



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

26 JUN 2009

2009 JUN 29 AM 10:06

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 53(COR) "AN ACT TO APPROPRIATE FUNDS TO THE MAYORS COUNCIL OF GUAM FROM THE GUAM HIGHWAY FUND FOR VILLAGE STREETS MAINTENANCE AND BEAUTIFICATION AND OTHER PURPOSES" now designated as Public Law 30-38.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan para pa'go
Acting Governor of Guam

Attachment: copy of Bill

30-09-0748
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 6/26/09
Time 4:01 p
Received by [Signature]

MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

This is to certify that **Bill No. 53 (COR)**, "AN ACT TO APPROPRIATE FUNDS TO THE MAYORS COUNCIL OF GUAM FROM THE GUAM HIGHWAY FUND FOR VILLAGE STREETS MAINTENANCE AND BEAUTIFICATION AND OTHER PURPOSES," returned without approval of *I Maga'lahen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 25th day of June, 2009, to pass said bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of twelve (12) Members.



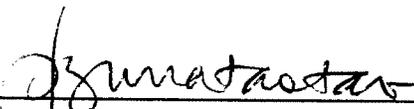
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 26 day of June, 2009, at 1047 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

Public Law No. 30-38

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 53 (COR)

As amended by the Committee on Appropriations,
Taxation, Retirement, Banking, Insurance and Land,
and further amended on the Floor.

Introduced by:

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

**AN ACT TO APPROPRIATE FUNDS TO THE MAYORS
COUNCIL OF GUAM FROM THE GUAM HIGHWAY
FUND FOR VILLAGE STREETS MAINTENANCE AND
BEAUTIFICATION AND OTHER PURPOSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that based on the testimony provided by the Director of the Bureau of Budget and
4 Management Research during the Legislative Session on Bill No. 207(LS), the FY
5 2009 projected revenues for the Guam Highway Fund were understated as a result
6 of the misclassification of revenues for the Highway Fund. The Director further

1 testified that the projection for FY 2009 for this Fund was now at Eighteen Million
2 nine Hundred Fifty-seven Thousand Eight Hundred Eleven Dollars (\$18,957,811),
3 an increase of Two Million Five Hundred Seventy-one Thousand Twenty-four
4 Dollars (\$2,571,024) over *I Maga'lahi's* original request of Sixteen Million Three
5 Hundred Eighty-six Thousand Seven Hundred Eighty-seven Dollars
6 (\$16,386,787). *I Liheslaturan Guåhan* further finds that as a result of the
7 testimony provided, a floor amendment was made to increase the FY 2009 revenue
8 estimate for the Guam Highway Fund to Eighteen Million Nine Hundred Fifty-
9 seven Thousand Eight Hundred Eleven Dollars (\$18,957,811), however, *no*
10 corresponding appropriation had been made, *or* requested by the Administration,
11 leaving an unappropriated revenue balance of Two Million Five Hundred Seventy-
12 one Thousand Twenty-four Dollars (\$2,571,024). Therefore, it is the intent of *I*
13 *Liheslatura* to provide additional funding to the Mayors Council of Guam from
14 this Fund, for the purposes stated herein.

15 **Section 2.** Notwithstanding any other provision of law, the sum of One
16 Million Six Hundred Thousand Dollars (\$1,600,000) is appropriated from the FY
17 2009 Guam Highway Fund revenues to the Village Streets Fund for the Mayors
18 Council of Guam for operations, including, the maintenance and beautification of
19 village secondary and tertiary roads; for utilities; and for personnel. Said Funds
20 *shall not* be subject to any transfer authority of *I Maga'lahen Guåhan* and *shall* be
21 divided among the Village Mayors as follows:

- 22 (a) Each Mayor *shall* receive the sum of Nine Thousand Five
23 Hundred Fourteen Dollars (**\$9,514**) for FY 2009 operations;
24 and
25 (b) Three Hundred Seventy-two Thousand Dollars (**\$372,000**) of
26 the remaining balance *shall* be distributed to the Mayors for the
27 payment of utilities.

1 (c) One Million Forty-seven Thousand Two Hundred Thirty-four
2 Dollars **(\$1,047,234)** of the remaining balance *shall* be
3 distributed to the Mayors for personnel costs for the remaining
4 nine (9) pay periods of FY 2009.

5 The appropriation made in this Section *shall* be available to the Mayors
6 Council of Guam until fully expended, for the purposes contained in this Section.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Date: 5/29/09

VOTING SHEET

Bill No. 53(COR)

Resolution No. _____

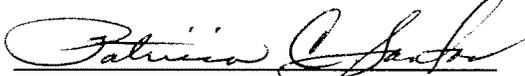
Question: _____

<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	✓				
RECTOR, Matthew	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

15

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)

May 26, 2009

The Honorable Judith T. Won Pat, Ed.D
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

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

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

RE: Committee Report – Bill No. 53 (COR)

Hafa Adai Speaker Won Pat,

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, to which Bill No. 53(COR): **“An Act to Appropriate Funds To The Mayors Council Of Guam From The Guam Highway Fund For Village Streets Maintenance And Beautification.”**, hereby reports out with the recommendation TO DO PASS as amended by the committee.

Committee votes are as follows:

<u>8</u>	TO PASS
<u>0</u>	TO NOT PASS
<u>0</u>	TO ABSTAIN
<u>0</u>	TO REPORT OUT ONLY

Si Yu'os Ma'åse!

vicente c. pangelinan
Chairman

2009 MAY 27 PM 3:23

COR
RECEIVED
05-29-09



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

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. 53 (COR):

**“An Act to Appropriate Funds To The Mayors Council Of
Guam From The Guam Highway Fund For Village Streets
Maintenance And Beautification.”**



The People

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

May 21, 2009

MEMORANDUM

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

To: Committee Members

From: Chairman, Committee on Appropriations, Taxation,
Banking, Insurance, Retirement, and Land

Subject: Committee report on Bill No.53 (LS)

This memorandum is accompanied by the following:

1. Committee voting sheet
2. Committee Narrative
3. Public Hearing sign-in sheet
4. Testimonies submitted
5. Bill No. 53
6. Referral of Bills
7. Public Hearing Notice

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should there be any questions regarding this matter, please contact my office at 473-4236.


vicente c. pangelinan
Chairman

I MINA TRENTA NA LIHESLATURAN GUAHAN

Committee Voting Sheet

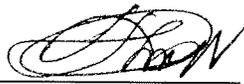
Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land

Bill No. 53 (COR): "An Act to appropriate Funds to the Mayors Council of Guam from the Guam Highway Fund for Village Streets Maintenance and Beautification".

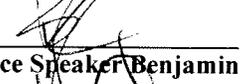
Committee Members To Pass Not to Pass Report Out Abstain
Inactive File



Senator Vicente C. Pangelinan
Chairperson ✓ _____ _____ _____



Speaker Judith T. Won Pat, Ed.D
Vice Chairperson ✓ _____ _____ _____

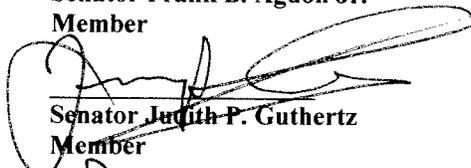


Vice Speaker Benjamin J.F. Cruz
Member ✓ _____ _____ _____

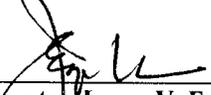


Senator Tina Rose Muna-Barnes
Member ✓ _____ _____ _____

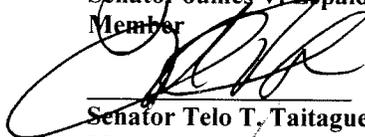
Senator Frank B. Aguon Jr.
Member _____ _____ _____ _____



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 on

Bill No. 53 (COR): "An Act to Appropriate Funds To The Mayors Council Of Guam From The Guam Highway Fund For Village Streets Maintenance And Beautification."

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

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land held a public hearing Thursday, March 5, 2009, at I Liheslaturan Guahans Public Hearing Room on Bill No. 53 (COR), "**An Act to Appropriate Funds To The Mayors Council Of Guam From The Guam Highway Fund For Village Streets Maintenance And Beautification.**" Notices for the public hearing were disseminated throughout all local media via facsimile and electronic mail and are attached herein meeting the requirements of the Open Government Law.

Committee Chairman vicente c. pangelinan began the hearing by providing opening remarks to the attendees in the Public Hearing room and comments on the measure which is an act to appropriate funds to the Mayors Council of Guam from the Highway Fund for village street maintenance and beautification. Chairman Pangelinan then recognized all those signed in to provide testimony on the bill. Chairman Pangelinan allowed a brief comment on the bill by the author, Senator Eddie Baza Calvo.

A. Committee Members and Senators present:

Senator vicente c. pangelinan, Chairman
Senator Eddie Baza Calvo
Senator Telo Taitague
Senator Matt Rector

II. PERSONS APPEARING BEFORE THE COMMITTEE:

A. Provided Oral Testimony:

Boobing Wolford
Ben Gumataotao, Piti Mayor
Carol S. Tayama, Agat Mayor
Franklin Tatiague, Inarajan Mayor
Ernest Chargalauf, Merizo Mayor
Angel Sablan, Executive Director
Mayors Council of Guam

Submitted FY2009 Approved Budget breakdown

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

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

Benny San Nicolas, Inarajan Resident

B. Provided written testimony:

Carol S. Tayama, Agat Mayor
June U. Blas, Barrigada Vice Mayor
Lawrence Perez, Director
Department of Public Works

Senator Calvo: An identical bill was introduced in the 29th Guam Legislature, the only thing that changed was the finding and intent of the bill. He asks for the support of all the committee members as well as the legislative body to pass Bill Number 53.

He finds the Mayors to be front line elected officials who utilize to the best of their ability, what little funds they are appropriated by the budget act.

For this fiscal year in the 29th Guam legislature, the administration sent over a revenue picture for the Guam Highway fund where the amounts totaling sixteen million three hundred and eighty-six thousand seven hundred and eighty-seven, were indicated as revenues to be used and utilized – revenues to be garnered by the Guam Highway fund – and as a result of the passage of 29-113. There was an apportionment of those funds for debt service, department of public works, and department of administration had two separate appropriations. Some of these moneys were to be used with Guam mass transit, village street fund, totaling \$16,386,787.00.

The introduction of my bill to the 29th Guam legislature was based on that bill that was ratified by law and also signed in by the acting Governor. During the committee of the whole, where testimony was being held, there was a statement made by the BBMR director an understatement of revenues to be collected by the Guam Highway fund. And with that, she requested an amendment be made. An amendment was made to increase revenues from sixteen million three hundred eighty six thousand (16,386,000) to eighteen million nine hundred fifty seven thousand (18,957,000). The amendment passed based on the statements made by the BBMR director and the amendment was ratified. The legislature passed the budget law that this government is acting upon. There was about close to 2.6million dollars available for appropriations.

Chairman pangelinan: We'll go ahead now and receive testimony. Mr. Wolford we'll start with you then we'll have the Mayors Council.

Oral Testimonies:

Boobing Wolford: (translated from Chamorro) Good morning Mr. Chairman, and to all of you, Greetings. Let us talk regarding Budget of Bill 53, so why don't you appropriate and give the Mayors what they need in their districts? All of you, please senators give the Mayors what they need as Mayors, especially the schools, they always in need of help and the budget should be given when they can also purchase a mini bus to help out.

The mayors need help. All kinds of help. So wake up and give them the help because the Mayors produce a lot in their areas. Agat is beautiful thanks to Carol Tayama, the mayor in Agat. There is a lot of problems in the villages, so give the mayor the money they need to continue servicing the districts. God bless you all.

Mayor Carol Tayama: Read testimony verbatim.

Mayor Franklin Taitague: Honorable Chairman, Honorable members of the panel, Buenas Dias. On behalf of my colleagues and the people of Inarajan, I am here in favor of Bill 53. Not to take away the thunder from our president, let me re-iterate with the added burden that we were given to be responsible for our school grounds; the money we got is certainly appreciated because it is better than past years. But the money for all of us only means supplies and equipment. What it does for most mayors is it hampers our man power and the routine and daily responsibilities of the bigger part of our community. Some of us got burdened with the catching up with our daily responsibilities of maintaining our community overall. I just want to emphasize the consideration of giving us additional funds may allow us to contract additional labors. Other concern for more funds is we may not meet our utility responsibilities as a mayor's council. That in itself is why I am here in favor of Bill 53.

Mayor Ben Gumataotao: Good Morning. I'm Ben Gumataotao, Mayor of Piti. On this bill 53, I'm asking you people to pass this bill. This would give a tremendous relief for all the burden we have encored for lack of funding. Funding means a lot for the community. Lot of us mayors have put out of our own pockets to subsidize to meet the needs of the community. Please pass Bill 53.

Mayor Ernest Chargalauf (Merizo): As a rookie mayor, I find it hard to function when I have to juggle the funds I have because I don't have full use since my predecessor already used a portion of it. This bill 53 is a welcome additional income for my village; I've had to use money out of my own pocket since my predecessor had used some of the funding. I had to do modifications; I had to learn all these things to be effective. Having my village clean and just recently I bought \$300 worth of trash bags because of the trash all on my village. I can't use the old ones since the old ones are deteriorated so I buy new ones. There is trash on the primary and the secondary roads. This is a welcome relief of funding so I can do the job my constituents expect of me and I hope in the future we can have more flexibility of the funds we work with so we don't have to work on paper work and we can do our job. All mayors welcome this bill 53 with our whole heart so we may do our jobs for our constituents. We're going to do a better job, and I can assure the senators that I'm going to put that money to good use. Not only for the whole island but for the village of Merizo. Given the money, the mayors can do the job.

Vice-Mayor June Blas: written – Read testimony verbatim by Mayor Carol Tayama

Angel Sablan, Executive Director (Mayors Council of Guam): With all the testimonies you heard today, it is obvious that we do need these funds. I just want to give you some figures to make this need more tangible. The appropriation is actually to pay for lump sum payments that have been due to the outgoing mayors and employees. As the legislature, lump sum payments are made to the officials and the employees at the end of the term. In good conscience, we cannot wait till there is an appropriation; this is an unfunded liability of the government of Guam. We have already paid the outgoing mayors and their employees their lump sum payment and we are in the process of paying the rest of the lump sum payments. This payment totaled \$464,851.40. As you are aware, not one penny was appropriated to the mayors for operations in FY09. The village street funds, the way it was worded in FY09, was it can be used for operations. This is the very same budget that we are talking about right now and that is why we are requesting that an amendment be made to this legislation to allow for us to use it again for operations for the mayoral offices. Our power consumption, we cannot close down the senior citizen center, we cannot close down the gyms, and we cannot close down the youth centers, no matter what happens, unless you want all of those people to meet before you. We have to continue to keep it in operation. Our water bill, our phone bill, none of this was appropriated to the mayor's offices in FY09. We had to tap it out of our MCOG central funds, which is not enough. We need \$564,200.00 for the remaining eight (8) months to cover all these funds. So, right off the bat, 1.03million dollars is needed to cover the rest of the year for the operations of the mayor's council of Guam or else by the fourth quarter of this fiscal year, the mayors council will be out of funds. So we humbly ask, please support the mayor's and vice-mayors and do this appropriation. We are very well aware that everyone is hurting but at the fourth quarter, we will not only hurt but we will have to shut down. Thank you.

Benny San Nicolas: Good Morning Senators. My name is Benny San Nicolas and I am from the beautiful village of Inarajan. I thank our Mayor Taitague for making our village nice and I'm very thankful to be sitting next to him for all the good work he has done for the village and all the other mayors and what they have done for their village. I am here to support bill 53 so the mayors can do a better job for the needs of the community. So, please, thank you for making this bill, please all of you support it. I hope to see this bill or legislation pass.

Senator Calvo: This hearing clears the air about a lot of questions regarding bills that have been moved on from the 29th Guam Legislature but there is still some doubt if they have actually been enacted into law. Money is there now and that has been clarified and ratified and agreed upon by Public Works. He notes FY 2009 Guam Highway Fund Adopted Revenues pursuant to PL 29-113 of \$18,957,811. Larry Perez is correct if you look down at the appropriations to PL

29-113, and you were to add the debt service, that number would add up to the original revenue figure that was provided by the administration for \$16,386,000. He states that it is clear what the authority of the legislature is and what the authority of the administration is. If you note the word 'set aside to be appropriated' it is very clear by that language that the money contained that they are subtracting, could not have been spent. It would need a legislative appropriation. This legislature has many desires to have appropriations to critical areas, and they may differ. At the same time the administration may have priorities. It is obvious the administration already set aside those areas that they believe are a priority and that is what we need to deliberate as a body and decide where this body will move on. If you add the amounts that are yet to be appropriated and then you add on the balance that the director mentioned of \$1,011,000.00, you see what monies are available. It is at the discretion of this body to move on it or not. And as you see it has been accounted for, that bill that was passed into law, it was that in that same legislative session that an identical legislation for the Highway fund for the Mayors and the Veterans Cemetery were passed by this legislative body. If there were no money, that would have caused an imbalanced budget. This further ratifies that there was money. Legal council clarification would allow for the assigning of a number, due to inaction, for public law in regards to funds for Mayors and Veterans Cemetery.

Chairman pangelinan: I think that 859 was appropriated in the budget bill under the Better Public Services Fund.

Senator Calvo: The original amount was based on the original 16 million. With the added amount that were is the additional dispersion. There is transfer authority granted to the chief executive based on the budget law. But transfer authority can be made between appropriations. There were no appropriations made.

Chairman pangelinan: We are going to have to reconcile these numbers. I think Mr. Perez, when he states, Highway Adopted, I think he is restating and not verifying what was adopted. There is not doubt that the amount adopted by the legislature is 18.9 million.

Senator Calvo: For clarification, I have the language of the Better Public Service Fund, it is very clear 16101 section D, "no moneys shall be expended from the Fund without legislative appropriation." Again, I feel very confident there is money. If those bills were not enacted into law, to appropriate.

Chairman pangelinan: Latest revenue report on the collections is 1.4 less than the revenues. We have to make sure to reconcile these numbers. To make sure the mayors get their funding. Note how the budget did not appropriate the budget needed for you to continue running.

Mayor Ben Gumataotao: Give us the power to approve or disapprove Directors so they can never put out this letter.

II. COMMITTEE FINDINGS AND RECOMMENDATIONS:

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, to which Bill No. 53 (COR): **“An Act to Appropriate Funds To The Mayors Council Of Guam From The Guam Highway Fund For Village Streets Maintenance And Beautification”** was referred, does hereby submit recommendations to I Mina Trenta Na Liheslaturan Guahan, **TO DO PASS** Bill No. 53 (COR) as amended by the committee.



**Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE**

Senator vicente "ben" c. pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
March 5, 2009
Bill No. 53**

very good for office

Sign In Sheet

Name	Address	Phone Number	Email	Written	Oral
<i>Sen. Gina Torres</i>	<i>Pitt</i>	<i>672 1252</i>			<input checked="" type="checkbox"/>
<i>Hon. J. Amason</i>	<i>Meoig</i>	<i>675-4338</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Vice Mayor Jule Blaz</i>	<i>Mayor Tugana will read testimony in behalf of Vice Mayor</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Felicia Tanguel</i>					
<i>Boobing Waldford</i>					<input checked="" type="checkbox"/>
<i>Mayor Chingley - Ernest</i>					

↓ ↓ ↓ ↓ ↓

Joe Blas - Jie Myer					
Aug Sablan			with		

Beng Saw Nicolas



The Honorable
Felix P. Camacho
Governor

The Honorable
Michael W. Cruz, M.D.
Lieutenant Governor



public works
DIPATTAMENTON CHE'CHNO' PUPBLEKO

Lawrence P. Perez
Director
Andrew S. Leon Guerrero
Deputy Director

**Statement from Lawrence P. Perez
Department of Public Works
Government of Guam
Before the 30th Guam Legislature
Bill No. 53 (COR)**

“AN ACT TO APPROPRIATE FUNDS TO THE MAYORS COUNCIL OF GUAM FROM THE GUAM HIGHWAY FUND FOR VILLAGE STREETS MAINTENANCE AND BEAUTIFICATION.”

Speaker Judith T. Wonpat, Ed.D and members of the 29th Guam Legislature.

Bill 53 (COR) seeks to appropriate \$2,071,024,000 from the FY2009 Guam Highway Fund revenues to the Mayors Council of Guam for the maintenance and beautification of village secondary and tertiary roads. This Bill appears to be similar to Bill 387(LS) as introduced in the 29th Guam Legislature.

The passage of this Bill will deplete an already diminishing, operational Guam Highway Fund source. Per information from the Bureau of Budget and Management Research, the current unappropriated balance of the GHF is approximately \$1,011,323 as outlined below:

FY 2009 Guam Highway Fund Adopted Revenues pursuant to PL 29-113	<u>18,957,811</u>
Less appropriations pursuant to PL 29-113	
LIMITED OBLIGATION HIGHWAY REFUNDING BOND 2001 SERIES A	6,030,400
Department of Administration Mass Transit	2,740,464
Department of Administration Single Audit	18,000
Department of Public Works	<u>7,597,923</u>
Less GCA	
UOG Capital Improvements Fund (set aside to be appropriated pursuant to Section 26505(a), Article 5, Chapter 26, Division 3 of Title 11	500,000

GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM
DATE: 3/05/09
TIME: 10:41
RECEIVED BY: [Signature]

Better Public Services Fund (set aside to be appropriated pursuant to 11 GCA Chapter 161	<u>859,701</u>
Balance	1,211,323
Less:	
PL 29-129 (Department of Law)	<u>200,000</u>
Adjusted Balance	<u><u>1,011,323</u></u>

Based on our latest projection analysis, the DPW will need an additional \$1,592,040 in funding for the remainder of FY2009 just for the Highways, CIP and Building Maintenance Divisions (all are sections funded by the GHF). It is our recommendation that the current unappropriated balance of the GHF be allocated to the DPW to fund its current shortfall. This will allow the DPW to continue to concentrate on the myriad of other, unfunded, statutory mandates of the DPW's highway programs that are more-pressing & are critical-hazardous to our community.

It is for these reasons that the Department of Public Works is opposed to the passage of Bill 53 (COR) with the Guam Highway Fund as an appropriation source.

Thank You and Si Yu'us Ma'ase.

 3/4/09
LAWRENCE R. PEREZ
 Director, Department of Public Works

Testimony

For

Bill 53

Ma'na'na Si Yu'os, Mr Chairman, Senator Ben Pangelinan and other Senators

I am Mayor Carol S. Tayama and I am here this morning both as the President of the Mayors' Council of Guam and as the Mayor of the beautiful southern village of Agat.

Bill 53- An Act to appropriate \$2,071,024 to the Mayors' Council of Guam from the Highway Fund for village streets maintenance and beautification is fully supported and welcomed by the Mayors and Vice Mayors of all our 19 villages. This additional appropriation allows us village leaders to continue to provide adequate and timely services and maintenance to our village streets. As you know, this type of work never ends and in fact becomes a daily ritual for all of us Mayors and Vice Mayors. Everyone travels on Guam's secondary and tertiary roads and are witness to either its upkeep or deterioration. The responsibility for either the upkeep or the deterioration always falls on the hands of us village leaders. This appropriation gives us the funds to ensure that, at the very least, we can contract with licensed individuals that do maintenance and upkeep of roads.

The current appropriation for FY09 is \$1,036,026. This has already been allocated and parceled out to all the Mayors. The current budget law allows for the use of the Village Streets Fund for operations under each Mayoral Office. We ask that this be made an amendment and be included in Bill 53. As you are probably aware, there are increased demands of Mayoral offices to provide for the upkeep and maintenance of secondary and tertiary roads, and we appreciate the section of the legislation that allows the Mayors' Council of Guam to use these funds to employ those personnel. Additionally, many of the villages have had new roads opened for the various homes and subdivisions that have come on line since 2006. The mileage table used for the distribution of funds is no longer accurate and thus Mayors and Vice Mayors are actually maintaining more roads in our villages than is accounted for in the Department of Public Works data. Furthermore, with the advent of strict guidelines on what can be or can't be dumped or taken to the Ordot landfill, many village leaders are finding that secondary and tertiary roads are becoming an easy target for people to plant trash, garbage, and junk, instead of flowers and trees. This in itself has required additional work and maintenance and expenditure from the Mayors' offices.

While we are very cognizant that all of the Government of Guam is caught in this economic downturn which has made the availability of taxpayers funds even more scarce, our obligations to our villagers and to the upkeep and welfare of our communities cannot be diminished or abandoned. The Mayors and Vice Mayors are the front line leaders that hear the compliments and complaints from our villagers. Unfortunately, due to a lack of appropriate funds there are more complaints than there are compliments. We thank you for whatever funding and tools you provide the Mayors and Vice Mayors so that we can adequately and consistently provide the services our constituents demand on a daily basis.

The Mayor's Council of Guam have always worked hard to live within its means and to make use of every taxpayer dollar for the benefit of those in our community.

Any funds you appropriate and give to the Mayor's Council of Guam is an investment for the people of Guam and you can be assured that it will bring great returns for our people. The Mayors and Vice Mayors know their responsibilities. We only ask that you back those responsibilities you give us with the funds we need.

This legislation was unanimously passed during the last session of I Mina Bente Nuebi Na Liheslaturan Guahan but was unfortunately pocket-vetoed. We sincerely thank Senator Edward Calvo, Speaker Judith Won Pat, Senator Tina Muna-Barnes, and Senator Frank Blas, Jr. for introducing this legislation for the consideration of the I Mina Trenta Na Liheslaturan Guahan.

We humbly seek your support Mr. Chairman, and the support of the rest of your colleagues.

Si Yu'us Ma'ase,



**Mayor Carol S. Tayama
President
Mayors' Council of Guam**



JESSIE B. PALICAN
MAYOR

MUNICIPALITY OF BARRIGADA

OFFICE OF THE MAYOR & VICE MAYOR
124 Luayao Lane, Barrigada, Guam 96913



JUNE U. BLAS
VICE MAYOR

March 4, 2009

Honorable Vicente "Ben" C. Pangelinan
Senator/Chairman,
Committee on Appropriation, Taxation, Banking, Insurance and Land
30th Guam Legislature
Hagatna, Guam 96910

Testimony in Support of Bill No. 53

Mr. Chairman, Members of the Committee,

Buenas yan Hafa Adai!

For the record, Mayor Jessie Palican and I, fully support the passage and enactment of Bill No. 53. Mr. Chairman, this additional appropriation would allow the Mayor and I to continue to provide adequate and timely service maintenance schedules within our municipality.

Mr. Chairman, Members of the Committee, the Mayors and Vice Mayors of Guam have always worked hard to live within their means and to make use of every taxpayer dollar for the benefit of those in our community. Absent an appropriation, we are always in the forefront in soliciting and raising funds for use in our community. On behalf of the residents of Barrigada, the Mayor and I, implore your support in voting for the passage of Bill No. 53.

In closing, let me just state that "*Any funds appropriated or earmarked to the Mayors' Council of Guam is an investment for our people and you can be assured that it will bring great returns for all of us.*"

Sincerely,

JUNE U. BLAS
Vice Mayor,
Municipality of Barrigada

MCOG - Utilities Status as of 3/4/09

* 464,000 - Power

28,200 - Water (see note below...)

72,000 - Telephone

* 564,200 - Total amt. needed for the eight (8) remaining months.

* Averaging amt - monthly: Power — \$ 58,000 -
Water — 5,500 -
Tel — 9,000 -

* Note: Water - \$ 44,000

15,800 (Available Amt.)

* 28,200

3/4/09

ms



Mayors' Council of Guam

Konsehelon Mahot Guahan

Fiscal Year 2009
 P.L. 29-113, Section 38(a)
 MCOG Approved Budget - \$7,078,327
 Summary Breakdown

PERSONNEL SERVICES

111	Labor	Mayors, Vice Mayors, Admin. Assts. Municipal Clks.	\$	4,608,164
113	Benefits	Community Maintenance Wkrs. And Admin. Staff)		<u>1,444,386</u>
		Subtotal:	\$	<u>6,052,550</u>

GYMNASIUM - PERSONNEL SERVICES/OPERATIONS

Agana Heights				
111	Labor/Night Differential		\$	69,086
113	Benefits			12,131
	Operations			<u>18,783</u>
			\$	<u>100,000</u>
Agat				
111	Labor/Night Differential		\$	82,138
113	Benefits			10,964
	Operations			<u>6,898</u>
			\$	<u>100,000</u>
Dededo				
111	Labor/Night Differential		\$	73,363
113	Benefits			16,481
	Operations			<u>10,156</u>
			\$	<u>100,000</u>
Talofoto				
111	Labor/Night Differential		\$	49,312
113	Benefits			14,298
	Operations			<u>36,390</u>
			\$	<u>100,000</u>
Tamuning-Tumon				
111	Labor/Night Differential		\$	58,212
113	Benefits			14,461
	Operations			<u>27,327</u>
			\$	<u>100,000</u>
Yigo				
111	Salary/Night Differential		\$	60,972
113	Labor/Night Differential			21,081
	Operations			<u>17,947</u>
			\$	<u>100,000</u>
Yona				
111	Labor/Night Differential		\$	67,320
113	Benefits			23,351
	Operations			<u>9,329</u>
			\$	<u>700,000</u>
				Labor - \$460,403
				Benefits - 112,767
				\$573,170
				Operations - 126,830
				\$700,000
				*(\$6,625,720 - Total Personnel)

OPERATING EXPENSES

230	Contractual Service (Adm.)		\$	5,000
233	Office Space Rental: Adm. Office ... \$3,993.30 x 12 mos = \$47,920			93,520
	Inarajan ... \$2,600 x 12 mos = \$31,200			
	Piti ... \$1,200 x 12 mos = \$14,400			
240	Supplies & Materials (Adm.)			5,000
250	Equipment (Adm.)			0
290	Miscellaneous:			
	> President's Contingency Fund			10,000
	> AMIM			<u>20,000</u>

UTILITIES

361	Power ... (\$55,000 x 2 mos plus \$25,257)	\$	135,257
362	Water ... (\$12,000 x 3 mos)		36,000
363	Telephone ... (\$7,000 x 3 mos)		21,000
			<u>192,257</u>
		Subtotal:	\$ <u>325,777</u>
		TOTAL:	\$ <u>7,078,327</u>

MCOG:10-08-08 FY 2009 MCOG Approved Budget Summary Breakdown



P. O. Box 786, Hagåtña, Guam 96932
 Office: (671) 472-6940, 477-8461 • Fax: (671) 477-8777
 E-mail: mcogadmin@eccomm.com

\$ Annual Leave Pay Out as of 2-27-09

464,851.40 (Amt. needed)

120,311.88 (pd. on 2/27/09)

344,539.52 (Remaining Amt. to be paid)

* Note: "\$464,851.40" is the revised amt.
based pay period ending 1-17-09.

3/4/09

ML

From: "Bertha Duenas" <director@bbmr.guam.gov>
Subject: Re: Bill No. 53 & 55
Date: Thu, March 5, 2009 6:31 pm
To: "lisa cipollone" <cipo@guam.net>

Lisa,

I've read his testimony and the numbers actually came from us, so we agree. However, I would prioritize the unappropriated sums of \$1,011,323 to the Guam Mass Transit Authority. During the FY 2009 budget Democrat Caucus I brought to the attention of the Senators present that the Guam Highway Fund revenue projection should be adjusted based on new tracking numbers and that we would like that to go to the Guam Mass Transit as we expect a shortfall of over \$1 million in FY 09 which has been the case each year. We would always cover from General Fund lapses, but because of the drastic cuts (\$8 million) to balance the budget, I knew GMTA would be in dire straits as the General Fund would not be able to cover this time around.

When the budget bill went on the floor, the amendment was made to increase the GHF revenue estimate as I had recommended, but they did not appropriate the excess to GMTA as I had asked. Now they're trying to use it for other things.

Please find attached the status of the Mayors Council allocation from this source for FY 2007, 2008 and 2009. Please note that specific to FY 2009, they have already received their normal allocation from this source; *this will be on top of that*. This is why I recommended a pocket veto on an identical bill in waning days of the 29th Legislature.

Secondly, there was never \$2.5 million available as the Bill states as it did not take into account the set-asides under GCA for UOG (\$500,000) and the Better Public Services Fund (\$859,706) for Rev/Tax as you can see in the DPW testimony (BBMR numbers).

Lastly, BBMR will conduct a review of DPW operations funded by this source to verify DPW's testimony that a potential \$1.5 shortfall exists. Not sure that's the case! We will forward those findings in the next few days. Those findings notwithstanding, BBMR still stands by its original recommendation in the use of those excess revenues and that is to direct it to GMTA.

Hope this helps. Please let me know if you have any further questions.

Bertha Duenas

On Thu, Mar 5, 2009 at 4:40 PM, lisa cipollone <cipo@guam.net> wrote:

**2007 APPROPRIATION LISTING OF FY2007 APPROPRIATIONS IN SEQUENCE OF PUBLIC LAWS
-149 THRU 29-18 / 29-19 (FY2008 BUDGET ACT)**

LAW/ ION	CHAPTER (*AMENDED)	ITEM	GENERAL	FEDERAL	SPECIAL	GRAND TOTAL
			FUND	FUND	FUND	FY2007
2:Ch IV,Sec 18	Chapter IV, Part II	PERSONNEL SERVICES, OPERATIONS AND UTILITIES	7,476,571			7,476,571
	Chapter IV, Part II	MAINTENANCE & BEAUTIFICATION OF VILLAGE SECONDARY & TERTIARY ROADS & OTHER REQUIREMENTS	1,500,000			1,500,000
	Chapter IV, Part II	EXPENDED FOR APPROVED PLANS ON PUBLIC SAFETY & SOCIAL EDUCATION THAT ENFORCE ALCOHOL REGULATIONS ETC.	380,000			380,000
2:Ch IV,Sec 19(a)	Chapter IV, Part II	MAINTENANCE & CLEANING OF THE PUBLIC RESTROOMS AT VARIOUS PARKS			491,482	491,482
2:Ch IV,Sec 19(b)	Chapter IV, Part II	PERSONNEL SERVICES, OPERATIONS AND UTILITIES			188,903	188,903
2:Ch IV,Sec 19(c)	Chapter IV, Part II	MAINTENANCE & BEAUTIFICATION OF VILLAGE SECONDARY & TERTIARY ROADS & OTHER REQUIREMENTS			37,500	37,500
2:Ch IV,Sec 19(d)	Chapter IV, Part II	EXPENDED FOR APPROVED PLANS ON PUBLIC SAFETY & SOCIAL EDUCATION THAT ENFORCE ALCOHOL REGULATIONS ETC.	50,000		9,500	59,500
opr fr Legislature)	Chapter IV, Part II	REPAIR & RENOVATION OF THE VIGO BASEBALL FIELD	50,000		23/	50,000
opr fr Legislature)	Chapter IV, Part II	REPAIR OF THE AGAT BASKETBALL COURT AND THE AGAT TENNIS COURT				50,000
IRS COUNCIL			9,456,571	0	727,385	10,183,956

**2008 APPROPRIATION LISTING OF FY2008 APPROPRIATIONS IN SEQUENCE OF PUBLIC LAWS
29-19 THRU 29-112**

LAW/ SECTION	CHAPTER (*AMENDED)	ITEM	GENERAL	FEDERAL	SPECIAL	GRAND TOTAL FY2008
			FUND	FUND	FUND	
	Chapter V, Part II	PERSONNEL SERVICES, OPERATIONS AND UTILITIES	7,510,309			7,510,309
	Chapter V, Part II	MAINTENANCE & BEAUTIFICATION OF VILLAGE SECONDARY & TERTIARY ROADS & OTHER REQUIREMENTS	1,100,000			1,100,000
	Chapter V, Part II	EXPENDED FOR APPROVED PLANS ON PUBLIC SAFETY & SOCIAL EDUCATION THAT ENFORCE ALCOHOL REGULATIONS ETC.	475,000			475,000
	Chapter V, Part II	ISLANDWIDE VILLAGE BEAUTIFICATION PROJECTS	500,000			500,000
			9,585,309	0	0	9,585,309

DR'S COUNCIL

2009 APPROPRIATION LISTING OF FY2009 APPROPRIATIONS IN SEQUENCE OF PUBLIC LAWS
 III 207 (LS) thru 128

LAW/ ION	CHAPTER (* AMENDED)	ITEM	GENERAL	FEDERAL	SPECIAL	GRAND TOTAL
			FUND	FUND	FUND	FY2009
	Chapter V, Part II	PERSONNEL SERVICES, OPERATIONS AND UTILITIES	7,078,327			7,078,327
	Chapter V, Part II	MAINTENANCE & BEAUTIFICATION OF VILLAGE SECONDARY & TERTIARY ROADS & OTHER REQUIREMENTS	1,036,026			1,036,026
	Chapter V, Part II	EXPENDED FOR APPROVED PLANS ON PUBLIC SAFETY & SOCIAL EDUCATION THAT ENFORCE ALCOHOL REGULATIONS ETC.	447,375			447,375
	Chapter V, Part II	ISLANDWIDE VILLAGE BEAUTIFICATION PROJECTS	470,921			470,921
	Chapter V, Part II	COMMUNITY DEVELOPMENT FUND FOR GPSS GROUNDS MAINTENANCE	329,668			329,668
	Chapter V, Part II	OFFICE RENOVATIONS (YIGO VICE MAYOR-\$34,000 & MANGILAO VICE MAYOR - \$30,020)	64,020			64,020
			9,426,337	0	0	9,426,337

DR'S COUNCIL

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session**

Bill No. 53(COR)

Introduced by:
As amended by the Committee

**E. J. B. Calvo
J. T. Won Pat, Ed.D.
R. Tenorio**

**AN ACT TO APPROPRIATE FUNDS TO THE MAYORS
COUNCIL OF GUAM FROM THE GUAM HIGHWAY FUND
FOR VILLAGE STREETS MAINTENANCE AND
BEAUTIFICATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that based on the testimony provided by the Director of the Bureau of Budget and Management Research during the Legislative Session on Bill No. 207(LS), the FY 2009 projected revenues for the Guam Highway Fund were understated as a result of the misclassification of revenues for the Highway Fund. The Director further testified that the projection for FY 2009 for this fund was now at \$18,957,811, an increase of \$2,571,024 over the Governor's original request of \$16,386,787. *I Liheslaturan Guåhan* further finds that as a result of the testimony provided, a floor amendment was made to increase the FY 2009 revenue estimate for the Guam Highway Fund to \$18,957,811, however, no corresponding appropriation had been made, or requested by the Administration, leaving an unappropriated revenue balance of \$2,571,024. Therefore, it is the intent of *I Liheslatura* to provide additional funding to the Mayors Council of Guam from this fund, for the purposes stated herein.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 53 (COR)

Introduced by:

E. J. B. Calvo *ERC*
J. T. Won Pat, Ed.D. *JTW*
R. Tenorio *RT*

2009 FEB -2 PM 2:39 - *W*

**AN ACT TO APPROPRIATE FUNDS TO THE MAYORS
COUNCIL OF GUAM FROM THE GUAM HIGHWAY FUND
FOR VILLAGE STREETS MAINTENANCE AND
BEAUTIFICATION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that based on the testimony provided by the Director of the Bureau of Budget and
4 Management Research during the Legislative Session on Bill No. 207(LS), the FY
5 2009 projected revenues for the Guam Highway Fund were understated as a result
6 of the misclassification of revenues for the Highway Fund. The Director further
7 testified that the projection for FY 2009 for this fund was now at \$18,957,811, an

1 increase of \$2,571,024 over the Governor's original request of \$16,386,787. *I*
2 *Liheslaturan Guåhan* further finds that as a result of the testimony provided, a
3 floor amendment was made to increase the FY 2009 revenue estimate for the
4 Guam Highway Fund to \$18,957,811, however, no corresponding appropriation
5 had been made, or requested by the Administration, leaving an unappropriated
6 revenue balance of \$2,571,024. Therefore, it is the intent of *I Liheslatura* to
7 provide additional funding to the Mayors Council of Guam from this fund, for the
8 purposes stated herein.

9 **Section 2.** Notwithstanding any other provision of law, the sum of Two
10 Million Seventy-one Thousand Twenty-four Dollars (**\$2,071,024**) is appropriated
11 from the FY 2009 Guam Highway Fund revenues to the Village Streets Fund for
12 the Mayors Council of Guam, for the maintenance and beautification of village
13 secondary and tertiary roads, including the hiring of personnel *specifically* for
14 village streets maintenance and beautification; and for Mayoral Employees
15 Separation Pay. Said funds shall *not* be subject to any transfer authority of *I*
16 *Maga'lahaen Guåhan* and shall be divided among the Village Mayors as follows:

- 17 (a) Each Mayor shall receive the sum of Twenty Thousand Dollars
18 (**\$20,000**); and
19 (b) The remaining balance of the fund shall be distributed to each
20 Mayor *pro rata* based on the total road mileage in his village as
21 a percentage of Guam's total road mileage in the 2006 Guam
22 Roads Pavement Inventory of the Department of Public Works.

23 The appropriation made in this section shall be available to the Mayors
24 Council of Guam until fully expended, for the purposes contained in this section.



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

2009 FEB -2 PM 5: 24

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

February 2, 2009

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

Memorandum

**MAJORITY
MEMBERS:**

To: Clerk of the Legislature
I Mina'Trenta Na Liheslaturan Guåhan

Judith T. Won Pat
SPEAKER

Attorney Therese M. Terlaje,
Legislative Legal Counsel
I Mina'Trenta Na Liheslaturan Guåhan

Benjamin J. F. Cruz
VICE SPEAKER

From: Senator Rory J. Respicio, *Chairperson*
Committee on Rules
I Mina'Trenta Na Liheslaturan Guåhan

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

Subject: Referral of Bills No. 48, 49, 50, 52 and 53

Thomas C. Ada
SENATOR

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 48, 49, 50, 52 and 53

Frank B. Aguon, Jr.
SENATOR

Please ensure that the subject Bills are referred, in my name, to the respective Chairpersons, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

Adolpho B. Palacios, Sr.
SENATOR

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

Vicente C. Pangelinan
SENATOR

Si Yu'os Ma'åse.

Matthew Rector
SENATOR

Attachment

**MINORITY
MEMBERS:**

Frank F. Blas, Jr.
SENATOR

James V. Espaldon
SENATOR

Bill Introduction/Referral 1/29/09

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred
48	M. T. Rector	An act to amend § 7119 of 22 GCA Chapter 7 Article 1 Subsection (a) and to repeal and reenact § 7119 of GCA Chapter & Article 1 Subsection (b). This act shall be herein referred to as: the middle-class job creation act of 2009.	1/28/09	2/2/09	Committee on Labor, the Public Structure, Public Libraries and Technology
49 (COR)	B.J.F. Cruz, R. J. Respicio, J. P. Guthertz	An act to repeal and re-enact Sections §1105 of Chapter 1, Title 2, and §5101 of Chapter 5, Title 3, and §6103 of Chapter 6, Title 3, of the Guam Code Annotated and to amend Sections §7105 of Chapter 7, Title 3, and §16301 (e) Article 3 of Chapter 16, Title 3, of the Guam Code Annotated, relative to amending the term of office from two years to four years and to provide for staggered terms for members of the Guam Legislature.	1/29/09	2/2/09	Committee on Rules
50 (COR)	F. F. Blas, Jr., J. V. Espaldon, T. T. Taitague, E. J.B. Calvo	AN ACT TO ADD CHAPTER 88 TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION OF THE GUAM MUSEUM, AND TO CITE THE ACT AS "THE MUSEUM CONSTRUCTION AND FACILITIES FUNDING ACT OF 2009."	1/29/09	2/2/09	Committee on Economic Development, Health and Human Services, and Judiciary
52 (COR)	J. T. Won Pat, Ed.D.	An act to amend Section 58A105, Chapter 58A, of Title 5 Guam Code Annotated relative to the construction of the John F. Kennedy High School.	1/30/09	2/2/09	Committee on Utilities, Transportation, Public Works, and Veterans Affairs
53 (COR)	E. J. B. Calvo, J. T. Won Pat, Ed.D, Ray Tenorio	An act to appropriate funds to the Mayors Council of Guam from the Guam Highway Fund for village streets maintenance and beautification.	2/2/09	2/2/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

February 26, 2009

Memorandum

To: All Senators
From: Senator ben pangelman
Re: Public Hearing 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, Retirement and Land will be conducting a public hearing on March 5, 2009 at 9:00am at the Guam Legislature Public Hearing Room for the following:

Resolution No. 29: Relative to requesting the Congresswoman Madeleine Z. Bordallo to introduce legislation to rename the Guam Main Facility (GMF) Post Office in Barrigada to Juan C. Pablo Post Office in the United States House of Representatives to honor achievements and service to the United States Postal Service and the people of Guam.

Bill No. 5: An Act to add a new Article 9 to Chapter 15 of 22GCA relative to Public Adjusters.

Bill No. 19: An Act to amend Title 11 Guam Code Annotated, Chapter 24, Relative to Freezing Basic Property Tax Levels at their current rate and to adding a property tax levy on the future sale of land.

Bill No.. 53: An Act to appropriate funds to the Mayors Council of Guam from Highway Fund for village streets maintenance and beautification.

Bill No. 55: An Act to appropriate funds for the operation and maintenance of the Veteran's Memorial Cemetary.

Thank you.

40 percent of patients on dialysis due to diabetes

By Emmanuel T. Erediano
emmanuel.erediano@mvanety.com
Variety News Staff

FORTY percent of dialysis patients are undergoing such treatment because of uncontrolled diabetes while 27 percent have uncontrolled hypertension.

This national statistical fact also applies to the CNMI, according to Commonwealth Health Center food service manager Joan Quillian.

"It is pretty close," she said.

Quillian, who has been working at CHC for nine years now, said she had diabetic patients who never saw a dietician until they had kid-

ney failure.

CHC's dialysis section was filled with patients undergoing dialysis when this interview was conducted on Tuesday.

The hospital's only dietician, Quillian noted the alarming increase in the number of dialysis patients.

In 1992, the hospital record shows, only 12 were in dialysis. This number doubled in 1994, and went up to 66 in 1996.

Last year, Quillian said the number of patients undergoing dialysis was 132. One patient just passed away.

Patients who do not control their diabetes and hypertension damage their blood ves-

sels that go to the kidneys, Quillian said.

A diabetic's enemy, she added, is not sugar, but carbohydrates.

A full cup of rice, she said, has 15 grams of carbohydrates and is like 14 scoops of sugar.

A patient can control hypertension and high blood pressure by avoiding excess salt, she said.

If a person has hypertension and diabetes the risk factor of getting into dialysis is three times higher, she added.

On Saipan, she noticed that many people use soy sauce, oyster sauce and MSG.

Labor refuses to cooperate: Myers

By Junhan B. Todeno
junhan.todeno@mvanety.com
Variety News Staff

OVERSTAYERS in the CNMI, even those who have pending labor cases, may face deportation proceedings, a situation which attorney Robert Myers said will result in "a lot of wasted government resources."

Myers, the lawyer of non-resident guest workers seeking an administrative order settlement, said the Department of Labor doesn't want to cooperate "despite my proactive efforts."

Labor recently published its "overstayers" list for 2003 to 2007 that included some of Myers' clients.

He said he already informed Labor that some of those on the list are his clients.

Myers said he also informed Labor about the law that entitles nonresident workers who have labor cases or court cases to be given a stay of deportation.

"If the case is with the

court, they are also entitled to an order from the court directing the director of labor to issue a temporary work authorization pending resolution of their case," he added.

Myers said he was told by Deputy Labor Secretary Cinta Kaipat that the department would not cooperate with him unless the court orders them to do so.

"What does this mean? That my clients, or others who have cases with Labor or in court who are not my clients, may be arrested and

subject to the deportation order to show cause process," he said.

He asked nonresident workers who are part of the lawsuit to get in touch with him.

Myers said he can be reached at (670) 234-3184 ext. 104.

Those who wish to see him can stop by at his law office at Summer Holiday Hotel Room #104 in Garapan, Saipan.



Robert Myers

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Marianas Variety
The Local & Regional Newspaper



Office of the People
Senator
ben pangelinan

Notice of Public Hearing

Date: Thursday, March 5, 2009
Time: 9:00am

Place: Guam Legislature Public Hearing Room

Agenda

Resolution No. 29. Relative to requesting the Congresswoman Madeleine Z. Bordallo to introduce legislation to rename the Guam Main Facility (GMF) Post Office in Barrigada to Juan C. Pablo Post Office in the United States House of Representatives to honor achievements and service to the United States Postal Service and the people of Guam.

Bill No. 5. An Act to Add a New Article 9 to Chapter 15 of 22GCA relative to Public Adjusters.

Bill No. 19. An Act to amend Title 11 Guam Code Annotated, Chapter 24 Relative to Freezing Basic Property Tax Levels At their Current Rate and to adding a property tax levy on the Future Sale of Land.

Bill No. 53. An Act to appropriate funds to the Mayors Council of Guam from the Highway Fund for village streets maintenance and beautification.

Bill No. 55. An Act to appropriate funds for the operations and maintenance of the Veteran's Memorial Cemetery.

For copies of the bills, you can log onto www.guamlegislature.com. If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 or email senbenp@guam.net



Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

March 3, 2009

Memorandum

To: All Senators

From: Senator ben pangelinan

Re: Public Hearing 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, Retirement and Land will be conducting a public hearing on March 5, 2009 at 9:00am at the Guam Legislature Public Hearing Room for the following:

Resolution No. 29: Relative to requesting the Congresswoman Madeleine Z. Bordallo to introduce legislation to rename the Guam Main Facility (GMF) Post Office in Barrigada to Juan C. Pablo Post Office in the United States House of Representatives to honor achievements and service to the United States Postal Service and the people of Guam.

Bill No. 5: An Act to add a new Article 9 to Chapter 15 of 22GCA relative to Public Adjusters.

Bill No. 19: An Act to amend Title 11 Guam Code Annotated, Chapter 24, Relative to Freezing Basic Property Tax Levels at their current rate and to adding a property tax levy on the future sale of land.

Bill No.. 53: An Act to appropriate funds to the Mayors Council of Guam from Highway Fund for village streets maintenance and beautification.

Bill No. 55: An Act to appropriate funds for the operation and maintenance of the Veteran's Memorial Cemetary.

Thank you.



**Senator vicente "ben" c. pangaliman
Office of the People**

Public Hearing Notice

Date: Thursday, March 5, 2009
Time: 9:00am

Place: Guam Legislature Public Hearing Room

Resolution No. 29. Relative to requesting the Congresswoman Madeline Z. Borrallo to introduce legislation to rename the Guam Main Facility (GMF) Post Office in Barrigada to Juan C. Pablo Post Office in the United States House of Representatives to honor achievements and service to the United States Postal Service and the people of Guam.
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Bill No. 55. An Act to appropriate funds for the operations and maintenance of the Veterans Memorial Cemetery.
For special accommodations, please contact the Office of Senator ben c. pangaliman at 473-4236 or email at senbenp@guam.net
For copies of the bills, please log on to www.guamlegislature.com

NOTICE OF TEMPORARY JOB OPPORTUNITY

1- Heavy Duty Mechanic or Diesel Mechanic \$14.14/Hr.
Min. Req.: Two years experience in job offered.

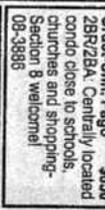
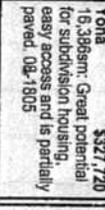
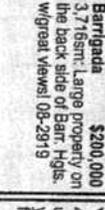
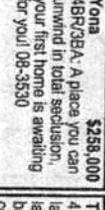
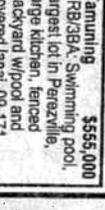
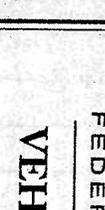
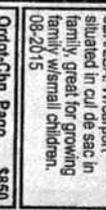
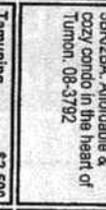
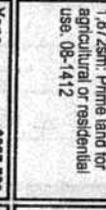
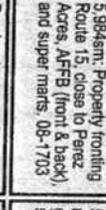
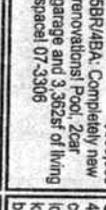
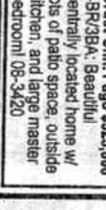
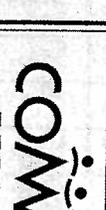
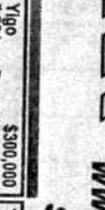
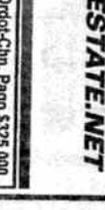
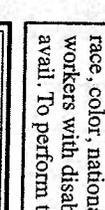
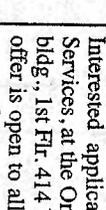
Duties: Analyzes malfunctions and repairs, rebuilds, and maintains buses; operates and inspects buses to diagnose defects; disassembles and reassembles buses, using hoists and hand tools; examines parts for damage or excessive wear using micrometers and gauges; replaces defective engines and subassemblies, such as transmissions; tests overhauled equipment to insure operating efficiency; welds broken parts and structural members; and may direct workers engaged in cleaning parts and assisting with assembly and disassembly of equipment.

Benefits: Round-trip airfare for off-island hire.

Interested applicants should apply at Guam Employment Service/One Stop Career Center located at the GCIC Building, 1st Floor at 414 W. Soledad Avenue, Hagåtña. The job offer is open to all qualified U.S. workers without regard to race, color, national origin, age, sex, citizenship and to U.S. workers with disabilities who are qualified, willing, able and available to perform the job. (Ref. No. 2009-107).

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 Aaan 4BR/3BA. Fantastic ocean view. 2 story unit, outside shower and separate storage for gear. 09-385	 Yigo 3BR/2BA. Large home sitting on a half acre lot to frontage, price reduced to spread out w/lance gate. 09-748	 Merizo 1,249,32sqm. Southern comfort Corner lot w/RT, 4 frontage, price reduced to sell! 08-2852	 Ordo-Chn. Pago 988sqm. Quarter acre lot centrally located! 08-3348	 Ordo-Chn. Pago 1,291sqm. Ocean view lot, great neighborhood to build your home on, power & water on property. 08-4145	 Dadido 5BR/4BA. Great deal 2 separate fully concrete homes on a fully fenced 1/2 acre lot. Great for investment! 09-180	 Barrigada 4BR/2.5BA. 5 split ac. fenced yard, fish pond, as well as dog kennel included in the sale-must see. 09-186
 Yona 3BR/2BA. W/airport situated in cul de sac in family, great for growing family w/renal children. 08-2015	 Tunnon 2BR/2BA. Affordable & cozy condo in the heart of Tunnon. 08-3792	 Yona 16,398sqm. Great potential for subdivision housing, easy access and is partially paved. 08-1805	 Barrigada 3,715sqm. Large property on the back side of Barr. Higs. w/great views! 08-2819	 Yona 4BR/2BA. A place you can unwind in total seclusion, your first home is waiting for you! 08-3530	 Ordo-Chn. Pago 4BR/3BA. Beautiful centrally located home w/ lots of patio space, outside kitchen, and large master bedroom! 08-3420	 Tanning 41R/3BA. Swimming pool, large kitchen, fenced backyard w/pool and covered lanai. 09-171
 Yona \$1,300	 Tunnon \$1,550	 Yona \$327,720	 Barrigada \$280,000	 Yona \$258,000	 Ordo-Chn. Pago \$505,000	 Tanning \$555,000
 Ordo-Chn. Pago 2,000sq. ft ready built condo close to schools, churches and shopping-Section 8 welcome! 08-3886	 Tafelofe 1,872sqm. Prime land for agricultural or residential use. 08-5412	 Yigo 5,984sqm. Property fronting Route 15, close to Perez Acres, AFB (front & back), and super mats. 08-1703	 Tafelofe 5BR/4BA. Completely new renovations! Pool, 2car garage and 3,362sqf of living space! 07-3306	 Ordo-Chn. Pago 3BR/2BA. Owner says sell! Price reduced, spacious and close to AFB. 08-864	 Ordo-Chn. Pago 3BR/2.5BA. Spacious 2 story town home, appliances included-has a great floor plan. 09-709	 Barrigada 4BR/2.5BA. 5 split ac. fenced yard, fish pond, as well as dog kennel included in the sale-must see. 09-186
 Mangilaha 3BR/2BA. Beautiful home in an exclusive neighborhood, open floor plan w/expansive covered patio. 09-363	 Ordo-Chn. Pago 2BR/2BA. Very reasonably priced condo unit at the ever popular Flora Pago Gardens. 09-710	 Ordo-Chn. Pago \$45,000	 Ordo-Chn. Pago \$120,000	 Dadido \$330,000	 Barrigada \$228,500	 Dadido \$350,000

NOTICE OF TEMPORARY JOB OPENING
W/ 2 YRS. EXP.

10 Carpenter:\$13.56/h
Constructs, erects, installs and repairs structures and fixtures of wood, wallboard and plywood, and wallboard using carpenter's hand tools and power tools and conforming to local building codes. Studies blueprints, sketches and building plans for information pertaining to type of materials required such as lumber or fiberboard. Installs partitions, closets, window and door frames and cabinet work.

1 Cook, Camp:\$11.85/h
Prepares and cooks foodstuff according to menu and number of people/portion to be served. Cuts, meats, fish and poultry to be cook. Washes pot, pans utensils and other kitchen equipment. Clean kitchen area to ensure cleanliness and according to Public Health regulations.

Free round trip airfare for off island hires. Food & lodging @ \$320/mo., local transportation to/from job site. Workers Compensation Coverage.

Interested applicants should apply at Guam Employment Services, at the One-Stop Career Center located at the GCIC bldg., 1st Flr. 414 W. Soledad Ave., Hagåtña, Guam. The job offer is open to all qualified U.S. workers without regard to race, color, national origin, age, sex, citizenship, and to U.S. workers with disabilities who are qualified, willing, able and avail. To perform the job (Ref. No. 2009-104)

COMMUNITY FIRST
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- VEHICLES FOR BID**
- Description
- 2008 Toyota Tacoma
 - 2008 Chevrolet Aveo
 - 2007 Nissan Altima
 - 2006 Yamaha YFS 200 (ATV)
 - 2004 Honda Civic
 - 2004 Nissan Frontier

Interested? Call a Credit Counselor at 633-1749 or 633-1743 for details and bid forms. Vehicles can be inspected at scheduled times and dates.

COMMUNITY FIRST GUAM FEDERAL CREDIT UNION reserves the right to reject any and all bids. All vehicles are sold on an "AS IS" basis. Bids do not include tax, license, or registration fees. COMMUNITY FIRST GUAM FEDERAL CREDIT UNION makes no representation or warranties of

The culprit: alcohol

Recent traffic deaths attributed to DUI

By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

THE Guam Police Department's Highway Patrol Division has counted four road-accident fatalities in the past two months. The tragedies were alcohol-related, according to highway patrols.

The first incident, which occurred along Route 3 outside the gate of the Navy Computers Telecommunications Area Master Station on Feb. 8 resulted in the deaths of 33-year-old Joann L.G. Salas, 9-year-old Rhyenci Escoto and his 8-year-old sister, Henchella Escoto.

Highway patrol officers told Variety that their investigation found that Salas was at fault and had a blood alcohol content reading of 0.171 or twice the legal limit of 0.08.

Salas' vehicle collided with a Toyota Tacoma, the vehicle in which the Escoto children were passengers. Also injured were the parents of the children and 4-year-old sister.

Another vehicle was dam-



Ernest Zamora Padama was killed when his Nissan 300Zx, whose wreckage is shown above, hit a concrete pole on Feb. 19.

aged from the incident. Fortunately, the passengers in that particular vehicle were not seriously injured.

Investigators also attributed the death of Ernest Zamora Padama, 26, to alcohol.

Padama, of Yigo, was determined to have had a blood alcohol content of 0.083.

Padama was driving his red 300ZX along Chalan Mataguac around 2:30 a.m. on Feb. 19

when lost control of his vehicle and rammed into a concrete pole. The car split in half from the impact. The Yigo resident died from massive skull and abdominal injuries.

Highway patrols have beefed up the campaign against drunk-driving over the past weeks, setting up sobriety checkpoints in various locations. At least 16 motorists were arrested over the weekend for DUI.

Tumon employees nabbed for sales scam



Sand Castle, a popular entertainment establishment in Tumon, lost \$120,000 to the unscrupulous employees.

By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

AFTER a year-long investigation, the Guam Police Department yesterday arrested seven former employees of Sand Castle, an entertainment establishment in Tumon, in connection with a scheme that ripped off the company some \$120,000 in cash.

Facing theft of property charges are Blisida Dimalanta Bring, 35, Billy Salamaca Villanueva, 33, and Ronald Joy Rano Bayon, 38, all residents of Dededo.

Dominador Inocencio Miranda, Jr., 29, Reolito Castillo Hipolito, 38, Rey Elamparo Dimalanta, 39, all of Dededo, and Jennifer Beltran, 32, of Mangilao have been charged with conspiracy.

GPD spokesman Allan Guzman said the complaint was filed in January last year and the investigation was completed in December.

Guzman said that the investigation is ongoing and more arrests are pending.

An internal investigation conducted by the company revealed that money from ticket sales found their way into the pockets of the suspect employees.

Agents of GPD's Criminal Investigation Division arrested the employees after the preliminary investigation.

They were all booked and released.

Septuagenarian raped

By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

THE Guam Police Department has arrested a man who was accused of sexually assaulting a 70-year-old woman over the weekend.

Jesse Anthony Mafnas Reyes, a resident of Dededo, has been charged with first degree criminal sexual conduct, terrorizing and theft of property.

According to GPD spokesman Allan Guzman, the incident was reported around 7:45 a.m. Saturday.

The woman told the police that she was offered a ride by the driver of a Toyota Tacoma

while she was walking along Route 26 in Dededo early Saturday morning.

But instead of driving her to her destination, the woman said, the suspect took her to a secluded area, where she claimed she was sexually assaulted. The suspect then dropped her off at the Harmon flea market.

The woman was treated at the Guam Memorial Hospital for her injuries.

Investigators at the Dededo precinct identified Reyes as the assailant based on unidentified items that the woman has purportedly collected from the suspect's car before she was dropped off at the market.

500K bail for woman in stabbing case

By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

THE Superior Court yesterday set a \$500,000 bail for the Tamuning woman who was charged in connection with the stabbing incident at the parking lot of Lone Star Steakhouse in Tamuning last week.

A man and his 2-year-old daughter were injured in the attack.

During a magistrate's hearing in the court room of Judge Vernon Perez, Yahua Han, 38, was charged with attempted murder and aggravated

assault.

According to police report, Han approached and stabbed the 2-year-old girl and then turned to the girl's father, who bore wounds on the chest and arm.

According to a Variety source, the child's mother ran into the restaurant to seek help. A person who was at the scene managed to take the knife away from Han and immediately called the police.

The victims were treated at the Naval Hospital.

The motive behind the attack remains unclear.

Public Hearing Notice

Thursday, March 5, 2009, 9:00am
Guam Legislature Public Hearing Room

Resolution No. 29, Relative to requesting the Congresswoman Madeleine Z. Bordallo to introduce legislation to rename the Guam Main Facility (GMF) Post Office in Barrigada to Juan C. Pablo Post Office in the United States House of Representatives to honor achievements and service to the United States Postal Service and the people of Guam. Bill No. 5, An Act to Add a New Article 9 to Chapter 15 of 22GCA relative to Public Adjusters. Bill No.19, An Act to amend Title 11 Guam Code Annotated, Chapter 24 Relative to Freezing Basic Property Tax Levels At their Current Rate and to adding a property tax levy on the Future Sale of Land. Bill No.53, An Act to appropriate funds to the Mayors Council of Guam from the Highway Fund for village streets maintenance and beautification. Bill No.55, An Act to appropriate funds for the operations and maintenance of the Veteran's Memorial Cemetery.

For special accommodations, please contact the Office of Senator Ben C. Pangelinan at 473-4236. To review any of the bills, please log onto www.guamlegislature.com

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 53 (COR)

Introduced by:

E. J. B. Calvo *ERC*
J. T. Won Pat, Ed.D. *JTW*
R. Tenorio *RT*

2009 FEB -2 PM 2:39 - *Wm*

**AN ACT TO APPROPRIATE FUNDS TO THE MAYORS
COUNCIL OF GUAM FROM THE GUAM HIGHWAY FUND
FOR VILLAGE STREETS MAINTENANCE AND
BEAUTIFICATION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that based on the testimony provided by the Director of the Bureau of Budget and
4 Management Research during the Legislative Session on Bill No. 207(LS), the FY
5 2009 projected revenues for the Guam Highway Fund were understated as a result
6 of the misclassification of revenues for the Highway Fund. The Director further
7 testified that the projection for FY 2009 for this fund was now at \$18,957,811, an

1 increase of \$2,571,024 over the Governor’s original request of \$16,386,787. *I*
2 *Liheslaturan Guåhan* further finds that as a result of the testimony provided, a
3 floor amendment was made to increase the FY 2009 revenue estimate for the
4 Guam Highway Fund to \$18,957,811, however, no corresponding appropriation
5 had been made, or requested by the Administration, leaving an unappropriated
6 revenue balance of \$2,571,024. Therefore, it is the intent of *I Liheslatura* to
7 provide additional funding to the Mayors Council of Guam from this fund, for the
8 purposes stated herein.

9 **Section 2.** Notwithstanding any other provision of law, the sum of Two
10 Million Seventy-one Thousand Twenty-four Dollars (**\$2,071,024**) is appropriated
11 from the FY 2009 Guam Highway Fund revenues to the Village Streets Fund for
12 the Mayors Council of Guam, for the maintenance and beautification of village
13 secondary and tertiary roads, including the hiring of personnel *specifically* for
14 village streets maintenance and beautification; and for Mayoral Employees
15 Separation Pay. Said funds shall *not* be subject to any transfer authority of *I*
16 *Maga’lahen Guåhan* and shall be divided among the Village Mayors as follows:

- 17 (a) Each Mayor shall receive the sum of Twenty Thousand Dollars
18 (**\$20,000**); and
- 19 (b) The remaining balance of the fund shall be distributed to each
20 Mayor *pro rata* based on the total road mileage in his village as
21 a percentage of Guam’s total road mileage in the 2006 Guam
22 Roads Pavement Inventory of the Department of Public Works.

23 The appropriation made in this section shall be available to the Mayors
24 Council of Guam until fully expended, for the purposes contained in this section.