W. Cruz, MD
Lt. Governor of Guam

January 28, 2010

Honorable Senator Ben C. Pangelinan
Chairman
Committee on Appropriations,
Taxation, Banking, Insurance, and Land
Mina Trenta Na Liheslaturan Guahan
324 W. Soledad Ave.
Suite 100
Hagatna, Guam 96910



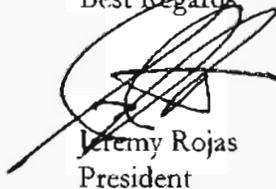
Hafa Adai Senator Pangelinan:

I would like to thank you for your letter dated January 27, 2010 in regard to the public hearing for Bill No. 317-30 (COR).

In reviewing Bill No. 317-30 (COR) we have found that GHC would be required to reprogram funds to pay the reimbursement of COLA Payments for Fiscal Year 2007. Our records show that the Guam Housing Corporation has paid this liability. Please refer to the attached documentation and payment receipts which show payment has been made to reimburse the General Fund.

Please contact me at 647-4143 if there are any questions regarding this matter.

Best Regards



Jeremy Rojas
President

Cc: GHC Board Chairperson
Deputy Chief of Staff, Office of the Governor

590 S. Marine Corps Drive, Ste. 514 ITC Building, Tamuning, Guam 96931
Telephone Number (671) 647-4143/46 • Fax Number (671) 649-4144

GUAM HOUSING CORPORATION

Payee Treasurer of Guam
Vendor ID Treasurer of Gu Cola Account #:

U16640
16640
12/28/2007

Payment for GMC Retirees for Cola Benefits
Fy2007 Inv07-001
Fy2008 Inv08-003

Check Description

Amount
\$35,200.00

GUAM HOUSING CORPORATION

Korporasion Gihina' Guahan
OPERATIONS ACCOUNT
P.O. BOX 3457
HAGATNA, GUAM 96932

BANK OF GUAM
AGANA, GU 96932
101-511/1214

016640

*****Thirty Five Thousand Two Hundred and 00/100 Dollars

DATE 12/28/2007 - AMOUNT \$35,200.00

PAY TO THE ORDER OF: Treasurer of Guam

NON-NEGOTIABLE
AUTHORIZED SIGNATURE
VOID AFTER 90 DAYS

⑆016640⑆ ⑈1121405115⑈ 06010018993⑆

Month of DEC. 26 2007 No. 2008-0209

TO TREASURER OF GUAM



OPERATIONS ACCOUNT

Account No. 0601-018773

STATEMENT OF ACCOUNT

DISTRIBUTION (DEBIT)

DATE	DESCRIPTION	AMOUNT	✓	ACCOUNT	DETAIL	✓	AMOUNT	✓	
2007 DEC. 26	PAYMENT FOR GHC RETIREES								
	FY2007 COLA BENEFITS INV.NO. 07-004	17,800.00							
	FY2008 COLA BENEFITS INV.NO. 08-003	17,800.00							
		35,200.00		5044			35,200.00		
TOTAL				TOTAL					

35,200.00

APPROVED FOR PAYMENT

HOW PAID

REQUESTED BY:	REVIEWED BY:	CERTIFIED FUND AVAILABLE:	APPROVED:	APPROVING AUTHORITY:	DATE	CHECK NO.	AMOUNT	DEDUCTION	NET AMOUNT OF CHECK
<i>[Signature]</i> ACCTG. TECH III	CLYDE BEAVER-Q.A. OFFICER	ALYSIA T. LEON GUERRERO ACCOUNTING MANAGER 12/26/2007	<i>[Signature]</i> JEREMY ROJAS-MANAGER	JOSE R. BUEVARA JR-PRESIDENT 12/27/07	Dec. 28	16646			35200.00

DISTRIBUTION:

White - GENERAL LEDGER; Yellow - SUBSIDIARY; Pink - ORIGINATION

REQUEST PAYMENT VOUCHER

GUAM HOUSING CORPORATION

0166

Payee Treasurer of Guam
Vendor ID Treasurer of Gu Cola

Account #:

16640
12/28/2007

Check Description	Amount
Payment for GHC Retirees for Cola Benefits	\$35,200.00
Fy2007 Inv07-001	
Fy2008 Inv08-003	

TREASURER OF GUAM
(671)475-1122/(671)475-1105

RECEIPT NO: 2007723255
 DATE: 12/31/07 11:01
 LOCATION: 01/A2
 CASHIER: TOSADAME
 PAY METHOD: CASH
 AMOUNT: \$35,200.00

 REFERENCE NO: GUAM HOUSING COR
 DOCUMENT NO: 016640
 TAX TYPE: CDA110028140
 AMOUNT: \$35,200.00

TOP COPY-MERCHANT BOT COPY-CUSTOMER



Felix P. Camacho
Governor
Michael W. Cruz
Lieutenant Governor

Department of Administration
(DIPATTAMENTON ATEMENSTRASION)
DIVISION OF ACCOUNTS
(DIBISION KUENTA)

Post Office Box 884 Hagatña Guam 96932
Tel: (671) 477-0080 Fax: (671) 472-8483
Website Address: www.admin.gov.gu/doa/



Lourdes M. Perez
Director
Joseph C. Manibus
Deputy Director

December 20, 2007

MEMORANDUM

To: Administrator, Guam Housing Corporation
FROM: Director, Department of Administration
Subject: Agency Share for Cola Annuities

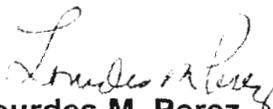
Buenas!

In accordance with the Fiscal Year 2007 Budget Act (Public Law 29-02) autonomous agencies are to remit to the Department of Administration an amount to cover the cola benefits for their respective retirees payable in one installment.

Attached is our billing invoice indicating amount due for cola annuities for retirees from your agency. The full payment is due upon receipt of this billing invoice or no later than December 31, 2007. Failure to remit these amounts may result in non-payment of cola checks for retirees of your agency.

If you have any questions, you may contact Tera Camacho at 475-1140.

Thank you for your attention to this matter.


Lourdes M. Perez

Attachments

Retiree Cola Billing invoice
Retiree listing



Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

GOVERNMENT OF GUAM
DEPARTMENT OF ADMINISTRATION
DIVISION OF ACCOUNTS

Post Office Box 884 Hagatna, Guam 96932
Tel: (671) 477-0078/475-1266 Fax: (671) 472-8483



Lourdes M. Perez
Director

Joseph C. Manibusan
Deputy Director

INVOICE

Invoice No: 07-001

Please mention Invoice No. when making remittances. Make check payable to: Treasurer of Guam.

YOUR ORDER NO: GUAM HOUSING CORPORATION
8700

Date: December 21, 2007.

REFERENCE: COLA- BILLING FOR FISCAL YEAR 2007

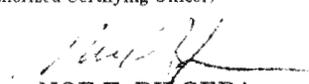
No	ITEM NO.	ITEM DESCRIPTION	TOTAL AMOUNT	AMOUNT DUE
1				
2		COLA FOR FISCAL YEAR 2007	17,600.00	17,600.00
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
TOTAL			17,600.00	

Billing Instructions:

1. Prepare one (1) original and four (4) copies.
2. Forward original and one (1) copy to payer.
3. One (1) copy to journal entries.
4. One (1) copy to activity selling articles of services.
5. One (1) copy to Invoice files.

I CERTIFY THAT THE ABOVE BILL IS CORRECT AND JUST AND THAT PAYMENT THEREFORE HAS NOT BEEN RECEIVED.

SIGNATURE (Authorized Certifying Officer)


NOE F. BILGERA

ACCOUNTING MANAGER

DEPARTMENT OF ADMINISTRATION
DIVISION OF ACCOUNTS
COLA BILLING
FISCAL YEAR 2007

Dept	Check Name	Chk No	Amount	Address 1	Address 2	Address 3	St	Zip Code
8700	AGUON, EDWARD R	163604	1,100.00	P O BOX 11096		YIGO	GU	969290000
8700	BAUTISTA, ROGELIO C	161302	1,100.00	115 ROQUE CT		BARRIGADA HEIGHTS	GU	969130000
8700	BLAS, MARCELLA D	165004	1,100.00	P O BOX 2338		HAGATNA	GU	969320000
8700	CEPEDA, JOAQUIN B	161344	1,100.00	214 W ROUTE 8		BARRIGADA	GU	969130000
8700	CERTEZA, TIMOTEO Q	160807	1,100.00	2071 WENDOVER LANE		SAN JOSE	CA	951211471
8700	CRUZ, DAVID P	165206	1,100.00	P O BOX 5152		HAGATNA	GU	969320000
8700	CRUZ, JOSEPH S	164463	1,100.00	P O BOX 6768		TAMUNING	GU	969310000
8700	DUNGA, ALFRED C	164495	1,100.00	P O BOX 9374		TAMUNING	GU	969310000
8700	JOHNS, ROBERT A	161433	1,100.00	859A ROUTE 16		BARRIGADA	GU	969130000
8700	PAULINO, AUGUSTO LG	164671	1,100.00	P O BOX 9041		TAMUNING	GU	969310000
8700	PORTODO, JOSEFA B	163484	1,100.00	P O BOX 7103		AGAT	GU	969280000
8700	SABLAN, ALFRED F	164143	1,100.00	P O BOX 11013		YIGO	GU	969290000
8700	SABLAN, ANTONIA R	166081	1,100.00	P O BOX 923		HAGATNA	GU	969320000
8700	SANCHEZ, ANA SN	166159	1,100.00	P.O. BOX 4900		HAGATNA	GU	969320000
8700	SANTOS, JUAN B	166192	1,100.00	P O BOX 2469		HAGATNA	GU	969320000
8700	SANTOS, LOURDES B	166196	1,100.00	P O BOX 1099		HAGATNA	GU	969320000
	Total		17,600.00					

1 3rd Priority – All other FY 2008 appropriations.

2 **Section 28. Audit Supplementary Information.** The Public Auditor and
3 the Director of Administration *shall* ensure that the audit of the government of
4 Guam Financial Statements contains the following supplementary information:

5 (a) A Schedule of Personnel Count indicating the number of filled
6 positions by department, fund source and amount expended as of
7 September 30, 2007; and

8 (b) A Combined Schedule of Expenditure, Encumbrances and
9 Continuing Appropriations by department, fund source and object
10 classification as of September 30, 2007.

11 **Section 29. COLA Payment Option and COLA Payments by**
12 **Autonomous Agencies.** (a) The A. B. Won Pat International Airport Authority,
13 Guam, the Guam Economic Development and Commerce Authority, the Guam
14 Housing Corporation, and the Government of Guam Retirement Fund *shall* pay a
15 “Cost of Living Allowance” (COLA) in a single payment of One Thousand One
16 Hundred Dollars (\$1,100) to every Government of Guam Retirement Fund
17 annuitant who retired from each respective aforementioned agency who were
18 receiving COLA as of September 30, 2007, *or* their survivors.

19 (b) Each agency mentioned in subsection (a) *shall* reimburse the General
20 Fund for any COLAs paid by the Fund in Fiscal Year 2008 to annuitants who have
21 retired from that agency and their survivors.

22 (c) All COLA recipients, regardless of fund source, *shall* be paid by lump
23 sum payment *no later than* November 30, 2007, unless the annuitant chooses in
24 writing to receive bi-monthly payments from October 1, 2007 through September
25 30, 2008.



February 3, 2010

Testimony of Mr. Gerald S.A. Perez, General Manager, Guam Visitors Bureau on Bill No. 317-30 (COR):

AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

Mr. Chairman and members of the Committee on Appropriations, Taxation, Banking, Insurance and Land. For the record, my name is Gerald S.A. Perez, General Manager of the Guam Visitors Bureau. I am submitting herewith the Bureau's written testimony on Bill No. 317-30 (COR).

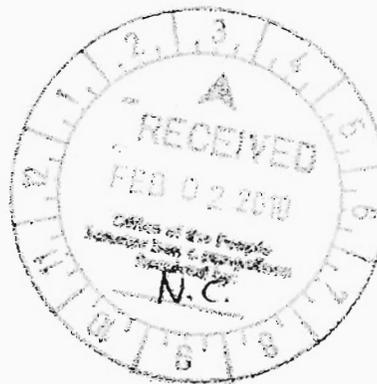
The Bureau has been able to pay for budgeted retirement fund obligations, even when shorted its cash allotments, as was the case in fiscal year 2009 when actual revenues ended up below expectations. We have been able to do this by exercising prudence in program spending and management of our cash allotments.

Bill 317-30 (COR) imposes a \$27,500 obligation for which no provision was made in the Bureau's FY2010 operating budget, and for which funds have already been programmed or committed by the Board.

As a matter of principle, the Bureau believes that this obligation rests with the General Fund, and that the payment source for this burden should not come from the Tourist Attraction Fund.

Sincerely,

Gerald S.A. Perez
General Manager





P.O. Box 8770
Tamuning, GU 96931

Tel (671) 646-0300
Fax (671) 646-8823

www.guamairport.com

February 3, 2010

Senator vicente c. pangelinan
Mina Trenta Na Liheslaturan Guahan
324 W. Soledad Ave. Suite 100
Hagatna, Guam 96910

Reference: Written Testimony in Reference to BILL 317-30

Dear Senator Pangelinan:

The A. B. Won Pat International Airport Authority, Guam (GIAA) has reviewed Bill No. 317-30 (COR) "An Act to Reprogram and Appropriate Funds for Various Programs and Projects and Other Purposes For Fiscal Year 2010."

In reviewing our records, we have verified that payments have been made for COLA reimbursement by the Airport Authority to the Treasurer of Guam for all applicable fiscal years. Therefore, the Authority has fulfilled the intent of the proposed legislation, specifically with regard to Section 16 (b). Please also note that the liability amount of Eighty Thousand Three Hundred Dollars (\$80,300) from Fiscal Year 2007 in Section 16(b) differs from our 2007 COLA recorded payables of Seventy Two Thousand Six Hundred Dollars (\$72,600.00), an amount which was remitted to the Treasurer of Guam in January of 2008. Attached is a copy of documents for your files.

We believe that GIAA has fulfilled its COLA obligations and thus, Bill No. 317-30 (COR) should preclude GIAA from any further financial obligations. We will be glad to answer any questions you may have in this regard.

Regards,

Carlos H. Salas
Executive Manager

Attachment(s)
cc: GIAA Board Chairman



13417 36 D

A.B. Won Pa
GUAM INTERNATIONAL AIRPORT AUTHORITY
(ATURIDAT PUETTON BATKON AIREN GUAF-2 TENASIONAT)
P.O. BOX 8770 TAMUNING GUAM 96931 - Tel: 646-0300

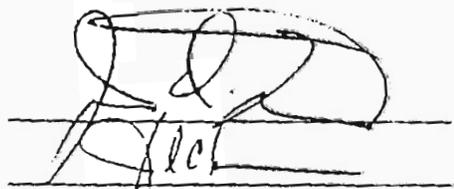
CHEQUE (NO. 0097886 101-551 1314

DATE	AMOUNT
01/18/08	\$*****147,950.00

PAY One Hundred Forty-Seven Thousand Nine Hundred Fifty And No/100 Dollars

TO THE ORDER OF

Treasurer of Guam Department of Administration P O BOX 884 HR Division Hagatna GU 96932
--



Bank of Guam
P.O. BOX 600
HAGATNA GUAM 96901

DOCUMENT BACKGROUND IS PRINTED IN BLUE AND RED INKS. BACK OF DOCUMENT HAS AN ARTIFICIAL WATERMARK.
 "0097886" (121405115: 01010000379"

16

GUAM INTERNATIONAL AIRPORT AUTHORITY CHECK NO. 0097886

DATE	DESCRIPTION	AMOUNT
093007	07-001 COL FY 2007 Cola GTAA	72,600.00
122107	08-001 COL Cola FY 2008	75,350.00
TOTALS		\$*****147,950.00



Treasurer of Guam
 Department of Administration
 P O BOX 884 HR Division
 Hagatna GU 96932

706

104

A.B. Won Pat
GUAM INTERNATIONAL AIRPORT AUTHORITY
 (ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT)
 P.O. BOX 8770 TAMUNING GUAM 96931 - Tel (671) 546-0300

CHK (NO. 0100714 101-512 1214

DATE	AMOUNT
11/19/08	\$*****74,800.00

PAY Seventy-Four Thousand Eight Hundred And No/100 Dollars

TO THE ORDER OF

Treasurer of Guam
 Department of Administration
 P O BOX 884 HR Division
 Hagatna GU 96932

Bank of Guam
 P.O. BOX 897
 HAGATNA, GUAM 96932

[Handwritten Signature]

[Handwritten Signature]

DOCUMENT BACKGROUND IS PRINTED IN BLUE AND RED INKS. BACK OF DOCUMENT HAS AN ARTIFICIAL WATERMARK.

⑈0100714⑈ ⑆12140515⑆ 01010000379⑈

GUAM INTERNATIONAL AIRPORT AUTHORITY

CHECK NO.

0100714

DATE	DESCRIPTION	AMOUNT
110708	09-001 COL Cola FY2009	74,800.00
GUAM INTERNATIONAL AIRPORT AUTHORITY RECEIPT ACKNOWLEDGED <i>[Signature]</i> SIGNATURE <i>C. FLORES</i> PRINT NAME <i>Chief Admin Support</i> (COMPANY DEPARTMENT) DATE <i>11/24/08</i> TIME <i>9:13am</i>		
TOTALS		\$*****74,800.00

TOTAL \$74,800.00
 Department of Administration
 P O BOX 884 HR Division
 Hagatna GU 96932

I CERTIFY THAT THE ABOVE IS CORRECT AND JUST AND THAT

FOLD

U.S. PATENT No. 4,511,448

REGISTERED TRADEMARK

FOLD

INNOVATIVE BUSINESS SOLUTIONS

PROTECTED BY U.S. PATENT (REV. 1/03)

**DEPARTMENT OF YOUTH AFFAIRS
Government of Guam**

PRIORITY ISSUES

Total additional funding to operate DYA more realistically to achieve our Goals and Objectives and to better serve our community is \$1,234,272.

I. STAFFING LEVEL

96 Total FTE Level

Current 70 Warm Bodies (26 staff under FTE Level)

Prior FTE Levels- 102 (from FY 1998 to FY 2001)

***Budget allotments reflected warm bodies only therefore vacancies were not filled.**

II. FUNDING FOR STAFFING NEEDS-TOTAL \$608,632

Division of Special Services, Youth Corrections

\$342,387 YSS, YSWII, YSWI, YSWA

\$ 55,701 - 1 YSS

\$106,792 - 2 YSW II

\$142,891 - 3 YSW I

\$ 37,004 - 2 YSW Assistant

Division of Youth Development

\$245,312 for SSSI, SW and PC Positions

\$45,834 1-Social Service Supervisor I

\$42,633 1-Social Worker III

\$42,633 1- Program Coordinator III

\$74,474 2, Program Coordinator I

Division of Vocational Rehabilitation and Support Services

\$60,671 for Maintenance Specialist and Clerk Typist III

\$32,854 1- Maintenance Specialist

\$27,817 1- Clerk Typist III

III. FUNDING FOR CONTRACTUAL NEEDS-TOTAL \$211,829

\$ 50,000 Individual and Family Therapist (contractual)

\$ 50,000 Behavioral Specialist (contractual)

\$ 14,940 FSM Interpreters (contractual)

\$ 20,000 MIS Consultant (contractual)

\$ 76,889 Nursing Services

IV. FUNDING FOR OTHER NEEDS-TOTAL \$347,073

\$152,773 Cost for staff development and training (Youth Corrections)

\$ 6,500 Average monthly cost of clientele medications

\$ 6,000 Cost for the installation of driver/client transport divider (Wire Mesh & Plexiglass)

\$208,800 150 Participants for Summer Youth Employment and Training Program (150 participants x 7.25/hr x 32 hrs/wk x 6 weeks)

Attachments

Staffing Patterns

FTE by Fiscal Year (FY 1999- Present)

PowerPoint Presentation

FUNCTIONAL AREA: Public Safety
 AGENCY: Department of Youth Affairs
 PROGRAM: SUMMARY (CF)
 FUND: Local

Government of Guam
 Fiscal Year 2011
 Proposed Needs

[BBMR SP-2]

Input by Department													Input by Department						
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)		(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)
Position Number	Position Title	Name of Incumbent	Grade/Step	Salary	Overtime	Special*	Incremental			(E+F+G+I) Subtotal	Retirement (I * 26.53%)	Redire (DDI) (\$16.66*268P)	Social Security (6.2% * J)	Medicare (1.45% * J)	Life	Medical (Premium)	Dental (Premium)	Total Benefits (K thru Q)	(J + R) TOTAL
1	YOUTH CORRECTIONS DIV.	Total		191,352	4,594	40,236			0	245,183	\$64,557	3,032	0	3,555	1,218	22,148	2,095	97,205	342,387
2	YOUTH CORRECTIONS DIV.	Total		\$39,024	\$0	1,951			\$0	\$40,975	\$10,789	\$866	\$0	\$394	\$348	\$6,328	\$770	\$19,695	\$60,670
3	YOUTH DEVELOPMENT DIV.	Total		164,252	0	8,213			0	172,465	45,410	2,598	0	2,501	1,044	18,984	2,310	72,847	245,312
4																			
5																			
Grand Total:				\$394,628	\$4,594	\$59,400			\$0	\$458,622	\$120,755	\$6,497	\$0	\$6,650	\$2,610	\$47,460	\$5,775	\$189,747	\$648,370

* Night Differential/Hazardous/Worker's Compensation/etc.

FUNCTIONAL AREA: Public Safety
 AGENCY: Department of Youth Affairs
 PROGRAM: Youth Corrections
 FUNDS: Local

Government of Guam
 Fiscal Year 2011
 Proposed Department Needs

[BBMR SP-2]

Input by Department													Input by Department				Input by Department		
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)		(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)
Position No.	Position Title	Name of Incumbent	Grade/Step	Salary	Overtime	Special*	Increment			(E+F+G+I) Subtotal	Retirement (J * 26.33%)	Retire (DDI) (\$16.66 * 26.67)	Social Security (6.2% * J)	Benefits (Medicare) (1.45% * J)	Life (I)	Medical (Premium)	Dental (Premium)	Total Benefits (K thru Q)	(J + R) TOTAL
1	Supervisor, Youth Service	VACANT	HL02-06	32,083	0	\$8,255	0	0	0	40,338	\$10,621	433	0	885	174	3,164	385	15,562	55,701
2	Youth Service Worker II	VACANT	HL02-05	29,962	864	\$7,709	0	0	0	38,535	\$10,146	433	0	559	174	3,164	385	14,861	53,396
3	Youth Service Worker I	VACANT	FL02-05	26,453	763	\$6,807	0	0	0	34,022	\$8,958	433	0	493	174	3,164	385	13,608	47,630
4	Youth Service Worker I	VACANT	FL02-05	26,453	763	\$6,807	0	0	0	34,022	\$8,958	433	0	493	174	3,164	385	13,608	47,630
5	Youth Service Worker II	VACANT	HL02-05	29,962	864	\$7,709	0	0	0	38,535	\$10,146	433	0	559	174	3,164	385	14,861	53,396
6	Youth Service Worker I	VACANT	FL02-05	26,453	763	\$6,807	0	0	0	34,022	\$8,958	433	0	493	174	3,164	385	13,608	47,630
7	Youth Service Worker Asst.	VACANT	EL02-01	19,987	577	\$5,143	0	0	0	25,707	\$6,769	433	0	373	174	3,164	385	11,297	37,004
		Grand Total:		\$191,352	\$4,594	\$49,236	0	0	\$0	\$245,183	\$64,557	\$3,032	\$0	\$3,555	\$1,218	\$22,148	\$2,695	\$97,205	342,387

* Night Differential/Hazardous/Worker's Compensation/etc.

Government of Guam
 Fiscal Year 2011
 Proposed Department Needs

BBMR -SP-2

FUNCTIONAL AREA: Public Safety
 AGENCY: Department of Youth Affairs
 PROGRAM: Youth Development
 FUND: Local

Input by Department																					
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)		(I)	(J)	(K)	(L)	(M)	(N)	(O)		(P)		(Q)	(R)	(S)
Position Number	Position Title	Name of Incumbent	Grade/Step	Salary	Overtime	Special	Date	Am.	(E+F+G+I) Subtotal	Retirement (1.75-3.1%)	Retire (DD) (\$16.68*26FP)	Social Security (8.2% * J)	Medicare (1.45% * J)	Life (1)	Medical (Premium)	Dental (Premium)	Total Benefits (K thru Q)	(J+R) TOTAL			
1	402	Program Coordinator III	M-01	28,678	0	\$1,434			30,112	\$7,928	433	0	437	174	3,164	385	12,521	42,633			
2	406	Supervisor I, Social Service	N-01	31,964	0	\$1,553			32,617	\$8,598	433	0	473	174	3,164	385	13,217	45,834			
3	447	Social Worker III in lieu of SWI	M-01	28,678	0	\$1,434			30,112	\$7,928	433	0	437	174	3,164	385	12,521	42,633			
4	515	Program Coordinator I in lieu of Youth Service Worker I	K-01	24,656		\$1,233			25,889	\$6,817	433	0	375	174	3,164	385	11,348	37,237			
5	520	Program Coordinator I in lieu of Youth Service Worker I	K-01	24,656		\$1,233			25,889	\$6,817	433	0	375	174	3,164	385	11,348	37,237			
6	602	Social Worker II in lieu of SWI	L-01	26,520	0	\$1,326			27,846	\$7,332	433	0	404	174	3,164	385	11,892	39,738			
				Grand Total:	\$164,252	\$8,213		\$0	\$172,465	\$45,410	\$2,598	\$0	\$2,501	\$1,084	\$18,984	\$2,310	\$72,847	\$285,312			

* Night Differential/Hazardous/Worker's Compensation/etc.

FUNCTIONAL AREA: Public Safety

AGENCY: Department of Youth Affairs

PROGRAM: Vocational Rehabilitation & Support Services

FUND: Local

Government of Guam
Fiscal Year 2011
Proposed Department Needs

[BBMR SP-2]

Input by Department																				
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)		(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)		(Q)	(R)	(S)
Position No.	Position Title	Name of Incumbent	Grade/Step	Salary	Overtime	Special*	Increment Date	Increment Amt.	(E+P+G+I) Subtotal	Requirement (J *6.33%)	Retire (DD) (\$16.66*28FP)	Social Security (6.2% * J)	Medicare (1.45% * J)	Life (1)	Medical (Premium)	Dental (Premium)	Total Benefits (R thru Q)	(J + R) TOTAL		
1	428 Maintenance Specialist	VACANT	I-01	21,389	0	\$1,069		0	22,458	\$5,913	433	0	326	174	3,164	385	10,395	32,854		
2	516 Clerk Typist III in lieu of Youth Service Worker I from YD	VACANT	F-01	17,635	0	\$882		0	18,517	\$4,875	433	0	268	174	3,164	385	9,300	27,817		
3				0	0															
4				0	0															
5				0	0															
6				0	0															
7				0	0															
8				0	0															
9				0	0															
10				0	0															
11				0	0															
12				0	0															
13				0	0															
Grand Total:				\$39,024	\$0	\$1,951		\$0	\$48,975	\$10,789	\$866	\$0	\$394	\$348	\$6,328	\$770	\$19,695	\$68,670		

* Night Differential/Hazardous Worker's Compensation, etc.

FTEs by Fiscal Year

	A	B	C	D
1	FY10	FTE	Funded	Filled
2	DO	4	2	2
3	YD	23	12	11
4	YC	57	50	48
5	VR & SS	12	11	9
6	FY10 Totals	96	75	70
7				
8	FY09	FTE	Funded	Filled
9	DO	4	2	2
10	YD	22	10	10
11	YC	54	47	47
12	VR & SS	13	10	10
13	FY09 Totals	93	69	69
14	FY08	FTE	Funded	Filled
15	DO	4	3	2
16	YD	24	13	12
17	YC	51	46	46
18	VR & SS	14	13	11
19	FY08 Totals	93	75	71
20	FY07	FTE	Funded	Filled
21	DO	4	2	2
22	YD	22	17	15
23	YC	52	50	50
24	VR & SS	15	12	11
25	FY07 Totals	93	81	78
26	FY06	FTE	Funded	Filled
27	DO	4	1	1
28	YD	23	20	19
29	YC	48	41	39
30	VR & SS	14	11	11
31	FY06 Totals	89	73	70
32	FY05	FTE	Funded	Filled
33	DO	4	1	1
34	YD	19	16	16
35	YC	48	44	39
36	VR & SS	13	9	9
37	FY05 Totals	84	70	65
38	FY04	FTE	Funded	Filled
39	DO	4	1	1
40	YD	20	17	17
41	YC	47	43	39
42	VR & SS	13	9	7
43	FY04 Totals	84	70	64
44	FY03	FTE	Funded	Filled
45	DO	4	4	4
46	YD	19	18	17

FTEs by Fiscal Year

	A	B	C	D
47	YC	47	43	38
48	VR & SS	13	12	11
49	FY03 Totals	83	77	70
50	FY02	FTE	Funded	Filled
51	DO	4	4	4
52	YD	19	19	18
53	YC	47	47	44
54	VR & SS	13	13	12
55	FY02 Totals	83	83	78
56	FY01			
57	DO	4	4	4
58	YD	18	18	12
59	YC	65	65	52
60	VR & SS	15	15	11
61	FY01 Totals	102	102	79
62	FY00			
63	DO			
64	YD			
65	YC			
66	VR & SS			
67	FY00 Totals			
68	FY99			
69	DO	4	4	4
70	YD	18	18	15
71	YC	65	65	64
72	VR & SS	15	15	14
73	FY99 Totals	102	102	97
74	FY98			
75	DO	4	4	3
76	YD	15	15	11
77	YC	68	68	64
78	VR & SS	15	15	14
79	FY98 Totals	102	102	92

[Department of Youth Affairs]

Government of Guam

P.O. Box 23672 GMF 96921

Tel: 735-5010 Fax: 734-7536

www.dya.guam.gov



[Public Law 14-110 ]

The purpose of the Department is to plan, coordinate and implement programs, services and activities geared toward ***youth development, rehabilitation and involvement in the community.***

One of the responsibilities of the Department is to have general purview of youth activities within Guam.

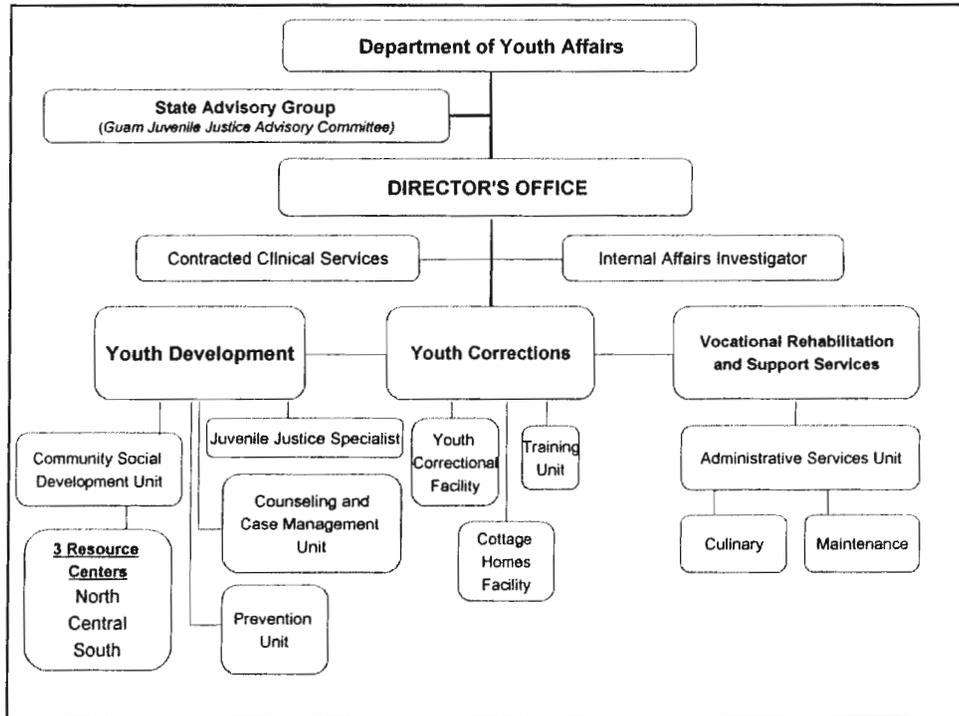
(Mid 70's)

[DYA MISSION]

- Improve the quality of life on Guam by the development and implementation of programs and services that
 - Promote youth development;
 - Strengthen the family units and communities of these juvenile offenders;
 - Protect the public from serious violent juvenile offenders;
 - Ensure the offenders are provided with appropriate treatment and are held accountable for their actions.

[GOALS AND OBJECTIVES]

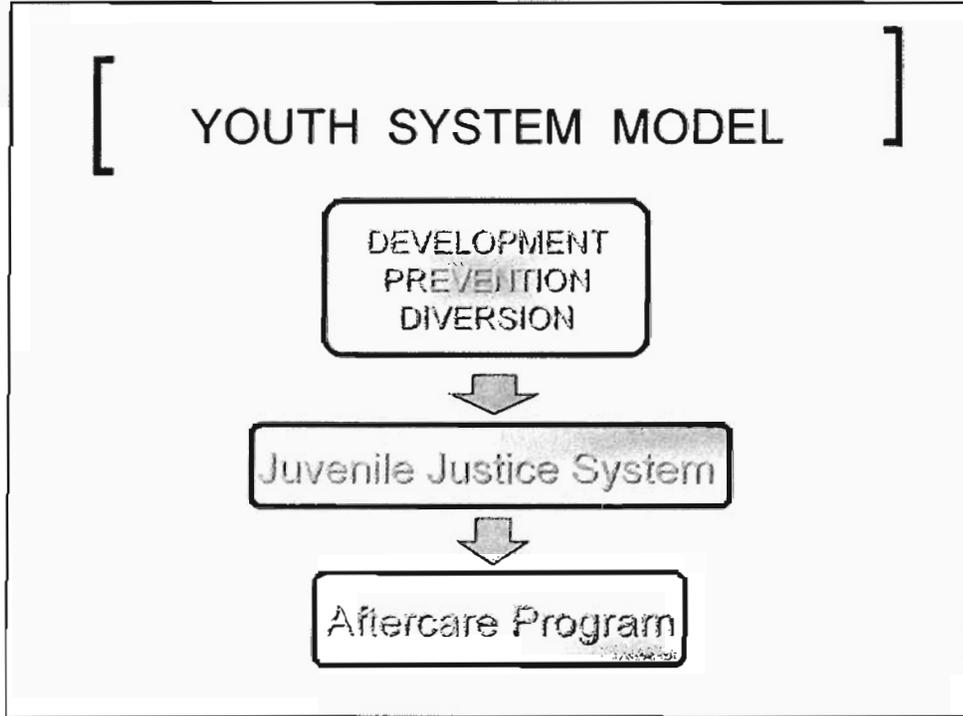
- GOALS
 - Reduce the recidivism rate of youth remanded to the Youth Correctional Facility by 10% a year.
 - Increase the quantity and quality of youth programs and services for youth within the Youth Correctional Facility and Cottage Homes.
 - Increase programs that promote community oriented programs for youth to divert away from criminal / status offenses via the three (3) Resource Centers.
- OBJECTIVES
 - Ensure staff are qualified and well trained.
 - Maintain proper facilities and equipment.
 - Develop and implement effective and efficient programs/services.



[Comprehensive Strategies] for Serious, Violent and Chronic Juvenile Offenders.

General Principles

- Strengthen the family
- Collaborate with other Child Serving Agencies
- Promote delinquency prevention
- Intervene immediately and effectively when delinquency behavior occurs
- Identify serious chronic juvenile offenders and provide rehabilitation services



- [DEVELOPMENT-PREVENTION-DIVERSION]
- DIVISION OF YOUTH DEVELOPMENT**
- Juvenile Justice Specialist responsible for OJJDP Grants and activities.
 - Prevention Unit
 - Youth Year
 - Proclamation Signing / Spirit Wave
 - Oratorical Contest - *average of 15 schools*
 - Student Exchange - *average of 600 students*
 - Talent Showcase - *community event*
 - Island Leadership Day - *average of 250 students*
 - Youth Crime Watch
 - Over 42 sites in schools and communities
 - EUDL (enforcing the underage drinking law) Grant
 - Safe and Drug-Free Schools and Communities Grant
 - Runaway Homeless and Victims of Abuse Program

DEVELOPMENT
PREVENTION
DIVERSION

[DEVELOPMENT-PREVENTION-DIVERSION]

DIVISION OF YOUTH DEVELOPMENT

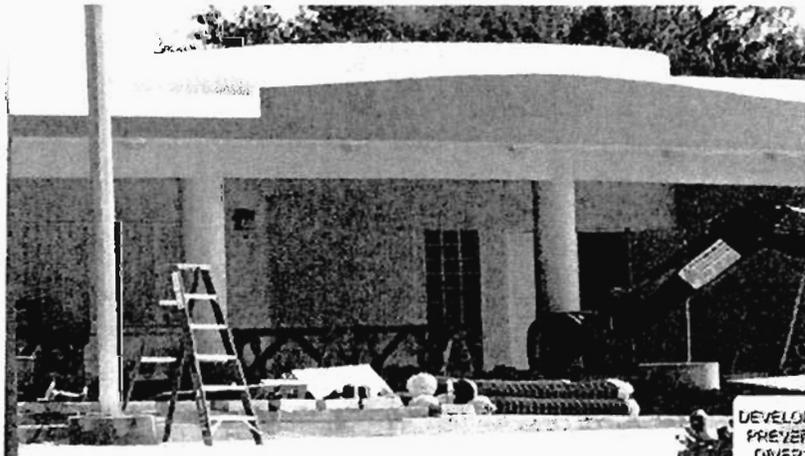
- Counseling/Case Management Unit
 - Assessments
 - Case Management
 - Support Groups
 - Tutoring/Mentoring (seasonal)
 - Social Work Student Internship
- Community Social Development Unit (CSDU)
Resource Centers
 - Outreach Counseling / 24-hour Crisis Intervention
 - Tutoring/Mentoring
 - School Shadowing
 - After School Activities
 - Jumpstart/Aftercare Programs

DEVELOPMENT
PREVENTION
DIVERSION

[CSDU NORTH]

Located across the entrance to Maria Ulloa Elementary School

Lagu Youth Resource Center



DEVELOPMENT
PREVENTION
DIVERSION

CSDU Central Resource Center

Located in Toto Gardens (GHURA)

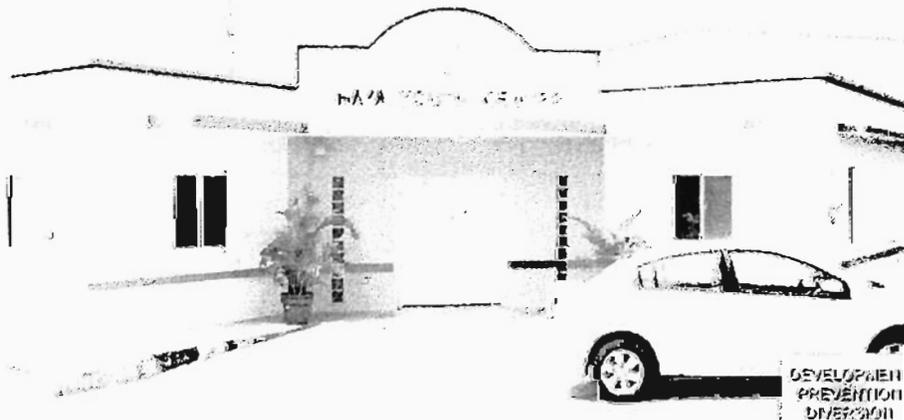
New location in FY 2011 will be in the Tiyan Gymnasium



CSDU South

Located across the Mt. Carmel Catholic Church in Agat

Haya Youth Center



[Juvenile Justice System]

- Youth Correctional Facility & Cottage Homes
 - Services for Clients
 - Education – Liheng Famagu'on School
 - Spiritual
 - Programs - *Step Plan, Client Vocational, Extended Furlough, Jump Start*
 - Projects
 - *FYI – Films By Youth Inside*
 - *Adopt-A-School*
 - *GVB Mural*
 - *Lt. Governor's Beautification Task Force*
 - *G.A.G.E. (Guam's Anti-Graffiti Empowerment)*

Juvenile
Justice
System

[TRAINING AND STAFF DEVELOPMENT]

- Training and Staff Development Unit is currently updating the agency's guidelines according to P.O.S.T. (Police Officer's Standards Training). Training is needed in the following areas:
 - Use of Force and Restraints
 - Defense Tactics
 - Diffusion of Hostility
 - Crisis/Hostage Negotiations, etc.

[Five years of Data / Statistics]

Admissions

2004	617
2005	597
2006	947
2007	742
2008	628
2009	491

Current recidivism rate: 69.65%
 (149 - 1st contact /
 342 - 2nd or more)

Top 3 Villages

2004	Dededo, Yigo, Agat
2005	Dededo, Yigo, Mangilao
2006	Dededo, Yigo, Mangilao
2007	Dededo, Mangilao, Yigo
2008	Dededo, Yigo, Mangilao
2009	Dededo, Yigo, Tamuning

62.1% for 2008
 57.97% for 2007
 50.16% for 2006

[Four years of Data / Statistics]

Top Offenses in 2009

1. Violation of Court Order
2. Beyond Control
3. Truancy
4. Alcohol Related
5. Aggravated Assault

	2006	2007	2008	2009
1. Violation of Court Order	270	203	233	236
2. Beyond Control	299	129	100	93
3. Truancy	120	49	48	41
4. Alcohol Related	81	65	40	37
5. Aggravated Assault	28	50	36	34

Alarming Numbers for 2009:

Alcohol Related - 37
 Theft - 33
 Burglary - 25
 Criminal Sexual Conduct - 12
 Family Violence - 16
 Terrorizing - 20

[STATISTICS as of 1/25/10]

- Ideal Staff/Client ratio is 1:4
 - Current Ratio as of 1/25/10 – 1:15

Total Clients - 54

YCF: 36

CH: 18

Unit D (females): 3

Cot A: 7

Unit E (male): Under Renovation

Cot B: 11

Unit F (male): 33

[Staffing Level:]

- Prior staffing levels were over 100 from FY 1998 to FY 2001. **Budget allotments thereafter reflected warm bodies only and vacancies were not filled.**
- Current FTE level: 96
 - Current warm bodies – 70
 - Director's Office - 2
 - Youth Corrections: 48 (YCF/CH)
 - Division of Youth Development: 11
 - Division of Vocational Rehabilitation and Support Services: 9

[Staffing Needs / Programs:]

- Youth Corrections:
 - 1 Youth Service Supervisor
 - 2 Youth Service Worker II
 - 3 Youth Service Worker I
 - 1 Youth Service Worker Assistant
- Vocational and Rehabilitational Support Services:
 - 1 Clerk Typist III
 - 1 Maintenance Specialist

[Staffing Needs / Programs:
(continued)]

- Youth Development:
 - 1 Social Service Supervisor I
 - 1 Social Worker III
 - 1 Social Worker II
 - 1 Program Coordinator III
 - 2 Program Coordinator I

[Staffing Needs / Programs:]
(continued)

Vocational and Rehabilitation Support
Services:

- 1 Clerk Typist III
- 1 Maintenance Specialist

[Staffing Needs / Programs:]
(continued)

■ Contractual:

- 2 Individual and Family Therapist
- 1 Registered Nurse
- 1 Behavioral Specialist
- 1 FSM Interpreter
- 1 MIS (Management Information Systems)

[Staffing Needs / Programs:
(continued)]

- Program
 - SYETP (Summer Youth Employment & Training Program) – last funded in 2003
 - Youth Month (Currently called Youth Year)

[*DYA: "It's all about Youth helping Youth!"*]



Thank
You

GUAM MASTERS BASKETBALL ASSOCIATION

P. O. Box 4194
Hagatna, Guam 96932
e-mail: malessosunfunn@gmail.com

Francisco C. Roberto
President

Joey Claveria
Treasurer

FRANK C. ROBERTO, Jr.
Vice-President

Joey Munoz
Secretary

Dave Benavente
Sergeant-At-Arms

02/03/2010

Oral and/or Written Testimony on:

Bill No. 317-30(COR): AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010

Honorable Senators:

My name is Francisco C. Roberto, date of birth August 13, 1938. I am in favor of the intent of Bill No. 317-30(COR). I am however here to testify on Section 3. A new subsection (d) is added to Section 2 of Public Law 30-38: which states :

“(d) All unexpected and unencumbered funds as of the

effective date of this Act shall fund village projects and other

priorities in order of priority outlined below:

There are six (6) village projects listed for various villages' sports facilities.)

- i. - - - \$26,000 to Piti to pair lighting at the Piti Baseball Field.**
- ii. - - - \$13,000 to Mangilao to procure photo voltaic lighting system for the Eagle Football Field.**
- iii. - - - \$50,000 to Inarajan to repair sport facilities' electrical system and light fixtures at Malojloj multi-purpose court, Inarajan volleyball and basketball courts.**
- iv. - - - \$73,000 to Talofoto to repair lighting and electrical system of the Talofoto Baseball Field.**
- v. - - - \$85,000 to Agana Heights to repair AH Gymnasium and Baseball Field.**
- vi. - - - \$100,000 to Dededo to repair and maintenance of the Hal's Angels Football Field."**

I am particularly testifying for Section 3. (d) v. Eighty-Five Thousand Dollars (\$85,000) to the Mayor's Office of Agana Heights for the purposes of making necessary repairs to the Agana Heights Gymnasium and Baseball Field.

In its current condition, there's an average of seven (7) to one thousand (1,000) athletes and spectators using the gym and baseball field on a weekly basis. This is not counting school children and spectators of both venues.

The gymnasium is currently being used by the Guam Masters Basketball Association on Mondays, Wednesdays, and Fridays for tournaments, practice, and conditioning for the Guam-Marianas Masters Games scheduled for May 7 to 16, 2010.

The GMBA has an aggressive 2010 programs for youths, adults, and community interactions.

The Chuukese Basketball Association is presently holding its basketball league which has 28 teams competing on Mondays, Wednesdays, Fridays, and Saturdays with 3 games per night. Sundays is reserved for make up games. This basketball league should be over by April 2010.

Tuesday and Thursday nights the volleyball teams are utilizing the gym for tournaments and practice sessions.

Week days during lunch hours pick up basketball games are played.

At times the Mayor will have the Gym used for school functions and after school programs.

The baseball field is used for baseball, softball, and slow pitch leagues and as practice field for little league, co-ed softball league, and men's baseball and softball leagues.

Listed below are conditions and issues to provide safe and healthy playing facility for the community:

1. Roof

- Leaking badly even on light rain**
- Causing slippery floor conditions**
- Causing dry-rotting on walls**
- Roof insulation is peeling off**
- Roof vents badly deteriorated**

2. Lighting systems

Overhead lighting systems require upgrading

Power panel box need upgrading (shock hazard)

Wall and floor outlets and switches are not functional (some)

Wiring to scoreboard and remote control to scoring table not operational

Bathrooms (Men & Women) are not functional

3. Flooring

Slippery when wet

Entire upper layer of playing court is peeling off

Sections of bottom layer of the flooring system is water damaged and causing it to bubble upward

Scrapes and lacerations are caused by slipping and sliding on peeled off upper layer

Court linings for basketball and volleyball sports have faded

4. Walls

Dry-rotted from leaking roof

Bottom edge of walls were away by dampness/dry-rot

Replacement and painting required

5. Rollup Door

Top assembly of rollup door had disengaged and causing unsafe condition

Chain mechanism was not operational

6. Rollup Windows

One (1) window needed replacement due to typhoon damage

Some are functional and some require maintenance

7. Double Doors

Two double doors require replacement

8. Bleachers

All bleachers require replacement due to damages and non-operational

9. Backboards

Both glass backboards require replacement

10. Scoreboard

Scoreboard was not functional (electrical)

11. Bathrooms (men and women)

Plumbing system is plugging up requiring plumbing services

Shower rooms -

Missing shower heads

Floors not properly clean and drainage plugged-up

Water Closets

Commodes are dirty and some require replacement

Commodes seats are missing or damaged

Flushing mechanism be adjusted or replaced

Urinal (men room only)

Urinal need replacement and adjusted for school age kids

Washbasins

Washbasins need replacement

Counter tops be replaced

Provide mirrors

12. Office Space

Need renovation to be used as such and should be controlled by responsible Mayor's staff and function to control the use of the Gymnasium

Thank you for allowing me to testify in favor of Bill 317-30(COR).



Francisco C. Roberto

President

Guam Masters Basketball Association



MUNICIPALITY OF AGANA HEIGHTS

Mayor's Council of Guam

Konschelon Mahot Guahan

Paul M. McDonald

Mayor

TESTIMONY

Mr. Chairperson, Members, Committee on Appropriations, Taxation, Banking, Insurance and Land, Senators of the Thirtieth Guam Legislature:

I am Paul M. McDonald, the Mayor of Agana Heights. Hafa Adai to you all and Si Yu'os Ma'åse' for granting me the opportunity to address the Committee on Bill 317-30.

Without any reservations whatsoever, I wholeheartedly support this bill. At times when many of our sports facilities are in such miserable and distressing conditions, we will welcome any construction towards improving and repairing our gymnasium, baseball/softball fields.

For the past ten years, the Agana Heights Baseball Field and the Agana Heights Gymnasium are the most utilized sports facilities on the island of Guam. The facilities are used every day of the week from 8:00 a.m. until closing 10:00 p.m. Both facilities are open 7 days a week in order to accommodate all its patrons. Many different organizations and leagues from all over the island utilize the facility on a daily basis.

Our staff has made extensive repairs and has maintained our facilities with all we can afford having utilized recycled materials and many of our personal resources. We've resurfaced the baseball infield and constructed a roof for the baseball field bleachers; our staff completed a replacement of the gypsum-board walls in the gym with plywood; our outdoor basketball court was also resurfaced with donated material and was completed by our staff. Many other repairs continue to be up-kept by our very own resources and by using recycled materials as a result of the lack of funding.

The gym floor needs to be replaced and the baseball field fence needs to be also replaced, all of which we cannot afford to do with our limited funding.

Aside from facilitating ten (10) Little League/Agana Heights youth baseball teams, we continue to coordinate the biggest intramural adult softball league, for the past sixteen years with 54 teams at two seasons a year at our Agana Heights baseball field; the gym, facilitates the Guam Masters Basketball Association, Isa/Nu-Heights Volleyball Club, Chuukese Basketball/Volleyball League, Government of Guam Lunchtime Basketball Players, Agana Heights Elementary School and many other organizations. For the record, the last time the gym and the baseball field had any funding was about ten years ago for approximately \$20,000 for minor repairs alone.



Ancient Latta Stones

OFFICE OF THE MAYOR

P.O. Box 786, Hagåtña, Guam 96932 • Office: (671) 472-8285 / 6 / 6393 • Fax: (671) 472 6124

Email: mayormcdonald@hotmail.com

We are kindly seeking financial assistance that you may be able to provide to our community, as we both stand together in our fight against drug-use and crime.

Despite the unappealing appearance of our facilities, we have been and continue to do all that we can to maintain the facilities, enough to be utilized safely. However, in short time, if we do not replace the floor of the gymnasium and if we do not replace the baseball field fence, we will not be able to continue to provide to hundreds of athletes and organizations that currently use our facilities.

Your assistance is very vital to our community and to our island, as many of our children and constituents rely on the usage of our community's facilities.

I thank you in advance for your consideration and assistance.

Sincerely,


PAUL M. MCDONALD
Mayor

30th Guam Legislature
February 3, 2010

Testimony of Bill 317

Buenas dias Mr. Chairman and senators of the 30th Guam Legislature.

My name is Jose S.N. Chargualaf and a retiree of the Government of Guam, one of the thousands who is a recipient of the Cola class award ordered by the Superior Court of Guam.

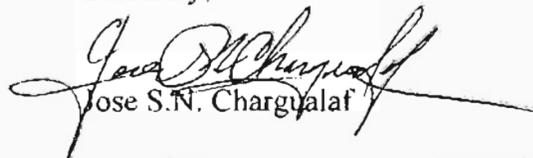
Today I am appearing before you the senators in support of Bill 317 because the Government of Guam under the Executive branch, the Governor of Guam has failed to fully compensate us the Cola recipients money legally owed us the interest when the Cola payments were made.

The letter issued relative to the interest due to each retiree was a joke as no official from the Governor or the Department of Administration signed affixing his or her signature as this is an official acknowledgement of a Government of Guam action.

I trust that this Bill 371 will be passed and endorsed by all the 14 senators and pay us the retirees as soon as possible as more of us continue to pass away.

Dangkulo na hu agradasi este na ayudo ginen hamyo.

Sincerely,


Jose S.N. Chargualaf

JSNC:lbc
02/2010



On behalf of a very
close friend.....Joe
Flores



Talofofu Mayor's Office
The Honorable Mayor Vicente S. Taitague
 184 N. San Miguel St. Talofofu Guam 96915
 Email: vicente.taitague@yahoo.com
 Phone # (671) 789-1421/3262
 Fax (671) 789-5251



To: Senator ben c. pangelinan
 Chairman, Committee on Appropriations, Taxation, Banking, Insurance and Land

From: Talofofu Mayor

Subject: Testimony on Bill No. 317-30 (COR)
 Submitted by Talofofu Mayor

For the record my name is Vicente S. Taitague, Talofofu Mayor. This testimony submitted in support of Bill No. 317-30 (COR) Item iv. Please note carefully the two amendment requested.

Richard DeGracia Naputi multi-purpose field is the only field in the South to cater to Sport activities such as soccer, rugby, baseball, paintball and football. Team from Saint Francis Catholic School, Windward Hills Wolverines, Inarajan Middle School, Southern Cowboys, Parsons Youth Football and Talofofu Baseball teams. All are practicing Between the hours of 4-7 PM Monday thru Friday. On some occasion, youngsters from soccer team has been hit by a fly baseball. Improving the lighting system, the field can be use for official night games and extend practice hours into the evening. Eliminating these safety hazard issues will make the field safer for all participants.

Due to a typographical error, requested total cost to repair lighting and electrical system to the Talofofu multi-purpose field is \$90,688.00, vice \$73,600.00. Please note the correct break-down for the Richard D. Naputi multi-purpose field.

	Pole		Unit Price	Total
Foundation	8	@	\$ 3,000.00	\$ 24,000.00
Crane Rental	8	@	\$ 3,200.00	\$ 25,600.00

Light Fixtures	8	@	\$ 4,136.00	\$ 33,088.00
Underground Panel Box				\$ 8,000.00

TOTAL COST \$ 90,688.00

In view of the above, originator is generously requesting to amend Bill No. 317-30 (COR) Section 3, Sub-paragraph iv. to read “Ninety Thousand, Six Hundred Eighty Eight Dollars (\$90,688.00)

VILLAGE KOBAN RENOVATION

Police visibility in the South Eastern portion of the Island is practically nil. Response time to criminal complaint is unsatisfactory. To improve the situation, Talofofu Municipal Planning Council is strongly recommending to have the Koban operational. GPD has assured me that personnel will be instructed to utilize the infrastructure as a working area. This is a win-win situation.

SCOPE OF WORK

Repair broken glass doors, windows, electrical work, air condition and paint job.

In view of the above, the Talofofu MPC is requesting to amend Bill No. 317-30 (COR) to include \$10,000 for the renovation of the village Koban.

In closing, I have confidence that this I Mina’ Trenta Na Liheslaturan Guahan 2009 (First) Regular Session will take legislative corrective action on this critical request to provide the youth of our southern village a safer

playing environment coupled with a much improve public safety.

Sincerely,



Vicente S. Taitague



WESTERN PACIFIC CONSOLIDATED
DBA: WESTERN PACIFIC SUPPLY
TEL: (671)646-4231 FAX:(671)649-5205

PRICE QUOTATION

DATE: 02/01/2010

COMPANY: TALOFOFO MAYORS OFFICE

SHIPPING ADDRESS:

ADDRESS:

FAX NO.:

TEL NO.:

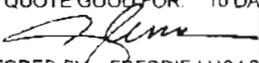
STOCK NO.	DESCRIPTION	QTY	UNIT	U/PRICE	TOTAL
TSP1000MGP24NTB	SPORT LIGHTING FIXTURE, 1000W, MULTIBOLT LAMP INCLUDED	50	EA	517.6	25,880.00

DELIVERY: ORDER 7-8 WEEKS DELIVERY

TOTAL NET 25880.00

TERMS: NET 30

PRICE QUOTE GOOD FOR: 10 DAYS


PREFERRED BY: FREDDIE LUCAS

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 317-30**

AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

Department/Agency Appropriation Information	
Dept./Agency Affected: Various	Dept./Agency Head: Various
Department's General Fund (GF) appropriation(s) to date:	\$540,228,724
Department's Other Fund (Specify) appropriation(s) to date:	\$113,520,186
Total Department/Agency Appropriation(s) to date:	\$653,748,910

Fund Source Information of Proposed Appropriation			
	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	\$540,218,638	\$112,566,011	\$652,784,649
FY 2010 Apprs. (P.L. 30-55 thru 30-75)	(\$540,228,724)	(\$113,520,186)	(\$653,748,910)
Sub-total:	(\$10,086)	(\$954,175)	(\$964,261)
Less appropriation in Bill	(\$7,116,450)	(\$6,500,000)	(\$13,616,450)
Total:	(\$7,126,536)	(\$7,454,175)	(\$14,580,711)

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$7,116,450	\$0	\$0	\$0	\$0	\$0
Various Special Funds	\$6,500,000	\$0	\$0	\$0	\$0	\$0
Total	\$13,616,450	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? // N/A /X/ Yes // No
If no, what is the additional amount required? \$ // N/A
- Does the Bill establish a new program/agency? // Yes /X/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /X/ No
Is there a federal mandate to establish the program/agency? // Yes /X/ No
- Will the enactment of this Bill require new physical facilities? // Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /X/ No
/X/ Requested agency comments not received by due date // Other: _____

Analyst: Englenn Diaz Date: 2/2/10 Director: Bertha M. Duenas, Director, BBMR Date: FEB 03 2010

Footnotes: Section 12 of Bill No. 317-30 gives Governor's Transfer Authority between object categories of appropriated special funds pursuant to PL 30-55. Appropriations made by aforementioned Bill affects the following:

- *Will increase the General Fund Unreserved Fund Deficit by \$2,123,550.
- *TEFF is sufficient to cover appropriation.
- *Will create a Unreserved Fund Deficit to HHF.
- *Will increase the Unreserved Fund deficit to GHF.
- *Indirect Cost Fund is sufficient to cover appropriation.

Please see attachment(s) detailing financial impact to respective funds.

**Government of Guam's General Fund
Balance Sheet
September 30, 2008 & 2009**

	September 30, 2008 (Audited)	September 30, 2009 (Unaudited)
Assets		
Cash & equivalents	\$ 23,929,274	15,523,839
Time certificates of deposit	15,292,656	5,211,912
Investments	900,000	900,000
Receivables, net:		
Taxes	25,132,990	18,488,176
Federal agencies	147,071	-
Other	239,968	18,358
Due from other funds	14,533,290	67,659,836
Prepayments	330,603	-
Deposit & other assets	-	-
Restricted assets:		
Cash and cash equivalents	77,660,593	41,610,366
Total Assets	\$ 158,166,445	149,412,487
Liabilities and Fund Equity		
Current Liabilities		
Bank overdraft	\$ -	-
Accounts payable	46,062,214	63,042,846
Accrued payroll & other	12,631,694	3,188,358
Due to component units	24,182,107	-
Due to other funds	50,047,701	37,355,971
Due to pension trust funds	17,057,793	-
Payable to federal agencies	-	-
Deferred revenue	38,869,372	39,028,136
Provision for tax refunds	277,942,736	206,396,229
COLA liability	96,327,556	18,112,023
Deposits & other liabilities	10,560,207	10,790,240
Estimated accrual of leave	-	-
Total Liabilities	\$ 573,681,380	377,913,805
Fund Equity (Deficit)		
Fund Balance		
Reserved for:		
Related assets	900,000	900,000
Debt service	69,119,151	41,610,366
Encumbrances	13,426,761	5,066,839
Continuing appropriations	27,058,659	23,040,630
Unreserved	(526,019,506)	(299,119,153)
Total Fund Equity	\$ (415,514,935)	(228,501,318)
Total Liabilities and Fund Equity	\$ 158,166,445	149,412,487

**Government of Guam's General Fund
Statement of Revenues, Expenditures and
Changes in Fund Balance
For the Fiscal Year Ended September 30, 2008 & 2009**

	September 30, 2008 (Audited)	September 30, 2009 (Unaudited)
Revenues		
Taxes	\$ 443,042,946	452,086,813
Licenses, fees & permits	5,593,716	4,470,061
Use of money & property	2,472,737	479,234
Federal contributions	45,329,450	40,806,610
Contributions from component units	10,372,580	
Guam Public School System	2,831,209	
Other	3,547,691	1,620,336
Total revenues	513,190,329	499,463,054
Expenditures		
General government	44,997,050	33,372,893
Protection of life and property	72,957,261	77,108,911
Public health	10,008,749	15,683,061
Community services	6,417,038	4,736,452
Recreation	3,320,910	3,382,846
Individual and collective rights	12,483,687	12,219,612
Transportation	-	-
Public Education	193,085,436	184,004,923
Environmental protection	-	-
Economic development	3,611,857	3,512,203
Payments to:		
GovGuam Retirement Fund	1,329,712	20,019,878
Guam Community College	13,615,957	13,922,708
Guam Educational Telecommunications Corporation	593,124	-
University of Guam	31,799,749	32,172,690
Transfers to persons	-	-
Miscellaneous appropriations	19,941,432	19,554,237
Interest and other charges	17,309,639	20,883,264
COLA Interest	-	17,161,119
Capital projects	-	1,742,374
Debt Service	22,702,010	27,828,994
Total expenditures	454,173,611	487,306,165
Excess (deficiency) of revenues over (under) expenditures	59,016,718	12,156,889
Other financing sources (uses):		
Proceeds from bonds issued	151,935,000	261,447,509
Proceeds from long-term debt	13,800,000	20,103,875
Discount on refunded bonds issued	(5,639,246)	
Payment to refunded bond escrow agent	(73,664,587)	
Transfers in	29,149,020	18,621,096
Transfers out	(101,440,906)	(125,315,752)
Other sources (uses)	-	-
Total other financing sources (uses), net	14,139,281	174,856,728
Special Items:		
Adjustment of medical bill accrual	13,223,789	-
Net change in fund balances (deficit)	86,379,788	187,013,617
Fund balances (deficit) at beginning of year	(501,894,723)	(415,514,935)
Fund balances (deficit) at end of year	\$ (415,514,935)	(228,501,318)

Sources:

1. *Independent Auditors' Report, for Fiscal Year Ended September 30, 2008*
2. *Department of Administration Draft Financial Report, for Fiscal Year Ended September 30, 2009*

**Bureau of Budget and Management Research
Territorial Highway (Fund 208)**

	September 30, 2004 (Audited)	September 30, 2005 (Audited)	September 30, 2006 (Audited)	September 30, 2007 (Audited)	September 30, 2008 (Audited)	September 30, 2009 (Unaudited)
Balance Sheet						
Assets						
Cash & equivalents	16,248	3,345	23,734	3,343	2,678	1,938
Investments						
Receivables, net	1,141,833	1,057,710	587,047	779,244	779,244	833,474
Interfund receivables	<u>8,878,701</u>	<u>9,901,389</u>	<u>7,568,455</u>	<u>0</u>	<u>83,392</u>	<u>0</u>
Total assets	<u>10,036,782</u>	<u>10,962,444</u>	<u>8,179,236</u>	<u>782,587</u>	<u>865,314</u>	<u>835,411</u>
Liabilities						
Accounts payable	16,566	227,844	0	0	-	-
Accrued payroll and other	2,788,881	0	11,162,932	278,408	284,564	96,898
Provision for tax refunds	8,626,245	4,800,106	0	391,190	0	0
Deferred revenues			2,011,589	0	0	0
Deposits & other liabilities	10,124,204	0	0	0	0	0
Interfund payables	<u>0</u>	<u>10,447,168</u>	<u>594,057</u>	<u>3,070,392</u>	<u>0</u>	<u>1,480,936</u>
Total liabilities	21,555,896	15,475,118	13,768,578	3,739,990	284,564	1,577,834
Fund Equity						
Reserve for:						
Related assets		9,901,389	7,568,455	0	0	0
Encumbrances	586,071	782,391	967,570	296,732	278,368	304,423
Appropriations	637,330	554,203	555,037	500,000	0	0
Unreserved fund balance (deficit)	<u>(12,742,515)</u>	<u>(15,750,657)</u>	<u>(14,680,404)</u>	<u>(3,754,135)</u>	<u>302,382</u>	<u>(1,046,846)</u>
Total fund equity	<u>(11,519,114)</u>	<u>(4,512,674)</u>	<u>(5,589,342)</u>	<u>(2,957,403)</u>	<u>580,750</u>	<u>(742,423)</u>
Total liabilities and fund equity	<u>10,036,782</u>	<u>10,962,444</u>	<u>8,179,236</u>	<u>782,587</u>	<u>865,314</u>	<u>835,411</u>

**Statement of Revenues, Expenditures
and Changes in Fund Balance**

Revenues						
Taxes:						
Liquid fuel	8,910,185	14,299,259	9,534,236	10,022,114	9,766,312	9,441,039
Sales, licenses, fees and permits	4,375,475	4,734,342	4,603,926	5,793,675	8,841,292	8,521,632
Use of money and property	11,768	1,325	2,228	3,669	700	9
Federal Contributions	<u>582,939</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total revenues	<u>13,880,367</u>	<u>19,034,926</u>	<u>14,140,390</u>	<u>15,819,458</u>	<u>18,608,304</u>	<u>17,962,681</u>
Expenditures						
General government	6,326,144	7,025,627	2,486,661	182,816	2,842,542	3,034,729
Protection of life and property						66,614
Transportation	2,615,048	0	7,314,404	9,455,041	6,271,999	7,333,351
Transfers in/(out)	<u>8,885,000</u>	<u>(5,002,859)</u>	<u>(5,527,636)</u>	<u>4,018,793</u>	<u>(5,955,610)</u>	<u>(8,851,169)</u>
Total expenditures	<u>17,826,192</u>	<u>12,028,486</u>	<u>15,328,701</u>	<u>5,619,064</u>	<u>15,070,151</u>	<u>19,285,863</u>
Special item:						
Gain from tax drawback settlement	<u>5,893,926</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Current year surplus (deficit)	1,948,101	7,006,440	(1,188,311)	10,200,394	3,538,153	(1,323,182)
Beginning fund balance (deficit)	<u>(13,467,215)</u>	<u>(11,519,114)</u>	<u>(4,401,031)</u>	<u>(13,157,797)</u>	<u>(2,957,403)</u>	<u>580,760</u>
Ending fund balance (deficit)	<u>(11,519,114)</u>	<u>(4,512,674)</u>	<u>(5,589,342)</u>	<u>(2,957,403)</u>	<u>580,750</u>	<u>(742,423)</u>

Territorial Educational Facilities - 205

Balance Sheet	FY2004 (Audited)	FY2005 (Audited)	FY2006 (Audited)	FY2007 (Audited)	FY2008 (Audited)	FY2009 (Unaudited)
Assets						
Cash & equivalents	148,884	749,221	119,287	335,811	448,719	419,790
Receivables, net	289,775	1,161,737	1,444,345	1,582,296	1,213,607	
Interfund receivables			0	0	6,421,462	5,625,721
Other receivables, net		0	0	0	0	0
Total assets	438,659	1,910,958	1,563,632	1,918,107	8,083,788	6,045,512
Liabilities						
Accrued expenses	0	0	0	6,106	0	0
Interfund payables	81,375	361,347	453,446	556,190	0	3,179
Deferred revenue			1,104,419	1,172,384	681,816	(533,254)
Deposits and other liabilities	0	627,276	0	0	0	0
Total liabilities	81,375	1,058,623	1,557,865	1,734,680	681,816	(530,075)
Fund equity:						
Reserved for:						
Related assets	14,237	0	0	0	0	14,237
Encumbrances	0	0	0	23,948	0	0
Appropriations	0	0	652,931	0	0	0
Unreserved balance	343,047	852,335	(647,164)	159,479	7,401,972	6,561,350
Total fund equity	357,284	852,335	5,767	183,427	7,401,972	6,575,587
Total liabilities and fund equity	438,659	1,910,958	1,563,632	1,918,107	8,083,788	6,045,512
Statement of Revenues, Expenditures and Changes in Fund Balance						
Revenues						
Taxes	21,737,418	20,372,758	17,814,017	21,875,383	20,349,892	19,377,858
Sales, licenses, fees and permits	0	0	0	0	0	0
Use of money and property	5,046	0	4,843	0	6,455	4,597
Federal contributions						
Other	160	0	0	0	0	0
Total revenues	21,742,624	20,372,758	17,818,860	21,875,383	20,356,347	19,382,454
Expenditures						
Expenditures	0	37,250	5,974,137	8,647,670	289,058	51,743
Other sources	0	0	0	0	0	0
Other uses	(21,385,340)	(19,840,457)	(12,691,291)	(13,050,053)	(12,848,744)	(20,157,096)
Current year surplus (deficit)	357,284	495,051	(846,568)	177,660	7,218,545	(826,385)
Beginning fund balance	0	357,284	852,335	5,767	183,427	7,401,972
Ending fund balance	357,284	852,335	5,767	183,427	7,401,972	6,575,587

Government of Guam
Health Services Fund (Fund 402)

Balance Sheet

	FY 2003 (Audited)	FY 2004 (Audited)	FY 2005 (Audited)	FY 2006 (Audited)	FY 2007 (Audited)	FY 2008 (Audited)	FY 2009 (Unaudited)	Footnote
Assets								
Cash	0	722,654	210,537	915,222	641,445	321,973	24,967	
Receivables, net				750,468	718,357	574,900	678,232	
Interfund receivables	2,360,219	1,715,033	2,118,844	1,914,751	0	2,188,332	1,607,780	
Total assets	2,360,219	2,437,687	452,381	3,580,441	1,359,802	3,085,205	2,310,972	
Liabilities								
Accrued expenses	0	123,106	171,464	137,949	249,059	293,233	64,098	
Interfund payables	0	0	0	0	198,654	0	0	
Total liabilities	0	123,106	171,464	137,949	447,713	293,233	64,098	
Fund Equity:								
Reserved for:								
Encumbrances	0	115,612	248,739	994,084	216,764	0	228,470	
Appropriations	0	0	741,386	1,335,403	0	0	673,388	
Unreserved fund balance (deficit)	2,360,219	2,198,968	(709,208)	1,113,005	695,285	2,791,972	1,345,024	
Total fund equity	2,360,219	2,314,581	280,917	3,442,492	912,049	2,791,972	2,246,882	
Total liabilities & fund equity	2,360,219	2,437,686	452,381	3,580,441	1,359,802	3,085,205	2,310,972	

Statement of Revenues, Expenditures
and Changes in Fund Balance

Revenues	2,360,219	8,567,333	9,132,878	12,915,248	8,154,540	11,012,576	8,206,853	
Expenditures								
Department of Administration				5,684,997	5,830,440	350,319	5,461,380	
Public Health		3,977,166	5,305,722	1,734,456	2,865,918	2,240,836	1,889,349	
Mental Health				833,662	0	0	642,504	
Payments to GFSS				0	0	0	0	
Payments to Guam Memorial Hospital		4,635,805	4,791,666	376,227	79,010	0	0	
Mayor's Council				433,656	863,156	731,166	510,499	
DISD				48,906	0	0	0	
Revenue & Taxation				259,452	212,796	259,236	248,212	
Department of Youth Affairs	0	0	0	0	0	0	0	
Department of Public Works	0	0	0	0	0	0	0	
Transfer In/Out			(1,028,151)	(1,028,151)	(833,662)	(1,028,621)	0	
Current year surplus (deficit)	2,360,219	(45,638)	(2,033,664)	3,161,575	(2,530,442)	1,879,923	(545,091)	
Beginning fund balance (deficit)	0	2,360,219	2,314,581	280,917	3,442,492	912,049	2,791,972	
Ending fund balance (deficit)	2,360,219	2,314,581	280,917	3,442,492	912,049	2,791,972	2,246,882	

Note

FEAR	A	CCO	U	NT	DESCRIPTION	APPROPRIATION	ALLOTMENT	EXPENDITURES	ENCUMBRANCE	AVAILABLE	UNALLOTTED	LAPSE AMOUNT	Continuing Appropriation Pursuant to
09	5	602	A	9 17 12	GA 203 111 COM HEALTH CENTRS-HEALTHY FUTU	3,812,972.00	3,716,833.00	3,709,897.94	-	6,835.16	96,139.00	102,974.16	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 113 COM HEALTH CENTRS-HEALTHY FUTU	1,186,785.00	1,117,827.00	1,117,826.70	-	0.30	89,958.00	68,958.30	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 220 COM HEALTH CENTRS-HEALTHY FUTU	474,044.00	474,044.00	365,143.81	14,829.45	94,070.74	-	-	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 230 COM HEALTH CENTRS-HEALTHY FUTU	123,191.00	24,274.00	18,532.24	359.52	5,282.24	98,917.00	94,070.74	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 240 COM HEALTH CENTRS-HEALTHY FUTU	3,180.00	1,547.00	1,547.00	-	-	1,633.00	104,199.24	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 250 COM HEALTH CENTRS-HEALTHY FUTU	264,000.00	264,000.00	211,755.05	52,244.95	-	-	1,633.00	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 361 COM HEALTH CENTRS-HEALTHY FUTU	21,000.00	21,000.00	20,763.19	-	236.81	-	236.81	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 17 12	GA 203 450 COM HEALTH CENTRS-HEALTHY FUTU	426,581.00	426,581.00	392,476.00	-	34,105.00	-	34,105.00	PL 30-55 Chapter III, Part II, Section 9
09	5	602	A	9 99 19	CT 202 290 DOE INTRESCHOLASTIC SPORTS PRG	271,754.00	271,754.00	250,028.00	-	21,726.00	-	21,726.00	PL 30-55 Chapter II, Part IV, Section 14
09	5	602	A	9 99 19	CT 203 290 DOE HEALTH/PHYSICAL ACTIVITIES								
						427,903.25							

Government of Guam
INDIRECT COST FUND (Fund 632)

Balance Sheet	September 30, 2009 <u>(Unaudited)</u>	January 29, 2010 <u>(Unaudited)</u>
Assets		
Cash and cash equivalents	1,391,051	992,439
Investments		
Receivables, net:		
Taxes		
Federal agencies		
Other	0	0
Due from other funds	552,684	1,017,166
Inventories		
Deposits and other assets		
Total assets	<u>1,943,735</u>	<u>2,009,605</u>
Liabilities		
Bank overdraft		
Accounts payable		
Accrued payroll and other	0	0
Due to component units		
Due to other funds		
Payable to federal agencies		
Deferred revenue		
Provision for tax refunds		
Deposits and other liabilities		
Total liabilities	0	0
Fund Equity:		
Reserved for:		
Related assets		
Encumbrances		28,040
Appropriations	247,207	386,308
Unreserved fund balance (deficit)	<u>1,696,528</u>	<u>1,595,257</u>
Total fund equity	<u>1,943,735</u>	<u>2,009,605</u>
Total liabilities & fund equity	<u>1,943,735</u>	<u>2,009,605</u>

Government of Guam
INDIRECT COST FUND (Fund 632)

	September 30, 2009 <u>(Unaudited)</u>	January 29, 2010 <u>(Unaudited)</u>
Statement of Revenues, Expenditures and Changes in Fund Balance		
Revenues		
Taxes:		
Property		
Hotel		
Liquid fuel		
Other taxes		
Sales, licenses, fees and permits		
Use of money and property	1,961	1,428
Federal	1,944,567	87,301
Other	<u>0</u>	<u>0</u>
Total revenues	<u>1,946,528</u>	<u>88,729</u>
Expenditures by Function:		
General government	2,793	22,859
Protection of life and property	0	0
Public health	0	0
Community services		
Recreation	0	0
Individual and collective rights	0	0
Transportation		
Public education		
Environmental protection		
Economic development	0	0
Payments to Guam Visitors Bureau		
Payments to Guam Memorial Hospital		
Payment to University of Guam		
Total Expenditures	<u>2,793</u>	<u>22,859</u>
Excess (deficiency) of revenues over (under) expenditures	1,943,735	65,870
Other financing sources (uses):		
Transfers in	0	0
Transfers out	<u>0</u>	<u>0</u>
Total other financing sources (uses), net	<u>0</u>	<u>0</u>
Special item:		
	<u>0</u>	<u>0</u>
Net change in fund balances (deficits)	1,943,735	65,870
Beginning fund balance (deficit)	0	1,943,735
Ending fund balance (deficit)	<u>1,943,735</u>	<u>2,009,605</u>

Notes

FFYEAR	A	CCO	U	NT	DESCRIPTION	APPROPRIATION	ALLOTMENT	EXPENDITURES	ENCUMBRANCE	AVAILABLE	UNALLOTTED	LAPSE AMOUNT
09	5	100	A	9 28 80 SE	1 111 MAYORS COUNCIL MASTER-GEN FUND	4,921,210.19	4,921,210.19	4,921,210.19	-	-	-	8,929.27
09	5	100	A	9 28 80 SE	1 113 MAYORS COUNCIL MASTER-GEN FUND	1,430,580.00	1,430,580.00	1,421,650.73	-	8,929.27	-	1,023.50
09	5	100	A	9 28 80 SE	1 220 MAYORS COUNCIL MASTER-GEN FUND	16,199.80	16,199.80	15,176.30	-	1,023.50	-	11,980.36
09	5	100	A	9 28 80 SE	5 220 MASTER-VILLAGE STREET GEN FUND	22,229.94	22,229.94	9,937.08	312.50	11,980.36	-	468.75
09	5	100	A	9 28 80 SE	6 220 MC MASTER-PUBLIC SAFETY SOCIAL	1,447.97	1,447.97	979.22	-	468.75	-	3,038.15
09	5	100	A	9 28 80 SE	1 230 MAYORS COUNCIL MASTER-GEN FUND	44,499.10	44,499.10	41,460.95	-	3,038.15	-	14,779.73
09	5	100	A	9 28 80 SE	5 230 MASTER-VILLAGE STREET GEN FUND	412,017.27	412,017.27	383,511.23	13,726.31	14,779.73	-	19,071.96
09	5	100	A	9 28 80 SE	6 230 MC MASTER-PUBLIC SAFETY SOCIAL	80,398.99	80,398.99	60,405.58	921.45	19,071.96	-	26,298.46
09	5	100	A	9 28 80 SE	7 230 ISLANDWIDE VILLAGE BEUTIFICATN	217,804.17	217,804.17	178,684.22	12,821.49	26,298.46	-	-
09	5	100	A	9 28 80 SE	12 230 YIGO REPAIR VICE MAYORS OFFICE	15,500.00	15,500.00	15,500.00	-	-	-	262.50
09	5	100	A	9 28 80 SE	13 230 MANGILAO VICE MAYOR'S OFFICE	1,586.50	1,586.50	1,324.00	-	0.40	-	0.40
09	5	100	A	9 28 80 SE	1 233 MAYORS COUNCIL MASTER-GEN FUND	93,520.00	93,520.00	93,519.60	-	0.40	-	21,838.53
09	5	100	A	9 28 80 SE	1 240 MAYORS COUNCIL MASTER-GEN FUND	65,256.51	65,256.51	43,322.00	95.98	21,838.53	-	81,062.20
09	5	100	A	9 28 80 SE	5 240 MASTER-VILLAGE STREET GEN FUND	431,510.35	431,510.35	341,526.75	8,921.40	81,062.20	-	23,036.32
09	5	100	A	9 28 80 SE	6 240 MC MASTER-PUBLIC SAFETY SOCIAL	126,956.17	126,956.17	100,117.88	3,801.97	23,036.32	-	7,622.82
09	5	100	A	9 28 80 SE	7 240 ISLANDWIDE VILLAGE BEUTIFICATN	201,216.00	201,216.00	185,490.01	8,103.17	7,622.82	-	314.80
09	5	100	A	9 28 80 SE	12 240 YIGO REPAIR VICE MAYORS OFFICE	314.80	314.80	-	-	-	-	30.25
09	5	100	A	9 28 80 SE	13 240 MANGILAO VICE MAYOR'S OFFICE	7,876.00	7,876.00	6,376.75	1,469.00	30.25	-	1,493.12
09	5	100	A	9 28 80 SE	1 250 MAYORS COUNCIL MASTER-GEN FUND	3,387.53	3,387.53	1,894.41	-	1,493.12	-	13,776.95
09	5	100	A	9 28 80 SE	5 250 MASTER-VILLAGE STREET GEN FUND	25,555.45	25,555.45	11,708.50	670.00	13,776.95	-	19,952.06
09	5	100	A	9 28 80 SE	6 250 MC MASTER-PUBLIC SAFETY SOCIAL	49,670.93	49,670.93	26,941.92	2,776.95	19,952.06	-	4,151.91
09	5	100	A	9 28 80 SE	7 250 ISLANDWIDE VILLAGE BEUTIFICATN	15,400.83	15,400.83	11,248.82	-	4,151.91	-	3,121.20
09	5	100	A	9 28 80 SE	12 250 YIGO REPAIR VICE MAYORS OFFICE	18,185.20	18,185.20	15,064.00	-	3,121.20	-	539.04
09	5	100	A	9 28 80 SE	13 250 MANGILAO VICE MAYOR'S OFFICE	3,653.94	3,653.94	3,114.90	-	539.04	-	37.50
09	5	100	A	9 28 80 SE	1 271 MAYORS COUNCIL MASTER-GEN FUND	37.50	37.50	-	-	-	-	511.37
09	5	100	A	9 28 80 SE	5 271 MASTER-VILLAGE STREET GEN FUND	3,661.37	3,661.37	3,150.00	-	511.37	-	16,298.14
09	5	100	A	9 28 80 SE	1 290 MAYORS COUNCIL MASTER-GEN FUND	38,404.72	38,404.72	22,106.58	-	16,298.14	-	3,664.39
09	5	100	A	9 28 80 SE	5 290 MASTER-VILLAGE STREET GEN FUND	80,660.61	80,660.61	73,537.08	3,459.14	3,664.39	-	7,614.59
09	5	100	A	9 28 80 SE	6 290 MC MASTER-PUBLIC SAFETY SOCIAL	178,935.04	178,935.04	166,106.13	5,214.32	7,614.59	-	-
09	5	100	A	9 28 80 SE	11 290 BARRIGADA-REPAIR COURTS-REFIN	-	-	-	-	-	-	-
09	5	100	A	9 28 80 SE	1 361 MAYORS COUNCIL MASTER-GEN FUND	365,283.82	365,283.82	365,283.82	-	-	-	-
09	5	100	A	9 28 80 SE	1 362 MAYORS COUNCIL MASTER-GEN FUND	48,177.48	48,177.48	48,177.48	-	-	-	-
09	5	100	A	9 28 80 SE	1 363 MAYORS COUNCIL MASTER-GEN FUND	51,770.35	51,770.35	51,659.27	111.08	-	-	380.63
09	5	100	A	9 28 80 SE	5 363 MASTER-VILLAGE STREET GEN FUND	2,436.01	2,436.01	1,410.03	645.35	380.63	-	3,382.81
09	5	100	A	9 28 80 SE	6 363 MC MASTER-PUBLIC SAFETY SOCIAL	9,965.90	9,965.90	5,160.60	1,422.49	3,382.81	-	1,500.00
09	5	100	A	9 28 80 SE	13 363 MANGILAO VICE MAYOR'S OFFICE	2,903.56	2,903.56	1,244.00	159.56	1,500.00	-	20,000.00
09	5	100	A	9 28 80 SE	1 450 MAYORS COUNCIL MASTER-GEN FUND	57,955.00	57,955.00	37,955.00	-	20,000.00	-	-
09	5	100	A	9 28 80 SE	5 450 MASTER-VILLAGE STREET GEN FUND	36,500.00	36,500.00	25,500.00	11,000.00	-	-	-
09	5	100	A	9 28 80 SE	6 450 MC MASTER-PUBLIC SAFETY SOCIAL	14,000.00	14,000.00	14,000.00	-	-	-	316,181.71
09	5	100	A	9 28 80 SE	7 450 ISLANDWIDE VILLAGE BEUTIFICATN	9,096,669.00	9,096,669.00	8,704,855.13	75,632.16	316,181.71	-	572,568.65
09	5	100	A	9 28 80 SE	13 450 MANGILAO VICE MAYOR'S OFFICE	1,007,994.00	1,007,994.00	435,425.35	-	43,179.11	-	43,179.11
09	5	247	A	9 28 80 SE	215 111 VILLAGE STRT AND OTHER PURPOSE	43,205.00	43,205.00	25.89	-	43,179.11	-	3,652.71
09	5	247	A	9 28 80 SE	215 113 VILLAGE STRT AND OTHER PURPOSE	16,158.15	16,158.15	12,505.44	-	3,652.71	-	9,018.26
09	5	247	A	9 28 80 SE	215 220 VILLAGE STRT AND OTHER PURPOSE	44,430.27	44,430.27	29,412.01	6,000.00	9,018.26	-	3,713.26
09	5	247	A	9 28 80 SE	215 230 VILLAGE STRT AND OTHER PURPOSE	59,725.56	59,725.56	53,668.30	2,344.00	3,713.26	-	15,309.14
09	5	247	A	9 28 80 SE	215 240 VILLAGE STRT AND OTHER PURPOSE	25,734.99	25,734.99	10,425.85	-	15,309.14	-	175.00
09	5	247	A	9 28 80 SE	215 250 VILLAGE STRT AND OTHER PURPOSE	175.00	175.00	-	-	-	-	17,092.31
09	5	247	A	9 28 80 SE	215 290 VILLAGE STRT AND OTHER PURPOSE	30,577.03	30,577.03	13,234.90	249.82	17,092.31	-	-
09	5	247	A	9 28 80 SE	215 361 VILLAGE STRT AND OTHER PURPOSE	285,000.00	285,000.00	232,190.58	52,809.42	-	-	-
09	5	247	A	9 28 80 SE	215 362 VILLAGE STRT AND OTHER PURPOSE	55,000.00	55,000.00	49,400.25	5,599.75	-	-	-
09	5	247	A	9 28 80 SE	215 363 VILLAGE STRT AND OTHER PURPOSE	32,000.00	32,000.00	18,445.97	13,554.03	-	-	-
09	5	247	A	9 28 80 SE	215 363 VILLAGE STRT AND OTHER PURPOSE	1,600,000.00	1,600,000.00	854,734.54	80,557.02	664,708.44	-	664,708.44
09	5	319	A	9 28 80 SE	214 230 COMM DEV FND-GPSS GROUND MAINT	201,905.00	201,905.00	107,155.29	1,254.00	93,495.71	-	93,495.71
09	5	319	A	9 28 80 SE	214 240 COMM DEV FND-GPSS GROUND MAINT	61,079.50	61,079.50	22,478.79	6,699.51	31,901.20	-	31,901.20
09	5	319	A	9 28 80 SE	214 250 COMM DEV FND-GPSS GROUND MAINT	61,449.50	61,449.50	40,215.50	695.00	20,539.00	-	20,539.00
09	5	319	A	9 28 80 SE	214 280 COMM DEV FND-GPSS GROUND MAINT	5,234.00	5,234.00	-	-	5,234.00	-	5,234.00
09	5	319	A	9 28 80 SE	214 450 COMM DEV FND-GPSS GROUND MAINT	-	-	-	-	-	-	-

FYEAR	CCO U NT	DESCRIPTION	APPROPRIATION	ALLOTMENT	EXPENDITURES	ENCUMBRANCE	AVAILABLE	UNALLOTTED	LAPSE AMOUNT
319	Total		329,668.00	329,668.00	169,849.58	8,648.51	151,169.91	-	151,169.91
	Grand Total		11,026,337.00	11,026,337.00	9,729,439.25	164,837.69	1,132,060.06	-	1,132,060.06

My name is Jane Flores. I am the Chief Financial Officer for Guam Memorial Hospital Authority. I am testifying today in support of Bill 317, specifically §7 which appropriates five hundred thousand dollars to the Hospital for payment of outstanding accounts payable, one hundred eighty days out.

Every level of Hospital, the Board, management and the staff are committed to ensuring every person who walks through our doors receive the best care possible regardless of ability to pay. Recruiting and maintaining qualified medical and clinical staff, procuring medical equipment, supplies, pharmaceuticals, and other patient related necessities are fundamental to treating our patient needs.

The number of patients receiving care from the Hospital has grown to nearly fifty thousand a year. Close to half of those patients are seen and treated in the Emergency Room. In the ER, our staff has to be ready for anything and everything - from a headache to a head trauma. We are a full servicing Hospital. We are capable of radiological/interventional diagnostic, laboratory, hemo-dialysis, respiratory, rehabilitative, surgical, orthopedic, inpatient, long term care, even patient education services. Just in recent years, the Hospital has proven to be able to consistently perform open heart surgeries. All of these services happen every day, three hundred sixty five days a year without delay in a safe, clean environment.

These essential health services do come with a price tag. There continues to be a shortage of medical staff. Pediatricians, Pharmacists, Neonatalists, ICU, ER, OR nurses, and certified medical coders are just a few of the medical disciplines that difficult to recruit. Maintaining just the right amount of supplies and drugs to meet patient needs but also be ready for a patient surge in the event of a disaster is not easy. We are

working to expand our existing structure to meet patient health demands – such our plans to expanding the ER and ICU.

Overall, any appropriation that empowers our Hospital to continue servicing our patients will be humbly received. Our patients expect and deserve quality medical care every time. On behalf of the Board, senior management, and our staff, we would like to thank the Senator Pangelinan for considering the Hospital in Bill 317.

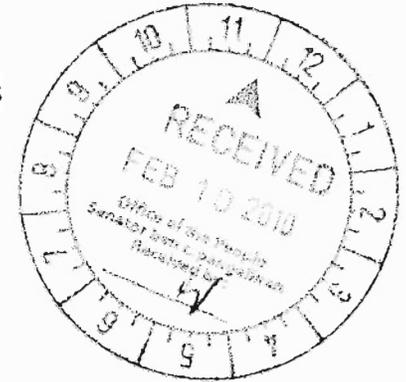
At this time I would like to take the opportunity to request of the committee to make an amendment to bill 317. There is discussion in the bill in §15 that speaks to the topic of cost of living adjustment (COLA). Every enacted Government of Guam annual appropriation budget act denotes autonomous agencies, excluding the Hospital, to be responsible for the COLA payment on behalf of our retirees. Every year this was the case, with the exception of budget law for FY2002. Under P.L. 26-35 later amended under P.L. 26-49, the Hospital was cited for being responsible for the COLA payments. I respectfully request of the committee to consider amending bill 317 to remove the COLA requirement enacted in P.L. 26-35. For the committee's information, the Hospital has recorded a liability of \$1.5M in its financial books to properly recognize this liability as a result of this legislation.

Again, thank you for giving the opportunity for the Hospital to have a voice in this process. We look forward to the passage of the bill as it identifies an appropriation for the payment of our accounts payable and consideration of amending P.L. 26-35.

End of the Hospital's Chief Financial Officer testimony in support of Bill 317.



UNIVERSITY OF GUAM
UNIBETSEDÁT GUAHAN
OFFICE OF THE PRESIDENT
UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296



February 10, 2010

Honorable Senator Vicente C. Pangelinan
Mina'Trenta Na Liheslaturan Guahan
Chairman, Committee on Appropriations, Taxation, Banking, Insurance and Land
324 W. Soledad Ave. Suite 100
Hagåtña, Guam 96910

Re: Bill 317-30 Testimony

Buenas, Madam Speaker, Mr. Chair, Mr. Vice-Chair and Senators:

Thank you for the opportunity to provide written testimony on Bill 317-30, An Act to Reprogram and Appropriate Funds for Various Programs and Projects and Other Purposes for Fiscal Year 2010, as it relates to COLA payments owed to retirees of the University of Guam, and the proposed obligation of the University to fund those payments.

The University appreciates the hard work and commitment of its retirees to the University. It understands that the dedicated commitment of its retirees have contributed greatly to the academic strength and success of the University. It is with gratitude and respect for their years of service and dedication that the University believes its retirees, indeed all retirees of the Government of Guam, should be compensated promptly and without further delay.

However, the University does not support Bill 317-30 as it pertains to the University based on the following: First, the University is not a fiscally autonomous agency, as defined in Guam law. Second, the University's Charter states that the University shall not be liable for any amounts owed to its officers and employees for retirement benefits except for the annual statutory billings by the Board of Trustees of the Retirement Fund. Third, retroactive provisions as proposed in Bill 317-30 for prior years' COLA payments are disfavored in the law and may appear to have the effect of denying due process rights to the University during those particular years. Fourth, any sums mandated for COLA payments by the University will reduce the funds dedicated to student learning, thereby affecting the quality of education to University students.

The University of Guam is a public non-profit corporation which receives annual legislative appropriations from the Government of Guam. Although the University is an independent component unit of the Government of Guam whose governance is vested in its Board of Regents, the University is not a fiscally autonomous agency under Guam law because it is not self-funded through operations. While the University's governance is

autonomous, its financial position is such that it is not self-sustaining absent annual legislative appropriations. The University depends upon annual legislative appropriations for its personnel and operating costs necessary for carrying out the mission, purposes and general activities of the University, including funds necessary for student loans, scholarships, and financial aid. Student tuition and fees and other non-appropriated funds of the University under the fiscal control of the Board are not sufficient in themselves to fund the operations of the University. The University is not financially autonomous from the government of Guam.

The University Charter at 17 GCA § 16115 states that:

“The University shall contribute to the Government of Guam Retirement Fund on the basis of annual billings as determined by the Board of Trustees of the Government of Guam Retirement Fund, for the employer’s share of the cost of the retirement benefits applicable to the University’s officers and employees, and their beneficiaries.”

“The University shall not be liable for any amount except for the annual statutory billings by the Board of Trustees of the Retirement Fund. In the event that the annual statutory billing rate is determined by any external auditor employed by the University to be less than the unfunded accrued liability of the University for Retirement Fund purposes, any such differences between the statutory and actuarial calculations shall be transferred to the Government of Guam General Fund.”

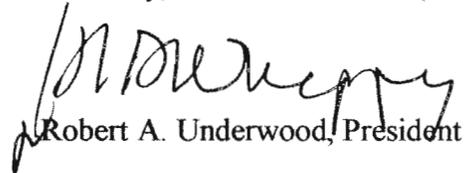
The University’s Charter makes clear that the University is not liable for any unfunded accrued liability for its officers and employees except for the annual statutory billings by the Board of Trustees of the Retirement Fund. The unfunded liability for COLA payments to University retirees is not a statutory liability to the University, pursuant to 17 GCA § 16115.

Mina’Trenta Na Liheslaturan Guahan is aware that common law principles do not favor the retroactive effect of laws; in this case, the proposed COLA payments from years 2007-2009. The University has not budgeted for the \$1,151,700 owed by the Government of Guam to its retirees for those years, nor does it have the funds to do so. The University’s appropriations from these years have all been expended or encumbered. As a result of a current appropriations receivable of \$7.5 million, of which \$1.4 million is from FY09, and a further 3% allotment holdback on our FY10 appropriation, the University has had to implement cost saving measures, all of which have impacted student learning. This additional unexpected COLA payment, if passed, will again serve to impact upon and substantially affect student learning. As the premier four-year institution of higher learning in the Western Pacific, the University must not compromise the quality of its education. The proposed payment of COLA funds by the University will serve as a negative impact on our students.

For the reasons cited above, the University respectfully requests that Mina'Trenta Na Liheslaturan Guahan remove the provisions from Bill 317-30 mandating that the University pay COLA payments to its retirees for the years 2007-2009 in the amount of \$1,151,700. The University also stands in support of the Guam Community College's opposition to Bill 317-30.

Thank you for your time and consideration of the University's opposition to the inclusion of the University in Bill 317-30 as currently written.

Sincerely,



Robert A. Underwood, President

Copy: Chairman, Board of Regents
VPs, Legal Counsel



DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT



www.gdoe.net
P.O. Box D.E., Hagatna, Guam 96932
Telephone: (671)475-0457 or 300-1547/1536 Fax: (671)472-5003
Email: nbunderwood@gdoe.net

Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

February 5, 2010

Honorable Vicente "ben" C Pangelinan
Chairman
Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land
I Mina Trenta Na Liheslaturan Guahan
Suite 101 Quan Building, 324 W Soledad Avenue
Hagatna, Guam 96910

Re: Bill 317-30 (COR) AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010

Hafa Adai Senator Pangelinan:

Thank you for the opportunity to provide testimony on Bill 317-30 (COR) AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

The Department of Education (DOE) supports of Section 4, which appropriates \$4,650,000.00 from the Territorial Education Facilities Fund for the following purposes:

Table with 2 columns: Purpose and Amount. Rows include CIP Reimbursement, Textbooks, Vehicles for DOE Maintenance, Vehicles for DOE Warehouse, and a TOTAL row.

The appropriation will certainly provide much needed funds for maintaining facilities, textbooks and provide safe vehicles for our maintenance and warehouse staff. The balances for our bond fund used to address inspection deficiencies and CIP (capital improvement projects) requirements has been fully allocated by expenditures and encumbrances, which consequently makes it difficult to address maintenance needs of our aging facilities. We continue to address the need to update our textbooks and when there is a shortage, we try to ensure that each classroom has at least one class set. The need for vehicles for the DOE maintenance and warehouse will significantly facilitate our effort to provide timely services to schools.

We are requesting, however, the flexibility to use the \$4.6 million appropriation to temporarily fund programs under the Consolidated Grant until the third party fiduciary agent is hired. The amount is reimbursable.

The swift approval of this Bill 317-30 will strengthen the services provided to our students. Thank you for your continuing support of our schools.

Sincerely,
[Signature]
NERISSA BRETANIA UNDERWOOD, Ph.D.
Superintendent of Education

Cc: Chairman and Members, Guam Education Policy Board

Government of Guam Retirement Fund
 Summary of COLA Payments
 As of December 31, 2009

Appropriations	
Total Appropriation	\$123,000,000
Total Payments Due	\$121,543,802
Excess Appropriation	\$1,456,198

PL 29-04 PL 29-19 PL 28-151

Funds Available	\$ 8 M Appropriation	\$ 14 M Appropriation	\$ 9 M Appropriation	\$ 92 M PL 30-7	Total
Total Appropriated	\$8,000,000	\$14,000,000	\$9,000,000	\$92,000,000	\$123,000,000
Total Payments	(\$7,402,150)	(\$12,929,049)	(\$8,248,360)	(\$86,897,084)	(\$115,476,643)
Balance	\$597,850	\$1,070,951	\$751,640	\$5,102,916	\$7,523,357
				Voided Checks To Be Reissued:	\$81,202
				Available Appropriations:	\$7,604,559

Payment Status	Total Awardees	Total COLA Due	Gross COLA Paid	Attorney Fee Paid in Advance	Balance
No Payments Yet*	421	\$5,434,013	\$0	\$543,401	\$4,890,612
Partially Paid*	151	\$2,723,360	\$1,325,861	\$139,750	\$1,257,749
Fully Paid	4,069	\$113,386,429	\$113,386,429	\$0	\$0
Zero Due	254	\$0	\$0		\$0
Total	4,895	\$121,543,802	\$114,712,290	\$683,151	

Remaining COLA Due \$6,148,361

Excess Appropriation \$1,456,198

* No payments due to the following:

1. Unable to locate beneficiary or beneficiaries.
2. Pending probate proceedings for Awardee or Beneficiary's Estate.

** Partial payments due to the following:

1. Awardee, spouse, or beneficiary passed away after receiving partial payment.
2. Unable to locate all beneficiaries designated by the Awardee.
3. Pending probate proceedings for Beneficiary's Estate.



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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SENATOR**

January 27, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 317-30 (COR) and 318-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 317-30 (COR) and 318-30 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

107 01 09 27

RJR

I Mina'Trenta Na Liheslaturan Guåhan
Bill Log Sheet
 Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B317-30 (COR)	v.c. pangelinan	An Act to Reprogram and Appropriate Funds for Various Programs and Projects and other purposes for Fiscal Year 2010.	1/26/10 4:41 p.m.	1/27/10	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
B318-30 (COR)	A. B. Palacios, Sr.,	An act to add §849.3 to Title 1 Guam Code Annotated, relative to renaming the Merizo Community Center as the "Jose Manalisay Acfalle Building."	1/27/10 9:57 a.m.	1/27/10	Committee on Municipal Affairs, Aviation, Housing, and Recreation			



Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Memorandum

To" All Senators

From: Senator ben pangelinan

Re: Public Hearing – FIRST NOTICE

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing at **3:00pm on Wednesday, February 3, 2010** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

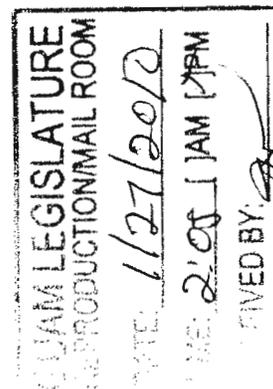
**Bill No. 317-30 (COR): Senator ben pangelinan
AN ACT TO REPROGRAM AND APPROPRIATE FUNDS
FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER
PURPOSES FOR FISCAL YEAR 2010**

For copies of the bill, you can log onto www.guamlegislature.com

Si Yu'os Ma'ase,


ben c. pangelinan
Senator

Cc: Therese Terlaje, Legal Counsel
Clerk's Office
Protocol
Audio
Sergeant-at-Arms
MIS
Stephanie Mendiola, Office of Senator Respicio



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Retirement Fund

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 Wed, Jan 27, 2010 at 11:59 AM
 Public Hearing - First Notice
 guamlegislature.org

Please see attached.

--
 Lisa Cipollone
 Chief of Staff
 Office of Senator ben c. pangelinan
 (671) 473-4236
 cipo@guamlegislature.org

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From: "Lisa Cipollone" <cipo@guamlegislature.org>
 Subject: Fwd: Public Hearing - Senator pangelinan - FIRST NOTICE
 Date: Fri, February 5, 2010 3:26 pm
 To: "Toby Castro" <tcastro@guam.net>

This is the first notice. Just print.

----- Forwarded message -----

From: Lisa Cipollone <cipo@quamlegislature.org>
 Date: Wed, Jan 27, 2010 at 12:02 PM
 Subject: Public Hearing - Senator pangelinan - FIRST NOTICE
 To: news@quampdn.com, news@hitradiol100.com, news@k57.com, news@kuam.com,
news@spbquam.com, msilva@pacificnewscenter.com, msilva@spbquam.com,
jtyquienqco@spbquam.com, clynt@spbquam.com, Kevin Kerrigan <
kevin@spbquam.com>, Sabrina Salas <sabrina@kuam.com>, jason@kuam.com,
janjeera@kuam.com, heather@kuam.com, nick@kuam.com, gerry@mvquam.com,
marvic@mvquam.com, managingeditor@glimpesofquam.com, rgibson@k57.com,
cmelyan@quam.gannett.com

Please see attached agenda.

--
 Lisa Cipollone
 Chief of Staff
 Office of Senator ben c. pangelinan
 (671) 473-4236
cipo@quamlegislature.org

--
 Lisa Cipollone
 Chief of Staff
 Office of Senator ben c. pangelinan
 (671) 473-4236
cipo@quamlegislature.org

Attachments:

untitled-1.2
Size: 2.2 k
Type: text/html
Agenda020310.doc
Size: 56 k
Type: application/msword



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Mr. Leonard Olive
General Manager
Guam Water Works Authority
Tumon, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Olive,

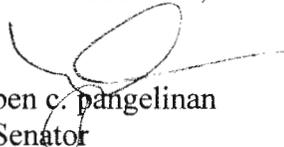
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This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bill, please log on to <http://guamlegislature.com>

Si Yu'os Ma'ase,



ben c. pangelinan
Senator



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Chairman
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Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Mr. Jeremy Rojas
President
Guam Housing Corporation
ITC Building, 5th Floor
Tamuning, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Rojas,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at **3:00pm on Wednesday, February 3, 2010** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

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Si Yu'os Ma'ase,

ben c. pangelinan
Senator



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Anthony Blaz
Acting Administrator
Guam Economic Development Authority
Tamuning, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Blaz

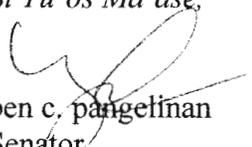
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Si Yu'os Ma'ase,



ben c. pangelinan
Senator



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Joaquin Flores
General Manager
Guam Power Authority
Dededo, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Flores,

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Si Yu'os Ma'ase,



ben c. pangelinan
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Member
Committee on Education

Member
Committee on
Municipal Affairs,
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Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Ms. Paula Blas
Director
Government of Guam Retirement Fund
Maite, Guam

Re: Public Hearing Notice

Hafa Adai Ms. Blas,

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Si Yu'os Ma'ase,

ben c. pangelinan
Senator

cc: GovGuam Retirement Board Members

Chairman
Committee on
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Land

Member
Committee on Education

Member
Committee on
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Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Dr. Robert Underwood
President
University of Guam
Mangilao, Guam

Re: Public Hearing Notice

Hafa Adai Dr. Underwood,

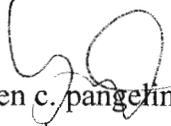
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Si Yu'os Ma'ase,



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Technology



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Dr. Mary Okada
President
Guam Community College
Mangilao, Guam

Re: Public Hearing Notice

Hafa Adai Dr. Okada,

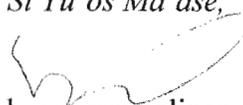
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Public Libraries, and
Technology



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Richard Lai
President
Guam Soccer Association
Dededo, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Lai,

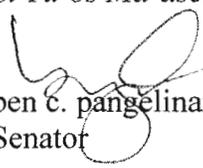
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Si Yu'os Ma'ase,


ben c. pangelinan
Senator



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Dr. Nerissa Underwood
Superintendent
Department of Education
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai Dr. Underwood,

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Si Yu'os Ma'ase,


ben c. pangelinan
Senator

cc: GEPB Members

OFFICE OF THE SENATOR
VICENTE (BEN) C. PANGELINAN
1/27/2010



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Alicia Limtiaco
Attorney General of Guam
Office of the Attorney General
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai General Limtiaco,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at **3:00pm on Wednesday, February 3, 2010** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

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Si Yu'os Ma'ase,

ben c pangelinan
Senator

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology



The People

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Glen Leon Guerrero
General Manager
Port Authority of Guam
Piti, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Leon Guerrero ,

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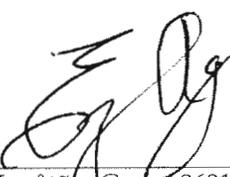
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Si Yu'os Ma'ase,


ben c. pangelinan
Senator

Port Authority of Guam
General Manager's Office
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DGM - BAC
27 JAN 2010



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Fred Gofigan
Interim Administrator
Guam Veterans Affairs Office
Piti, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Gofigan

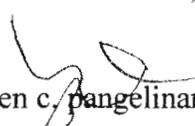
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Si Yu'os Ma'ase,



ben c. pangelinan
Senator



GUAD

1/27/2010



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Honorable Felix Camacho
Governor of Guam
Office of the Governor
Adelup, Guam

Re: Public Hearing Notice

Hafa Adai Governor Camacho,

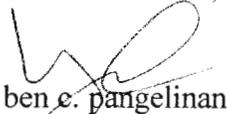
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This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

Si Yu'os Ma'ase,



ben c. pangelinan
Senator

cc: Lt. Governor Michael Cruz



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Ms. Bertha Duenas
Director
Bureau of Budget Management Research
Office of the Governor
Adelup, Guam

Re: Public Hearing Notice

Hafa Adai Ms. Duenas,

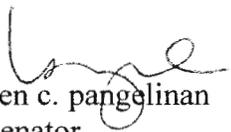
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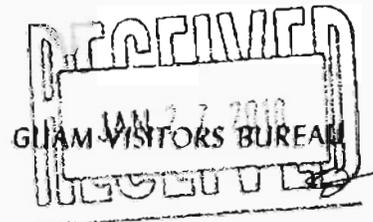

ben c. pangelinan
Senator



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010



Mr. Gerry Perez
General Manager
Guam Visitor's Bureau
Tumon, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Perez,

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Si Yu'os Ma'ase,



ben c. pangelinan
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Committee on
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Committee on Labor, the
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Technology



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Carlos Salas
Executive Manager
Guam International Airport Authority
Tiyan, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Salas,

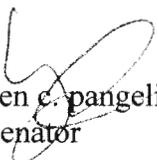
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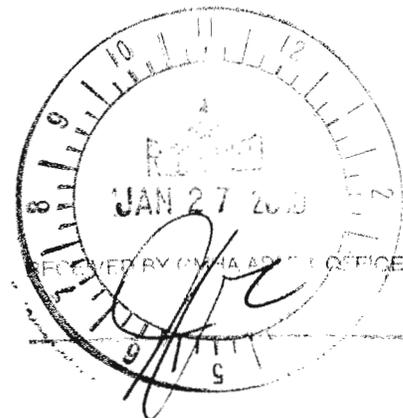


Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Peter John Camacho
Hospital Administrator
Guam Memorial Hospital
Tamuning, Guam



Re: Public Hearing Notice

Hafa Adai Mr. Camacho,

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Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mayor Vicente "Ben" Gumataotao
Office of the Mayor
Piti, Guam

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JAN 27 2010

MAYORS' COUNCIL
OF GUAM

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Re: Public Hearing Notice

Hafa Adai Mayor Gumataotao,

Member
Committee on Education

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at **3:00pm on Wednesday, February 3, 2010** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

Member
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Member
Committee on Labor, the
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Si Yu'os Ma'ase,



ben c/ pangelinan
Senator



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

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ben
JAN 27 2010

MAYORS' COUNCIL
OF GUAM

Mayor Nonito "Nito" Blas
Office of the Mayor
Mangilao, Guam

Re: Public Hearing Notice

Hafa Adai Mayor Blas,

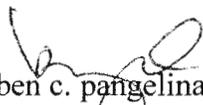
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Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mayor Franklin Taitague
Office of the Mayor
Inarajan, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Taitague,

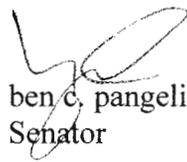
The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at **3:00pm on Wednesday, February 3, 2010** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

Bill No. 317-30 (COR): AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

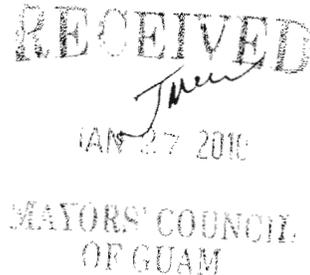
This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bill, please log on to <http://guamlegislature.com>

Si Yu'os Ma'ase,



ben c. pangelinan
Senator



Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mayor Vicente S. Taitague
Office of the Mayor
Talofofo, Guam

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JAN 27 2010

MAYORS' COUNCIL
OF GUAM

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Re: Public Hearing Notice

Hafa Adai Mayor Taitague,

Member
Committee on Education

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Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

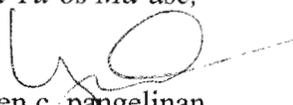
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Member
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Public Structure,
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Si Yu'os Ma'ase,



ben c. pangelinan
Senator



Office of

The People

Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mr. Angel Sablan
Executive Director
Mayor's Council of Guam
Hagatna, Guam

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JAN 27 2010

Re: Public Hearing Notice

MAYORS' COUNCIL
OF GUAM

Hafa Adai Mr. Sablan,

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Si Yu'os Ma'ase,

[Signature]
ben c. pangelinan
Senator

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mayor Paul McDonald
Office of the Mayor
Agana Heights, Guam

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MAYORS' COUNCIL
OF GUAM

Re: Public Hearing Notice

Hafa Adai Mayor McDonald,

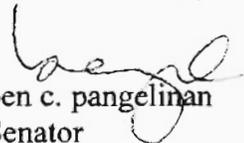
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Si Yu'os Ma'ase,


ben c. pangelinan
Senator

Chairman
Committee on
Appropriations, Taxation,
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Land

Member
Committee on Education

Member
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Municipal Affairs,
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Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

January 27, 2010

Mayor Melissa Savares
Office of the Mayor
Dededo, Guam

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JAN 27 2010

MAYORS' COUNCIL
OF GUAM

Chairman
Committee on
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Re: Public Hearing Notice

Hafa Adai Mayor Savares,

Member
Committee on Education

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Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

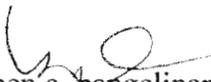
Bill No. 317-30 (COR): AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

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Committee on Labor, the
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Si Yu'os Ma'ase,


ben c. pangelinan
Senador

Masters bill endorsed

By Zita Y. Taltano
ztta@mwguam.com
Variety News Staff

THE Masters Award legislation authored by vice speaker BJ Cruz had a public hearing yesterday at the legislature.

Cruz's measure is geared at reviving the Masters Award program at the Guam Council on the Arts and Humanities Agency following 13 years of inactivity. The last time an award was presented was in 1997.

The masters award would recognize island residents notable for their excellence and expertise in the fields of visual arts, music, folklore and storytelling, dance and native craftsmanship.

The CAHA executive director, and board member Monica Guzman, both expressed their support of the bill.

"The intent to reinstate the Masters program is to give due recognition to those practitioners and to safeguard and support the continuing transmission of the knowledge and skill related with traditional artistry through continued practice of the craft

within the community," said Bamba.

Guzman said the bill would establish "a policy that will enhance and preserve our cultural and traditional art-forms and our heritage."

But Bamba said protecting the traditional craftsmanship should not just focus on the products but also efforts should be made to create conditions that would encourage traditional artists and craftsmen and women in continuing their practice and pass on their knowledge to others.

Noting the passing of many master craftsmen and women of Guam, Guzman said there are only 24 previous awardees, 17 of whom have passed away already.

"We have also lost many of the artistic nuances, traditional processes and a wealth of cultural histories," said Guzman. Among the surviving master award recipients is blacksmith Tun Jack Lujan, of Mangilao.

Guzman said the next award nomination process begins in March, designated as Chamorro month.

Mari Weiss / Variety



CAHA executive director Patrick Bamba, foreground, and board member Monica Guzman testify before the Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting on Tuesday, endorsing the Masters Award bill.



Mian' Trentu Na Liheslaturnn Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" e. pangelinan

Public Hearing Notice

Committee on Appropriations, Taxation, Banking Insurance and Land
Wednesday, February 3, 2010

3:00pm

Guam Legislature Public Hearing Room
Agenda

Bill No. 317-30 (COR)

AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

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ben pangelinan at 473-4226 or email at mpangelin@guam.net

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Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

February 1, 2010

Memorandum

To" All Senators

From: Senator ben pangelinan

Re: Public Hearing – SECOND NOTICE

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing at **3:00pm on Wednesday, February 3, 2010** at the Guam Legislature's Public Hearing Room. The following bill is on the agenda:

**Bill No. 317-30 (COR): Senator ben pangelinan
AN ACT TO REPROGRAM AND APPROPRIATE FUNDS
FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER
PURPOSES FOR FISCAL YEAR 2010**

For copies of the bill, you can log onto www.guamlegislature.com

Si Yu'os Ma'ase,

ben c. pangelinan
Senator

Cc: Therese Terlaje, Legal Counsel
Clerk's Office
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Sergeant-at-Arms
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Please see attached.

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Lisa Cipollone Chief of Staff Office of Senator ben c. pangelinan (671) 473-4236 cipo@guamlegislature.org

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Kevin Kerrigan <kevin@spbguam.com>, **Sabrina Salas** <sabrina@kuam.com>, jason@kuam.com,
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Ugum plant partially shut down

(GWA) – The Guam Waterworks Authority will shut down 50 percent of the operations of Ugum water treatment plant in Talofoso while GWA’s contractor finishes up the \$8.2 million upgrade to the facility.

“We want to ask residents in the villages of Talofoso, Inarajan, Merizo and Umatac to conserve water for the next 6 weeks,” said Heidi Ballendorf communications manager for GWA.



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175/65R14	\$50.00	\$98.00	225/60R16	\$84.00	\$166.00
185/65R14	\$55.00	\$108.00	215/70R16	\$96.00	\$190.00
185/70R14	\$58.00	\$114.00	225/70R16	\$103.00	\$204.00
195/70R14	\$65.00	\$128.00	235/70R16	\$105.00	\$208.00
195/75R14	\$68.00	\$134.00	31-1050R15	\$125.00	\$248.00
195/50R15	\$64.00	\$126.00	265/70R16	\$134.00	\$266.00
195/60R15	\$65.00	\$128.00	265/70R17	\$152.00	\$302.00
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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente “ben” c. pangelinan

Public Hearing Notice

Committee on Appropriations, Taxation, Banking Insurance and Land

Wednesday, February 3, 2010

3:00pm

Guam Legislature Public Hearing Room

Agenda

Bill No. 317-30 (COR)

AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

For copies of bills, you can log onto <http://guamlegislature.com>

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Office of the People
Senator Vicente "Derr" C. Pangelinan

NOTICE OF PUBLIC HEARINGS

Committee on Appropriations, Taxation, Banking, Insurance and Land
Date: Wednesday, February 3, 2010
Time: 3:00pm
Place: Guam Legislature Public Hearing Room
ASSEMBLY

Bill No. 317-30 (COR)
AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR VARIOUS PROGRAMS AND PROJECTS AND OTHER PURPOSES FOR FISCAL YEAR 2010.

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THIRTIETH GUAM LEGISLATURE

Office of the People
Senator vicente "ben" c. pangelinan

Committee on Appropriations, Taxation, Banking, Insurance and Land

Date: Wednesday, February 3, 2010

Time: 3:00pm

Place: Guam Legislature Public Hearing Room

AGENDA

Bill No. 317-30 (COR)

**AN ACT TO REPROGRAM AND APPROPRIATE
FUNDS FOR VARIOUS PROGRAMS AND PROJECTS
AND OTHER PURPOSES FOR FISCAL YEAR 2010.**

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) REGULAR SESSION

Bill No. 317-30(COR)

Introduced by:

v.c. pangelinan

Handwritten signature and vertical text: "v.c. pangelinan" written vertically.

**AN ACT TO REPROGRAM AND APPROPRIATE FUNDS FOR
VARIOUS PROGRAMS AND PROJECTS AND OTHER
PURPOSES FOR FISCAL YEAR 2010.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent.

I Liheslaturan Guåhan intends to ensure that there is continuity of service in the operations of the government of Guam in the Fiscal Year 2010 and as such, hereby authorize the appropriations of funding for various programs and projects to be started and completed in FY 2010 by the Mayors of Guam, certain government of Guam department and agencies and the Department of Education.

In light of the important nature and benefits of the programs and projects identified in this Act to be enjoyed by all our people and the anticipated improvement in the quality of life for island residents in communities throughout Guam, *I Liheslaturan Guåhan* further intends to ensure that these programs and projects receive the utmost attention of *I Liheslaturan Guåhan* throughout the

1 process of deliberation and ultimately, passage of the provisions contained in this
2 Act.

3 In June 2009, the Government of Guam successfully sold \$246 million
4 dollars of bonds also known as Deficit Bonds to pay for outstanding unfunded
5 court ordered COLA obligations. After disbursement of the bond proceeds, there
6 are remaining balances due to the *Superior Court No. SP0206-93 Rios v.*
7 *Camacho*, claimants from interest that accrued prior to the full payment of
8 principal.

9 *I Liheslaturan Guåhan* further finds that seventy-two (72) retirees who were
10 eligible to be part of the COLA class in the case, *Superior Court No. SP0206-93*
11 *Rios v. Camacho* were elderly and not fully conversant with the consequences of
12 signing documents issued at the time the class was being formed, signed the
13 documents opting out of the court case.

14 *I Liheslaturan Guåhan* finds that all government of Guam retirees are owed
15 gratitude and respect for their years of service and dedication and thus should be
16 compensated promptly and without further delay.

17 **Section 2. Short Title.** This Act shall be referred to as the “*Supplemental*
18 *Budget Act of 2010*”.

19 **Section 3. A new subsection (d) is added to Section 2 of Public Law 30-**
20 **38:**

1 “(d) All unexpended and unencumbered funds as of the effective date of
2 this Act shall fund village projects and other priorities in order of priority outlined
3 below:

4 i. *Twenty-Six Thousand Dollars (\$26,000)* to the Office of
5 the Mayor of Piti to repair lighting at the Piti Baseball Field.

6 ii. *Thirteen Thousand Dollars (\$13,000)* to the Guam
7 Youth Football League for the purpose of purchasing a photo voltaic
8 lighting system at the Eagle Football Field at the village of Mangilao.

9 iii. *Fifty Thousand Dollars (\$50,000)* to the Inarajan
10 Mayor’s Office for the repair of the Inarajan sport facilities’ electrical
11 system and light fixtures at the Malojloj multi-purpose court, the
12 Inarajan volleyball court and the Inarajan basketball court.

13 iv. *Seventy-three Thousand Six Hundred Dollars (\$73,600)*
14 to the Mayor’s Office of Talofoto to repair lighting and electrical
15 system of the Talofoto Baseball Field.”

16 v. *Eighty-Five Thousand Dollars (\$85,000)* to the Mayor’s
17 Office of Agana Heights for the purposes of making necessary repairs
18 to the Agana Heights Gymnasium and Baseball Field.

1 vi. ***One Hundred Thousand Dollars (\$100,000)*** to the
2 Dededo Mayor’s Office for the repair and maintenance of the Hal’s
3 Angels Football Field.”

4 **Section 4.** Notwithstanding any other provision of law, *I Liheslaturan*
5 *Guahan* hereby appropriates the total sum of ***Four Million Six Hundred Fifty***
6 ***Thousand Dollars (\$4,650,000)*** from the unreserved fund balance of the
7 Territorial Education Facilities Fund (TEFF) to the Department of Education to be
8 apportioned as follows;

- 9 (a) \$2,800,000 – CIP Reimbursement;
10 (b) \$1,600,000 – Textbooks;
11 (c) \$150,000 – Vehicles for DOE Maintenance;
12 (d) \$100,000 – Vehicles for DOE Warehouse.

13 **Section 5.** The sum of ***Six Hundred Thousand Dollars (\$600,000)*** is
14 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
15 to the Medical Referral Office for Contractual Services (Object Class 230).

16 **Section 6.** The sum of ***Five Hundred Thousand Dollars (\$400,000)*** is
17 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
18 for reimbursements to the Government of Guam Retirement Fund prior year,
19 current and future expenditures as follows:

1 (1) *Eight Thousand Dollars (\$8,000)* shall be reimbursed to the
2 Retirement Fund for Medicare premium reimbursements for Fiscal Year
3 2007.

4 (2) *Ninety-Two Thousand Dollars (\$92,000)* shall be reimbursed
5 to the Retirement Fund for Medicare Premium reimbursements for Fiscal
6 Year 2008.

7 (3) *Three Hundred Thousand Dollars (\$300,000)* to the
8 Retirement Fund for current and future Fiscal Year Medicare premium
9 reimbursements.

10 **Section 7.** The sum of *Five Hundred Thousand Dollars (\$500,000)* is
11 appropriated from the unreserved fund balance of the Healthy Futures Fund (HFF)
12 to the Guam Memorial Hospital for prior or current year vendor payables due in
13 excess of One Hundred Eighty days (180).

14 **Section 8. Authorization to make payments of prior year obligations.**
15 Notwithstanding any other provision of law, the Mayor's Council of Guam
16 (MCOG) is authorized to utilize unexpended funds appropriated to the MCOG for
17 Fiscal Year 2009 and carried over to Fiscal Year 2010 as mandated in Public Law
18 30-55, Chapter VIII, Section 10, to pay for obligations incurred in FY 2009 and to
19 carry over any remaining unencumbered Fiscal Year 2009 funds appropriated to
20 the MCOG.

1 **Section 9. Authorization to Reallocate Funds.** Notwithstanding any
2 other provision of Law, the Mayor’s Council of Guam (MCOG) is authorized to
3 reallocate funds appropriated in Fiscal Year 2010 Miscellaneous (Object Category
4 290) into other categories within its Base Operational Appropriations and to the
5 MCOG Central Cost Accounts administered by the Department of Administration,
6 for the purpose of ensuring any shortfalls within other specified Object Categories
7 are both funded and authorized for payment.

8 **Section 10. Appropriations to the Veterans Affairs Office.**
9 Notwithstanding any other provision of the law, the sum of *One Hundred Fifty*
10 *Thousand Dollars (\$150,000)* is reprogrammed from the Guam Highway Fund to
11 the Guam Veterans Affairs Office for the following use:

- 12 (1) Purchase material to sustain cemetery maintenance
13 efforts for Fiscal Year 2010,
- 14 (2) Procure service to address the deficiencies which were
15 identified in the August 2009 Department of Veterans Affairs
16 National Cemetery Administration's Triennial Report on the Guam
17 Veterans Cemetery.

18 **Section 11. Reprogramming of Appropriations within the Guam**
19 **Veterans Affairs for Fiscal Year 2010 Operations Budget.** Notwithstanding
20 any other provision of the law, the sum of *Forty-Thousand Dollars (\$40,000)* is

1 hereby transferred from Capital Outlay (Object Class 450) to Miscellaneous
2 (Object Class 290) Appropriations Category for the normal operations and
3 maintenance of the Guam Veterans Cemetery pursuant to and in accordance with
4 the August 2009 Department of Veterans Affairs National Cemetery
5 Administration's Triennial Report.

6 **Section 12.** Section 8, Chapter 13 of P.L. 30-55 is hereby amended to read
7 as follows:

8 **“Section 8. Special Fund Transfer.** Unless specified in this Act, *I*
9 *Maga'lahaen Guåhan* is authorized to transfer to the General Fund any cash
10 available from any appropriated Special Fund *or* Revolving Fund to fund the
11 appropriations authorized by this Act.

12 All cash from Special Funds *or* Revolving Funds transferred to cover
13 the appropriations authorized by this Act *shall* be promptly reimbursed to
14 the Special *or* Revolving Fund from which it was withdrawn as cash
15 becomes available.

16 *I Maga'lahaen Guåhan shall* submit a report to the Speaker of *I*
17 *Liheslaturan Guåhan* on the fifth (5th) day of every month on all transfers
18 made pursuant to this Section. Said report *shall* enumerate the amount of
19 each transfer, identify the funds to and from which the transfer was made
20 and state the purpose of each transfer.

1 Unless otherwise restricted or specifically allowed by this Act, for FY
2 2010 I Maga'lahaen Guåhan is authorized to transfer up to fifteen percent
3 (15%) between object categories within an agency Fiscal Year 2010 Special
4 Fund base operational (except the utility funds) appropriations contained in
5 Chapter V and in Parts II, III and IV of Chapter III of this Act; provided that
6 notice of each transfer and justification therefore are delivered within fifteen
7 (15) working days after the transfer is made to the Speaker of I Liheslaturan
8 Guåhan and the Office of Finance and Budget."

9 **Section 13. Section 77305, Title 12, Guam Code Annotated, Chapter 77,**
10 **Article 3, is hereby amended to read as follows:**

11 "§77305. Cap on GRT Credits for Design and Construction of the
12 Soccer Stadium and Facilities. The total amount of credits against Gross
13 Receipts Taxes for the design and construction of the soccer stadium and
14 facilities authorized herein *shall not exceed* One Million Two Hundred
15 Thousand Dollars (\$1,200,000)."

16 **Section 14. Section (d)(3)(C) is hereby added to Chapter 5 of P.L. 30-55**
17 **as follows:**

18 (d)(3)(C) The sum of *One Hundred Thousand Dollars*
19 (\$100,000) is appropriated from the Indirect Cost Fund to the Bureau
20 of Budget and Management Research for Payment of Overtime for

1 training of Department of Education personnel at the Financial
2 Services Division and Personnel Services Division specifically to
3 address deficiencies in personnel management and the financial
4 administration of all funds under the purview of the Department of
5 Education, activity related to the American Recovery and
6 Reinvestment Act of 2009 and any other operational costs.

7 **Section 15. Mandating the reimbursement of COLA payments made in**
8 **Fiscal Years 2007, 2008 and 2009.**

9 In June 2009, the Government of Guam successfully sold \$246
10 million dollars of bonds also known as Deficit Bonds to pay for *I*
11 *Liheslaturan Guåhan* wishes to ensure the timely resolution of the payment
12 of remaining unfunded court ordered COLA obligations.

13 *I Liheslaturan Guåhan* further finds seventy-two (72) retirees who
14 were eligible to be part of the class action suit, *Superior Court No. SP0206-*
15 *93, Rios v. Camacho*. These retirees who rendered the same services and
16 worked the same number of years in loyal service to the people of Guam are
17 excluded from any payments resulting from the settlement. These retirees
18 believed that the government would treat them fairly and pay them what is
19 due to them without having to take the government to court. In recognition
20 of these factors and given the small number of retirees who opted out of the

1 court case, and the reasons cited by these retirees, *I Liheslaturan Guåhan*
2 wishes to exercise fairness and include these retirees in the court settlement.

3 Furthermore, *I Liheslaturan Guåhan* finds that the some Autonomous
4 Agencies were not included in the list of agencies which were required to
5 reimburse the General Fund for the payment of the annual lump sum COLA
6 by the General Fund to their respective retirees. Autonomous Agencies are
7 independent component units of the government of Guam that are self-
8 funded through operations. Each Autonomous Agency except the Guam
9 Memorial Hospital has the capacity to fund the annual cost of living
10 adjustments of its retired employees.

11 *I Liheslaturan Guåhan* further finds that after the successful sale of
12 deficit bonds and disbursement of the proceeds in June 2009, a balance of
13 Seventeen Million One Hundred Sixty-one Thousand One Hundred Eighteen
14 Dollars (\$17,161,118) of interest is still owed to qualified retirees based on
15 the judgment rendered in, *Superior Court No. SP0206-93, Rios v. Camacho*
16 and continues to accrue interest at a rate of seven percent.

17 Therefore, it is the intent of *I Liheslaturan Guåhan* to mandate the
18 Government of Guam Retirement Fund (GGRF), Guam International Airport
19 Authority (GIAA), Guam Visitors Bureau (GVB), Guam Economic
20 Development and Commerce Authority (GEDA), Guam Housing

1 Corporation (GHC), University of Guam (UOG), Guam Community College
 2 (GCC), Guam Power Authority (GPA), Guam Waterworks Authority
 3 (GWA) and the Port Authority of Guam (PAG) reimburse the General Fund
 4 for COLA payments made in Fiscal Year 2007, 2008 and 2009 to fund the
 5 principal and interest still owed to eligible retirees based on the following
 6 table:

7	Agency	2007	2008	2009	Total
8	GGRF	\$28,600	\$0	\$0	\$28,600
9	GIAA	\$80,300	\$0	\$0	\$80,300
10	GVB	\$8,800	\$8,800	\$9,900	\$27,500
11	GEDA	\$9,900	\$0	\$0	\$9,900
12	GHC	\$17,600	\$0	\$0	\$17,600
13	UOG	\$369,600	\$382,800	\$399,300	\$1,151,700
14	GCC	\$183,700	\$194,700	\$195,800	\$574,200
15	GPA	\$382,800	\$392,700	\$402,600	\$1,178,100
16	GWA	\$292,600	\$310,200	\$295,900	\$898,700
17	PAG	<u>\$341,000</u>	<u>\$345,400</u>	<u>\$339,900</u>	<u>\$1,026,300</u>
18	Total	\$1,714,900	\$1,634,600	\$1,643,400	\$4,992,900

19 **Section 16. Mandate of Reimbursements.** The GGRF has determined that
 20 the total amount of Fiscal Year 2007, 2008 and 2009 COLA payments issued to

1 retirees by the General Fund on behalf of Autonomous Agencies not required to
2 reimburse the General Fund is **Four Million Nine Hundred Nine-two Thousand**
3 **Nine Hundred Dollars (\$4,992,900).**

4 (a) The GGRF shall reimburse the General Fund for COLA
5 payments made to retirees of the GGRF as follows:

6 (1) from Fiscal Year 2007 the amount of *Twenty-eight*
7 *Thousand Six Hundred Dollars (\$28,600);*

8 (b) The GIAA shall reimburse the General Fund for COLA
9 payments made to retirees of the GIAA as follows:

10 (1) from Fiscal Year 2007 the amount of *Eighty Thousand*
11 *Three Hundred Dollars (\$80,300);*

12 (c) The GVB shall reimburse the General Fund for COLA
13 payments made to retirees of the GVB as follows:

14 (1) from Fiscal Year 2007 the amount of *Eight Thousand*
15 *Eight Hundred Dollars (\$8,800);*

16 (2) from Fiscal Year 2008 the amount of *Eight Thousand*
17 *Eight Hundred Dollars (\$8,800);*

18 (3) from Fiscal Year 2009 the amount of *Nine Thousand Nine*
19 *Hundred Dollars (\$9,900);*

1 (d) The GEDA shall reimburse the General Fund for COLA
2 payments made to retirees of the GEDA as follows:

3 (1) from Fiscal Year 2007 the amount of *Nine Thousand Nine*
4 *Hundred Dollars (\$9,900)*;

5 (e) The GHC shall reimburse the General Fund for COLA
6 payments made to retirees of the GHC as follows:

7 (1) from Fiscal Year 2007 the amount of *Seventeen Thousand*
8 *Six Hundred Dollars (\$17,600)*;

9 (f) The UOG shall reimburse the General Fund for COLA
10 payments made to retirees of the UOG as follows:

11 (1) from Fiscal Year 2007 the amount of *Three Hundred*
12 *Sixty-nine Thousand Six Hundred Dollars (\$369,600)*;

13 (2) from Fiscal Year 2008 the amount of *Three Hundred*
14 *Eighty-two Thousand Eight Hundred Dollars (\$382,800)*;

15 (3) from Fiscal Year 2009 the amount of *Three Hundred*
16 *Ninety-nine Thousand Three Hundred Dollars (\$399,300)*;

17 (g) The GCC shall reimburse the General Fund for COLA
18 payments made to retirees of the GCC as follows:

19 (1) from Fiscal Year 2007 the amount of *One Hundred*
20 *Eighty-three Thousand Seven Hundred Dollars (\$183,700)*;

1 (2) from Fiscal Year 2008 the amount of *One Hundred*
2 *Ninety-four Thousand Seven Hundred Dollars (\$194,700);*

3 (3) from Fiscal Year 2009 the amount of *One Hundred*
4 *Ninety-five Thousand Eight Hundred Dollars (\$195,800);*

5 (h) The GPA shall reimburse the General Fund for COLA
6 payments made to retirees of the GPA as follows:

7 (1) from Fiscal Year 2007 the amount of *Three Hundred*
8 *Eighty-two Thousand Eight Hundred Dollars (\$382,800);*

9 (2) from Fiscal Year 2008 the amount of *Three Hundred*
10 *Ninety-two Thousand Seven Hundred Dollars (\$392,700);*

11 (3) from Fiscal Year 2009 the amount of *Four Hundred Two*
12 *Thousand Six Hundred Dollars (\$402,600);*

13 (i) The GWA shall reimburse the General Fund for COLA
14 payments made to retirees of the GWA as follows:

15 (1) from Fiscal Year 2007 the amount of *Two Hundred*
16 *Ninety-two Thousand Six Hundred Dollars (\$292,600);*

17 (2) from Fiscal Year 2008 the amount of *Three Hundred Ten*
18 *Thousand Two Hundred Dollars (\$310,200);*

19 (3) from Fiscal Year 2009 the amount of *Two Hundred*
20 *Ninety-Five Thousand Nine Hundred Dollars (\$295,900);*

1 (j) The PAG shall reimburse the General Fund for COLA
2 payments made to retirees of the PAG as follows:

3 (1) from Fiscal Year 2007 the amount of *Three Hundred*
4 *Forty-one Thousand Dollars (\$341,000)*;

5 (2) from Fiscal Year 2008 the amount of *Three Hundred*
6 *Forty-five Thousand Four Hundred Dollars (\$345,400)*;

7 (3) from Fiscal Year 2009 the amount of *Three Hundred*
8 *Thirty-Nine Thousand Nine Hundred Dollars (\$339,900)*;

9 The Autonomous Agencies in this section *shall* reimburse the General Fund
10 for the cost of funding the annual COLA paid to their respective retirees by
11 September 30, 2010. Any Autonomous Agencies mandated in this section that
12 have already reimbursed or already paid COLA for any amounts in the specified
13 fiscal years are not required to repay said amount. The Government of Guam
14 Retirement Fund and Department of Administration *shall* prepare an official report
15 no later than thirty (30) days of enactment of this act that details the funding source
16 of payments to Autonomous Agency retirees during Fiscal Years 2007, 2008 and
17 2009.

18 **Section 17. Authorization to use excess COLA appropriations.** Upon
19 the conclusion of COLA case, *Superior Court No. SP0206-93, Rios v. Camacho*
20 the GGRF performed audits of the individual accounts which resulted in payments

1 due of One Hundred Twenty-one Million Five Hundred Forty-three Thousand
 2 Eight Hundred and Two Dollars (\$121,543,802) to the COLA class. The GGRF is
 3 hereby authorized to use the excess appropriations of **One Million Four Hundred**
 4 **Fifty-six Thousand One Hundred Ninety-eight Dollars (\$1,456,198)** from
 5 appropriations made in Public Laws 29-04, 29-19, 28-151, 30-7 less COLA
 6 payments for obligations listed in Section 19(b) of this Act.

Appropriations	Total
P.L. 29-04	\$8,000,000
P.L. 29-19	\$14,000,000
P.L. 28-151	\$9,000,000
P.L. 30-07	<u>\$92,000,000</u>
TOTAL	\$123,000,000
Payments	<u>(\$121,543,802)</u>
Excess Appropriation	\$1,456,198

15 **Section 18. A total of Four Million Nine Hundred Nine-two Thousand**
 16 **Nine Hundred Dollars (\$4,992,900)** from the reimbursements referred to in
 17 Section 16 of this Act is hereby appropriated to claimants set forth in Title 5 Guam
 18 Code Annotated, Chapter 6, Article 4, subsections 6404(d)(1) and subsection
 19 6404(d)(2) and Section 6 of this Act.

20 **Section 19. Priority of Disbursements.**

1 The priority of appropriation and excess appropriations disbursements in
2 Section 4 of this Act are as follows:

3 a) Payments authorized in Section 20 of this Act

4 b) Interest from principal owed to claimants set forth in Title 5 Guam
5 Code Annotated, Chapter 6, Article 4, subsections 6404(d)(1) starting
6 with the claimant with the lowest initial award from the class
7 settlement, followed by the next lowest initial award and repeating
8 this disbursement methodology until all the funds appropriated and
9 authorized are exhausted.

10 **Section 20. Inclusion of Retirees in COLA Settlement.**

11 Notwithstanding any other provision of law, *I Liheslaturan Guåhan* hereby
12 find that those retirees who initially opted out and are not covered by the
13 settlement agreement in *Superior Court No. SP0206-93, Rios v. Camacho*, are
14 eligible for payment under the same terms and conditions as the certified class.
15 Interest shall *not* accrue from any payments due to retirees who opted out.

16 The GGRF shall determine the amount of award due to the retirees who
17 opted out and reduce the amount by ten percent (10%) to promote parity by
18 accounting for attorney fees awarded in, *Superior Court No. SP0206-9, Rios v.*
19 *Camacho*.

1 All retirees who opted out prior to receipt of any payment as authorized in
2 this Section shall sign a waiver with the GGRF of all future rights and interest to
3 payments due or may be due pursuant to *Superior Court No. SP0206-9 Rios v.*
4 Camacho.

5 **Section 21. Effective Date.** This Act shall become effective upon
6 enactment.

7 **Section 22. Severability.** If any provisions of this Act or the application
8 thereof to any person or circumstance is held invalid, such invalidity shall not
9 affect any other provision or application of this Act which can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.