

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 5/2/11

## VOTING SHEET

Bill No. 103

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

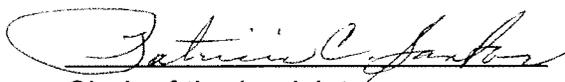
NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette					EA
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana					EA
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

✓ 13

2

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

2011-11-30 11:37

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

Speaker

I Mina'trentai Unu 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. 103-31 (COR), As Substituted**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 103-31 (COR): "AN ACT TO APPROPRIATE \$60,088,935 TO THE GUAM DEPARTMENT OF EDUCATION FOR ONGOING AND CONTINUING CAPITAL IMPROVEMENT PROJECTS (CIPs), TECHNOLOGY UPGRADES AND EQUIPMENT PROJECTS" sponsored by Senator Vicente (ben) Cabrera Pangelinan which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

<u>5</u>	TO PASS
<u>0</u>	TO NOT PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

*Si Yu'os Ma'åse'*

Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

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

**COMMITTEE REPORT  
ON**

**Bill No.103-31 (COR), As Substituted:**

**Sponsored by Vicente (ben) Cabrera Pangelinan**

**“AN ACT TO APPROPRIATE \$60,088,935 TO THE  
GUAM DEPARTMENT OF EDUCATION FOR  
ONGOING AND CONTINUING CAPITAL  
IMPROVEMENT PROJECTS (CIPs),  
TECHNOLOGY UPGRADES AND EQUIPMENT  
PROJECTS”**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 29 2011

**MEMORANDUM**

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

**From: Senator Vicente (ben) Cabrera Pangelinan**  
Committee Chairperson

**Subject: Committee Report on Bill No. 103-31 (COR), As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 103-31(COR): "AN ACT TO APPROPRIATE \$60,088,935 TO THE GUAM DEPARTMENT OF EDUCATION FOR ONGOING AND CONTINUING CAPITAL IMPROVEMENT PROJECTS (CIPs), TECHNOLOGY UPGRADES AND EQUIPMENT PROJECTS" sponsored by Senator Vicente (ben) Cabrera Pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 103-31 (COR), As Introduced
4. Copy of Substituted Bill No. 103-31 (COR), As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No.103-31 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda
10. Fiscal Notes

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

*Si Yu'os Ma'åse',*

Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesia Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

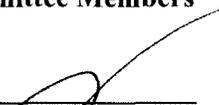
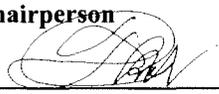
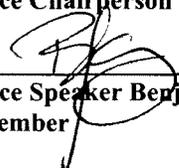
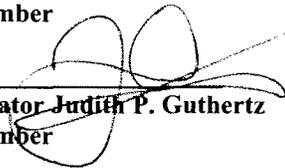
Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

*I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN*

**Committee Voting Sheet**

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,  
Retirement, and Land**

Bill No. 103-31 (COR), As Substituted: "An act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects."

Committee Members	To Pass	To Not 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 Judith P. Guthertz Member					
Senator Dennis Rodriguez, Jr. Member					
Senator V. Anthony Ada Member					
 Senator Christopher M. Dueñas Member	✓				
Senator Mana Silva Taijeron Member					



Office of

the People

# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 103-31 (COR): "An act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects."

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

### I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on March 15, 2011 at 9:00 am in *I Liheslatura's* Public Hearing Room.

Vice Chairman  
Committee on Education

#### **Public Notice Requirements**

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on March 8, 2011 (5-Day Notice), and again on March 13, 2011 (48 Hour Notice).

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

#### **(a) Committee Members and Senators Present**

Senator Vicente (ben) Cabrera Pangelinan, Chairman  
Speaker Judi Won Pat, Vice Chair  
Senator V. Tony Ada, Member  
Senator Chris Dueñas, Member  
Senator Mana Silva Taijeron, Member  
Senator Adolpho Palacios

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

#### **(b) Appearing before the Committee**

Benita Manglona, Director - BBMR  
Jim Pearson, Consultant - Alvarez & Marsal  
Vince Leon Guerrero, Special Assistant – Office of the Governor

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

#### **(c) Written Testimonies Submitted**

Benita Manglona, BBMR  
Joe S. San Agustin, Guam Education Board

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

## II. COMMITTEE PROCEEDINGS

### (a) Bill Sponsor Summary

**Chairman Pangelinan:** Bill 103-31 is an act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

The bill would seek to solve a couple of financial dilemmas facing the Government of Guam. As you know the Government of Guam is the recipient, and more specifically this case, the Department of Education is the recipient of close to \$72 million in State Fiscal Stabilization Funds (SFSF) from the American Recovery and Reinvestment Act (ARRA). The expenditures of this fund are provided by statute in fairly tight reporting and documentation requirements for the granted entities which includes the Government of Guam via the Governor's office and of course the Guam Department of Education through USDOE. It has come to the attention after years of discussion; this is the second or third year of the ARRA funding, that we are still challenged in spending the money allocated to the Government of Guam and DOE, in this particular instances pursuant to the times frames allocated by statute.

There was an inquiry and request to extend expenditure deadlines, while that request has been made I haven't received an official response on the viability of that plan. One plan that has been presented, that has been discussed at the highest levels, was a plan I had first outlined earlier this year was to reprogram the capital improvement portion of the ARRA funding for the Department of Education. In all of the earlier discussions, the delay for the Department of Education and the government of Guam for the expenditures for this fund rests with the procurement process and the track records of having bids protested, holding up the procurement process for the expenditure of these funds. So, we conceptually developed a frame work for the reprogramming of the capital improvement portion of the ARRA funding to the salary and benefits portion of the DOE budget for this fiscal year which would allow us to expend the \$36 million of the capital improvement allocation in the \$72 million grant given to the Department of Education in this fiscal year and meeting the September 2011 obligation as well as the December 2011 expenditure criteria and requirements set forth in the grant.

The Governor, the Board of Education, as well as the Superintendant were informed of this conceptual framework and proposal. Discussions occurred and with the Governor's most recent trip to Washington, he indicated that fruitful discussions occurred between himself and the US Department of Education. We then introduced the bill we drafted based upon the positive response received by the Governor to put into action the conceptual framework that was first outlined earlier this year.

We want to thank the Department of Education for being willing to consider it, the Governor for taking up the flag and using his authority as the Governor of Guam to move forward on this conceptual frame work, and the board of Education for their continued discussion in search of a viable solution to the problems facing us.

We will begin with the testimony from Mrs. Benita Mangloña.

**(b) Testimony**

**1. Benita Mangloña -BBMR**

**Mrs. Mangloña:** *(read written testimony)*

Hafa adai yan buenas Dias:

Honorable Chairman Pangelinan, thank you for this opportunity to submit testimony on Bill 103 (COR). My name is Benita Manglona, and I am the Director of the Bureau of Budget and Management Research and Acting Director for Department of Administration for the Government of Guam. I am here to provide support for this legislation, with recommended changes.

I believe this bill can achieve the goal of using the American Recovery and Reinvestment Act (ARRA) grant to fund the Guam Department of Education salaries and benefits of school-based teachers, administrators and support staff, and then directly apply the exact amount of general funds that have been freed up, for projects that were intended to be funded by ARRA.

However, I would like to request that the bill address only this activity, as any other language that is not directly tied to this goal may jeopardize approval by USDOE for a request to reprogram funds. In other words, Senator ben, these proposed changes we are requesting, I believe are necessary and critical in ensuring USDOE concerns are addressed and met. I say this because the Administration is working closely with USDOE to reallocate more than the \$36M identified in the bill.

One of the issues that USDOE would like to have addressed in this bill is to have clear language that the Maintenance of Effort for both the Education Jobs Funds, as well as the ARRA State Fiscal Stabilization Fund, Educational Services Fund (SFSF ESF), has to be ensured. I would like to request for language that would state that this has to be accounted for in the switch of projects that are ARRA funded to local funds within DOE's FY 2011 budget.

We further ask that you consider the following amendments and additions;

**SECTION 1, Page 1**

- On line 11, insert "Phase I and" before Phase II.
- Beginning on line 11 and continuing to line 12, where the amounts are stated, please use the figure of \$75, 782,784.
- Beginning on line 12 and continuing to line 14, delete the phrase, "...modernization, renovation and repair of public educational facilities used primarily for classroom instruction that are most in need of modernization, renovation, and repair.", and insert in its place, "...Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment."

#### SECTION 1, Page 2

- Beginning on line 3 and continuing to the end of line 12, delete both paragraphs.
- On line 14, delete the word, “inability” and insert “difficulties” in its place.
- Beginning on line 19 and continuing to the end of line 28, delete the whole paragraph.

#### SECTION 1, Page 3

- The amount specified on lines 1-3 will need to be changed. We are still working with USDOE to get their agreement on the final amount that can be reprogrammed to salaries and benefits of school-based teachers, administrators and support staff. We hope to have this amount finalized within the next few days and will transmit the final amount that USDOE will agree can be reprogrammed to your office.
- On line 3, delete, “capital expenditures” and insert the following in its place, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On line 7, delete, “September” and insert “December” in its place.
- On lines 9-10, delete, “supplant the cash shortfall of the Government of Guam for the second quarter of FY 2011” and insert it its place, “salaries and benefits of school-based teachers, administrators and support staff.”
- On line 11, delete, “capital expenditure projects as they become shovel ready” and insert, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On line 14, delete the word, “six” and in its place we will have to calculate the number of pay periods that will be covered, once we get the final amount that USDOE will authorize for reprogramming.  
We do have that amount. The USDOE commitment is between \$55-60 million based on the conference call this morning with USDOE.
- On lines 16-18, delete the entire bulleted phrase.
- On lines 21-23, delete the entire bulleted phrase.

#### SECTION 1, Page 4

- On lines 8-10, delete the entire sentence.

#### SECTION 2, Page 4

- On line 13, insert “Phase I and” in front of “Phase II”.
- On lines 14-15, the amount again will be \$55-60 million.
- On line 15, delete, “CIPs” and insert in its place, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On lines 16-17, the amount specified here will again need to be changed, based on what USDOE authorizes for reprogramming.
- On line 19, insert “230, 250 and” in front of “450”. Note that “450” appears twice on this line, and they both need to be changed as specified.

- On line 20, delete, “CIPs” and insert in its place, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On line 21, delete, “June 10, 2010”.
- On line 21, insert, “Phase I and” in front of, “Phase II”.
- On line 22, insert, “, including any subsequent amendments approved by USDOE.” after the word, “application”.
- On line 26, add a new sentence, “The reprogramming of appropriations that are authorized in this section shall not jeopardize the Maintenance of Efforts requirements for both the ARRA grant, as well as the Education Jobs Fund grant.”

I would like to commend you for introducing this very important piece of legislation and the efforts that Governor Calvo and his administration has done to ensure ARRA funds are spent to benefit our public schools. I look forward to working with you and the Legislature to a favorable outcome.

### **Panel Comments and Questions**

**Chairman Pangelinan:** Thank you Mrs. Mangloña. We would like to defer and give the opportunity to the Speaker, if she had any comments and questions on the testimony provided. There are no other individuals signed up to testify on the bill.

**Speaker Won Pat:** Thank you very much. Mrs. Mangloña, I noticed that in several cases you wanted to change CIP’s, which are just Capital Improvement Projects, but in this case you are to include technology upgrades, then of course they are the Science (STEM) program that GW will be undergoing and other CIP’s and equipment. Are each one of these object categories actually been conveyed and approved by USDOE?

**Mrs. Mangloña:** These are the ARRA funds that were dollar for dollar from the ARRA to the general fund.

**Speaker Won Pat:** So the actual figure on page 2 of your testimony says that \$75.7 million that that is the amount for every single one of these items that you have indicated.

**Mrs. Mangloña:** It was \$75 (million) but the total amount that we are looking at right now based on the conference call is \$55 to 60 million. There are funds that they chose not to be transferred. There is some funding that has already been obligated.

**Speaker Won Pat:** Out of the \$75.7 million, \$55 to 60 million will be reprogrammed, they approved we could reprogram dollar for dollar.

**Mrs. Mangloña:** That is what we are looking at but it is contingent on the approval of this legislation.

**Speaker Won Pat:** That \$55 to 60 million is that going to be reprogrammed out of personnel?

**Mrs. Mangloña:** That would be my understanding.

**Speaker Won Pat:** Do you know that between now and the end of the fiscal year, that you would have that amount of money still available under personnel? Somebody is nodding their head back there.

**Chairman Pangelinan:** If you wish, you could call any of your staff members.

**Mrs. Mangloña:** They have the technical knowledge. The third party is here.

## **2. Jim Pearson – Alvarez & Marsal**

**Mr. Pearson:** My name is Jim Pearson and I am the Program lead for the third party Alvarez & Marsal.

My understanding of the situation is that we could apply this money on a retroactive basis to the beginning of the fiscal year. My recollection of the amount of salaries during the fiscal year are about \$130 million so there are more than adequate funds for this program. There is \$20 million coming from the Educational Jobs funds that has already been committed against that \$130. We still have plenty of room.

### **Panel Comments and Questions**

**Chairman Pangelinan:** Unless you want to give us more money.

**Mr. Pearson:** Unfortunately that is not my decision to make.

**Speaker Won Pat:** You have been in communications with USDOE?

**Mr. Pearson:** Yes, we all participated in a conference call this morning.

**Speaker Won Pat:** Can you let us know again, what is the total dollar amount that DOE is receiving or will be receiving?

**Mr. Pearson:** They have asked that we provide to them some additional details today but we are certainly looking into the \$55 to 60 million range that can be reprogrammed in this fashion to assist both parties, the Government of Guam and GDOE. We believe that it is going to be at the high side of that range based on our conversation this morning but we want to be careful because we don't have a final set of numbers.

**Speaker Won Pat:** The balance that we are looking at, if we take the high of \$60 million, using the figure of 75.7 and the \$15 million that you have said has already been committed.

**Mr. Pearson:** The particular items that are represented by that is the third party contract, the FMIS program, which is the replacement of the computer system at the GDOE. The third one is the facilities evaluation that has been done by the contractor SODEXO.

**Speaker Won Pat:** What is the STEM program going to require here? These are CIPS and equipment for the STEM program? This is not for all the schools, just GW?

**Mr. Pearson:** Correct. Just GW and I believe one middle school. The STEM program actually goes across a number of grants it is also included in the ARRA and a programmatic grant and that addresses the curriculum for example the STEM program. There is also some funding in consolidated grants if I remember correctly.

**Speaker Won Pat:** The technology upgrades. What about that?

**Mr. Pearson:** The technology upgrades, we are differing some of that and removing it out of the SFSF grant so that we may increase the CIP. The strategy for doing that is based upon the fact that as the third party we have expressed a concern to both GDOE and to the USDOE that until some of the CIP is completed we don't feel that there is adequate security in some situations and we're concerned about introducing large amounts of portable technology into a classroom until we improve security. We have developed a strategy in conjunction with the superintendant to move funds into a consolidated grant in the future once the CIP is completed. USDOE is in agreement at least verbally at this point. That was included in our discussion this morning something that they indicated they will be willing to do.

**Speaker Won Pat:** Can I ask that you send some of those breakdowns, specifically a cost as to what the cost would be for each one of those that are listed here and in particular the technology upgrades, where are we with that and how many are to be procured. I remember when we first met that was a concern we brought up and those protocols were not in place yet and there was the cause for security as well. Thank you very much Mr. Chairman.

**Chairman Pangelinan:** Thank you very much.

**Senator Dueñas:** Good morning. In the last Legislature we passed a bill and it was highly regarded for GDOE by the Public Auditor because of the third party in place. I just want to know, in modifying the procurement regulations because of your existence, I want to get it on the record that you are following through with all the projects and you are working with the federal counterparts with regard to that.

Is there room to reprogram a portion of this to include security equipment? In the schools in particular that would be receiving a number of upgrades in regard to high tech equipment.

**Mr. Pearson:** I would have to defer that to the superintendant to make that decision. Obviously the facilities evaluation did by SODEXO that included, if I remember correctly, \$130 million of physical issues that needed to be addressed. I do not have enough information to adequately describe where their priorities lie within SODEXO or GDOE. There are people looking at that.

**Senator Dueñas:** I share your concern; it doesn't make much sense to put this amount of high tech equipment into a school. This should probably be a pilot for us to move forward in understanding how important it is for us to secure our campuses though out the DOE system particularly if we know one would be a target. Thank you for your participation.

**Chairman Pangelinan:** Just for the record, we also sent a letter of invitation for testimony to the Governor, who is being represented here today by BBMR, the AG's office, DOA, the OPA, GDOE, and we also sent a copy to Mr. Phillip Maestri, Ms. Christine Jackson and Mr. Anthony Miller, all of USDOE.

My one question Benita, when our committee looked at the reprogramming we were not only concerned about ensuring that we are able to spend and account for the money based on the requirements of the ARRA grant, but we were very concerned about being able to support the programs we are shifting the funding from where real cash exists at this time. Which is the money in the bank for the ARRA funding is cash in the bank ready to be drawn upon when authorized. When we reprogram those funds, and now say we use local funds to support those projects, we wanted to be assured that the cash flow collections and projections of this government is going to support that, we don't leave GDOE wanting or short changed in those projects that would have been funded by the ARRA grants. Have you done and if you have not I'm asking that you do a cash flow model of reprogramming \$60 million that we will indeed have \$60 million available. The position of the administration is this "cash crisis, cash crisis, cash crisis" and so we were very careful in terms of the projects that were to be reprogrammed that do not require cash on a steady basis every two weeks like payroll. When you do capital improvement projects, let's say a one year construction project, so your cash outlay over that year would be intermittent, you'd have progress payments and you can fashion that in your contract so that it is every three months, four months or whatever you decide as a part of your contract. So, your cash flow requirement is not as steady and as required in order to meet the day to day operations of payroll and so we were going to provide some cash flow relief not expenditure relief so that we want to fund those programs that were not. Do you have a cash flow model to support the reprogramming of the \$60 million to ensure that DOE is not going to be shortchanged?

**Mrs. Mangloña:** We do have that Senator. I do agree that we have to identify funding and that is why USDOE is agreeing to use the ARRA money right now to fund personnel as long as we have language in this legislation to ensure that the funds we are using from ARRA is going to be used for the intended projects.

**Chairman Pangelinan:** Does USDOE have its own cash flow model that gives them confidence that we can support that?

**Mrs. Mangloña:** I'm not saying that but we will have to prioritize payments for these projects because we are making that commitment and it will be placed on the cash flow (model).

Chairman Pangelinan: Do you have that now?

**Mrs. Mangloña:** I don't have it right now but we will program it once this one is approved.

**Chairman Pangelinan:** How can you satisfy the committee that the reprogram of \$60 million, in this fiscal year, to support these projects will be there? Is there a cash crisis or not?

**Mrs. Mangloña:** I believe we do have a cash crisis and I will address your issue and we will submit something soon.

**Chairman Pangelinan:** The committee is pretty confident that we can support on a cash flow basis the requirements of these capital projects given the time required to implement them and the time it takes to collect those and to realign priorities when we don't find those collections. We haven't seen any realignment of priorities in this cash crisis, the only realignment is we are taking the cash out of what is budgeted for the refunds and paying something else. Which the committee still doesn't know because we still haven't gotten a report from you.

**Mrs. Mangloña:** Senator, we are working on those reports and you will be receiving it soon. I know that you have sent me a barrage of letters yesterday.

**Chairman Pangelinan:** Yes, they were just reminders. They are not new.

**Mrs. Mangloña:** I share your concern and I want to appease you, we are working on it and you will be receiving it soon.

**Chairman Pangelinan:** I am asking on behalf of the committee and on behalf of the Legislature because my colleagues deserve that information to make that decision.

**Mrs. Mangloña:** Yes, I understand.

**Chairman Pangelinan:** So, again we support the idea, we thank the Governor for the support of the idea and we support his idea. We just want to make sure, from the committee's point, that because we're still not sure what the cash condition is of this government. We know the Governor thinks we are in a huge cash crisis and maybe that is a good way to manage this government, so that we save every nickel we can. But to go from \$36 million to \$60 million of reprogramming and assure us that the cash flow and cash collections are there to support that. My concept is that both get funded, it's just the cash requirement to fund payroll is shifted to the ARRA fund because the money is in the bank, it's sitting there, it's predictable, we know when we draw payroll we don't have to go scrambling and wait till 5 o'clock when all the deposits are posted in order to receive payroll. We also want to know that the STEM program is set into place, the teacher training is going to occur, that all the other programs that are being funded by the ARRA get their required funding out of the local cash flow. We're both very much on the same page. On level of confidence on what level of cash flow is able to be supported by our collections, we need to come to some sort of cooperative conclusion.

**Mrs. Mangloña:** I know we have to put that in place or else the USDOE is not going to agree to the shifting.

**Chairman Pangelinan:** I'm going to ask that you give us all the information you have shared with USDOE, you must have shown them something to convince them that we can reprogram and support \$60 million.

**Mrs. Mangloña:** It's actually the language in the legislation that we are committed to funding these programs. They need the legislation.

**Chairman Pangelinan:** All they need is words not dollars?

**Mrs. Mangloña:** They want to look at the legislation before they give the final approval. The approval is contingent on this piece of legislation passing. I just wanted to mention to you that we just got the draft audit report on the unfunded obligations. That's why we've delayed giving you the reports.

**Chairman Pangelinan:** Can we get a copy of the draft audit?

**Mrs. Mangloña:** I think so.

**Chairman Pangelinan:** I think we're one government right? Thank you very much, I have no further questions.

**Speaker Won Pat:** I know you were not in Washington when this conversation was going on between the Superintendent and the Governor, but has the Governor in his return informed you and made a verbal commitment to USDOE that the dollar amount we want to reprogram that he's making the commitment that he pays these out? I know the conversation with the government being cashed strapped and how we are able to meet the obligations here, did he make that commitment because it would be the Governor, of course, instructing BBMR to instruct DOA to release these monies for DOE. Is he making that a priority and a commitment to do that?

**Mrs. Mangloña:** I have not spoken personally with the Governor but I am working with a staff.

**Speaker Won Pat:** Vince, maybe you would like to explain that since you might know what that document is.

### **3. Vince Leon Guerrero – Governors Office**

**Mr. Leon Guerrero:** Vince Leon Guerrero, Special assistant to the Governor. We will provide you with copies. That was an oversight on our part. There was a letter dated February 26<sup>th</sup> from the Governor to the Secretary of Education and it is specifically addressing what they would like to discuss on his upcoming trip. So, this would address everything you are requesting in terms of his commitment. We will provide this for you.

#### **Panel Comments and Questions**

**Speaker Won Pat:** Well, you can give it to the staff over here and they will make copies of it. Thank you very much, Mr. Chairman.

**Chairman Pangelinan:** Thank you very much and Si Yu'os Ma'ase Mrs. Mangloña and Mr. Pearson.

### III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 103-31 (COR), As Substituted with the recommendations TO PASS, with the as following recommended amendments:

1. Increase the reprogrammed budgeted amount from \$36 million to \$60 million of the ARRA SFSF grant for Capital Improvement Projects, Technology Upgrades, Science, Technology, Engineering & Math (STEM) CIPs and Equipment.
2. Appropriation of local fund reimbursements from the ARRA SFSF to a trust fund.
3. Repeal of Public Law 31-12 relative to ARRA procurement procedures.

**I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (FIRST) REGULAR SESSION**

**Bill No. 103-31(COR)**

**Introduced by:**

**v.c. pangelinan**



**AN ACT TO REPROGRAM \$36,673,370 FROM OBJECT CLASS 111 AND 113 FROM THE GUAM DEPARTMENT OF EDUCATION FY 2011 BUDGET TO OBJECT CLASS 450 FOR ONGOING AND CONTINUING CAPITAL EXPENDITURE PROJECTS.**

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

1           **SECTION 1. Legislative Statement and Intent.** The 111<sup>th</sup> United States  
2 Congress enacted the American Recovery and Reinvestment Act (ARRA) of 2009 for the  
3 purpose of providing economic stimulus and relief to states and taxpayers. In enacting  
4 ARRA, the primary goal of its framers was to provide a quick infusion of cash to state  
5 and local governments for the preservation and creation of jobs, thus stimulating the  
6 economy. *I Liheslaturan Guåhan* agrees with the economic basis of the following  
7 approach and seeks to promote the principles and objectives of this federal legislation at  
8 the local level.

9           *I Liheslaturan Guåhan* finds that US Department of Education (USDOE)  
10 approved the Guam Department of Education (GDOE) State Fiscal Stabilization Fund  
11 (SFSF) Phase II application which budgets \$36,673,370 (Thirty Six Million Six Hundred  
12 Seventy Three Thousand Three Hundred Seventy Dollars) for the modernization,  
13 renovation and repair of public educational facilities used primarily for classroom  
14 instruction that are most in need of modernization, renovation and repair. The GDOE,  
15 which was awarded the SFSF funds two years ago, has experienced difficulty in  
16 obligating and expending the funds prior to the September 2011 deadline. In failing to

2011 MAR -3 PM 2:19  


1 obligate or expend the funds, the GDOE shall forfeit the funds earmarked to improve the  
2 physical infrastructure of our educational institutions.

3 The management of the GDOE cites the legal review of procurement contracts,  
4 applicable to all Government of Guam entities, as a bottleneck in the obligation and the  
5 expenditure of the funds. In citing the following provision, the GDOE has requested  
6 exemption to the legal review requirement within the procurement statutes and the right  
7 of bidders to access their rights to the legal system in protesting bid awards.

8 *I Liheslaturan Guåhan* affirms that the GDOE has not presented a compelling  
9 reason to merit exemption from the procurement statutes, which were crafted to protect  
10 the public interest in contractual negotiations. Furthermore, *I Liheslaturan Guåhan* finds  
11 that the following solution to GDOE's inability to expend the funds represent a  
12 dangerous precedent whereby legislative remedies are sought for administrative issues.

13 *I Liheslaturan Guåhan* wherever possible seeks a win-win approach to problems  
14 facing our community and thus finds that the inability of the GDOE to expend ARRA  
15 SFSF funds presents an opportunity for such a solution. *I Liheslaturan Guåhan*  
16 recognizes that the following approach is consistent with the spirit in of *Inafa Maolek* and  
17 is an example of a bi-partisan approach to solving problems because "*the greatness of*  
18 *Guam transcends all political lines.*"

19 *I Maga'låhen Guåhan* continues to communicate to the people of Guam that an  
20 impending cash shortfall is inevitable in FY 2011 due to unbudgeted expenditures.  
21 Although the magnitude of the cash shortfalls remains unclear, *I Liheslaturan Guåhan*  
22 recognizes the Organic authority and responsibility of *I Maga'låhen Guåhan* to manage  
23 the daily operations of the Government of Guam. Therefore, *I Liheslaturan Guåhan* seeks  
24 to empower the Executive Branch with the necessary fiscal tools to confront the FY 2011  
25 cash shortfalls and immediately rescind Executive Order 2011-02 in order to reinstate the  
26 Hay Study pay increases. The partnership of *I Maga'låhen Guåhan* is necessary for  
27 success in stimulating the Guam economy through raising the standard of living for  
28 public employees for the first time in twenty years.

29 In granting the following budgetary mechanisms, *I Liheslaturan Guåhan* is  
30 providing a solution and creating the opportunity for the chief executive to exercise his  
31 referent authority to convince the leadership of the GDOE and USDOE of the worthiness

1 of this cause. The cause involves requesting the USDOE to reprogram \$36,673,370  
2 (Thirty Six Million Six Hundred Seventy Three Thousand Three Hundred and Seventy  
3 Dollars) of the ARRA SFSF grant earmarked for capital expenditures for the payment of  
4 personnel cost for FY 2011.

5 The following approach will not reduce or redirect funds due to the GDOE for  
6 repairs of educational institutions. Rather, the approach seeks to guarantee that the  
7 GDOE not lose ARRA SFSF funds due to not expending the funds by September 2011  
8 and ensure that GDOE complies with local procurement laws. In doing so, the approach  
9 merely utilizes the ARRA SFSF funds to supplant the cash shortfalls of the Government  
10 of Guam for the second quarter of FY 2011 and appropriates and reserves the funds  
11 transferred for capital expenditure projects as they become shovel ready.

12 *I Liheslaturan Guåhan* finds that the use of ARRA SFSF funds for GDOE's  
13 payroll will provide the following advantages to GDOE as well as the General Fund:

- 14 • Approximately six pay periods of salaries and benefits for the GDOE will  
15 be covered;
- 16 • ARRA SFSF funds will insulate the GDOE from any cash flow difficulty  
17 should it be faced by the Government of Guam; ensuring compliance of  
18 the Adequate Education Act;
- 19 • Reporting requirements for expenditures of GDOE payroll will be less  
20 burdensome to the administrative infrastructure of the department;
- 21 • Locals funds relieved by ARRA SFSF funds will allow the Government of  
22 Guam to meet impending short term unbudgeted obligations, including the  
23 Mental Health Permanent Injunction and the Calvo's SelectCare contract;
- 24 • The GDOE will be able to preserve and retain jobs; consistent with the  
25 overarching principle of ARRA;
- 26 • The GDOE will not need to seek an exemption from the procurement  
27 statutes;
- 28 • Infusion of ARRA SFSF monies will provide external sources of funding  
29 for the island's economy, spurring economic activity; consistent with  
30 ARRA's goals;

- 1           • The risk to losing ARRA SFSF funds due to inability to expend funds or  
2           due to procurement challenges will be abated;
- 3           • Cash requirements for GDOE Capital Improvement Projects (CIPs) for the  
4           next three to six months are small because bid proposals specifications and  
5           project bid solicitations are being developed.

6           For its cooperation with the following approach, the GDOE has demonstrated its  
7           stewardship and sense of the shared responsibility with the entire Government of Guam.  
8           *I Liheslaturan Guåhan* recognizes the selfless act of assisting *I Maga'låhen Guåhan* to  
9           reinstitute the Hay study increases and reaffirms its commitment to Education by  
10          providing safeguards to the funds transferred to be used in FY 2011 and beyond.

11          **SECTION 2. Reprogramming of Appropriation.** A new Section 17 is added  
12          to Chapter II, Part I of Public Law 30-196:

13          “Upon USDOE approval to amend the Phase II ARRA SFSF grant application,  
14          whereby, the amount of \$36,673,370 (Thirty Six Million Six Hundred Seventy Three  
15          Thousand Three Hundred and Seventy Dollars) originally allocated for CIPs is  
16          reprogrammed to Salary and Benefits, the amount of \$36,673,370 (Thirty Six Million  
17          Six Hundred Seventy Three Thousand Three Hundred and Seventy Dollars) is re-  
18          appropriated (from the General Fund) in Chapter II, Part I Section 2 of this Act, from  
19          Object Classes 111 and 113 to Object Class 450. Funds transferred to Object Class 450  
20          shall be a continuing appropriation for the GDOE and shall be earmarked for CIPs  
21          approved by USDOE contained in the June 10, 2010 ARRA SFSF Phase II grant  
22          application. Furthermore, the aforementioned funds shall not be subject to allotment  
23          reserves by the Bureau of Budget Management and Research nor shall they be subject to  
24          the Governor’s transfer authority and shall be designated as the first allotment priority  
25          only to be superseded by allotments designated for health care mandates and government  
26          wide payroll expenses.

27          **SECTION 3. Severability.** If any provision of this Law or its application to any  
28          person or circumstances is found to be invalid or contrary to law, such invalidity shall not  
29          affect other provisions or applications of this Law which can be given effect without the  
30          invalid provisions or application, and to this end the provisions of this Law are severable.

**I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION**

**Bill No. 103-31 (COR)**

As substituted by Committee on  
Appropriations, Taxation, Public Debt,  
Banking, Insurance, Retirement, and Land.

**Introduced by:**

**v.c. pangelinan**

**AN ACT TO APPROPRIATE \$60,088,935 TO THE  
GUAM DEPARTMENT OF EDUCATION FOR  
ONGOING AND CONTINUING CAPITAL  
IMPROVEMENT PROJECTS (CIPs), TECHNOLOGY  
UPGRADES AND EQUIPMENT PROJECTS.**

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

1           **SECTION 1. Legislative Statement and Intent.** The 111<sup>th</sup> United  
2 States Congress enacted the American Recovery and Reinvestment Act  
3 (ARRA) of 2009 for the purpose of providing economic stimulus and relief  
4 to states and taxpayers. In enacting ARRA, the primary goal of its framers  
5 was to provide a quick infusion of cash to state and local governments for  
6 the preservation and creation of jobs, thus stimulating the economy. *I*  
7 *Liheslaturan Guåhan* agrees with the economic basis of the following  
8 approach and seeks to promote the principles and objectives of this federal  
9 legislation at the local level.

10           *I Liheslaturan Guåhan* finds that the US Department of Education  
11 (USDOE) approved the Guam Department of Education (GDOE) State  
12 Fiscal Stabilization Fund (SFSF) Phase I and Phase II application which  
13 budgets Forty One Million Seventy Three Thousand Three Hundred Seventy  
14 Dollars (\$41,073,370) for the modernization, renovation and repair of public

1 educational facilities used primarily for classroom instruction that are most  
2 in need of modernization, renovation and repair; Twenty Six Million Three  
3 Hundred Nineteen Thousand Four Hundred Fourteen Dollars (\$26,319,414)  
4 for Technology Upgrades, Financial Management Information System  
5 (FMIS) and Consultant Services; and Eight Million Three Hundred Fifty  
6 Thousand Dollars (\$8,350,000) for administrative services of a Third Party  
7 Fiduciary Agent (TPFA) required by the USDOE. The GDOE, which was  
8 awarded the SFSF funds two years ago, has experienced difficulty in  
9 obligating and expending the funds prior to the September 2011 deadline. In  
10 failing to obligate and expend the funds, the GDOE shall forfeit the funds  
11 earmarked to improve the physical infrastructure of our educational  
12 institutions and other projects.

13 The management of the GDOE cites the legal review of procurement  
14 contracts, applicable to all Government of Guam entities, as a bottleneck in  
15 the obligation and the expenditure of the funds. In citing the following  
16 provision, the GDOE has requested exemption to the legal review  
17 requirement within the procurement statutes and to preclude the legal right  
18 of bidders to protest bid awards.

19 *I Liheslaturan Guåhan* affirms that the GDOE has not presented a  
20 compelling reason to merit exemption from the procurement statutes, which  
21 were crafted to protect the public interest in contractual negotiations.  
22 Furthermore, *I Liheslaturan Guåhan* finds that the following solution to  
23 GDOE's difficulties to expend the funds represent a dangerous precedent  
24 whereby legislative remedies are sought for administrative issues.

25 *I Liheslaturan Guåhan* wherever possible seeks a win-win approach  
26 to problems facing our community and thus finds that the difficulty of the  
27 GDOE to expend ARRA SFSF funds presents an opportunity for such a

1 solution. *I Liheslaturan Guåhan* recognizes that the following approach is  
2 consistent with the spirit of *Inafa'maolek* and is an example of a bi-partisan  
3 approach to solving problems because “*the greatness of Guam transcends*  
4 *all political lines.*”

5 In granting the following budgetary mechanisms, *I Liheslaturan*  
6 *Guåhan* is providing a solution and creating the opportunity for the chief  
7 executive and GDOE to request the USDOE to reprogram Sixty Million  
8 Eighty Eight Thousand Nine Hundred Thirty Five Dollars (\$60,088,935) of  
9 the ARRA SFSF grant earmarked for Capital Improvement Projects,  
10 Technology Upgrades, Science, Technology, Engineering & Math (STEM)  
11 CIPs and Equipment for the payment of personnel cost for FY 2011.

12 The following approach will not reduce or redirect funds due to the  
13 GDOE for repairs of educational institutions and other projects. Rather, the  
14 approach seeks to guarantee that the GDOE not lose ARRA SFSF funds due  
15 to failure to expend the funds by December 2011 and ensure that GDOE  
16 complies with local procurement laws. In doing so, the approach merely  
17 utilizes the ARRA SFSF funds for salaries and benefits of school-based  
18 teachers, administrators and support staff and appropriates and reserves the  
19 funds transferred for Technology Upgrades, Equipment and Capital  
20 Improvement Projects as they become shovel ready.

21 *I Liheslaturan Guåhan* finds that the use of ARRA SFSF funds for  
22 GDOE’s payroll will provide the following advantages to GDOE as well as  
23 the General Fund:

- 24 • Approximately fourteen (14) pay periods of salaries and  
25 benefits for the GDOE will be covered;

- 1 • Reporting requirements for expenditures of GDOE payroll will  
2 be less burdensome to the administrative infrastructure of the  
3 department;
- 4 • The GDOE will be able to preserve and retain jobs; consistent  
5 with the overarching principle of ARRA;
- 6 • The GDOE will not need to seek an exemption from the  
7 procurement statutes;
- 8 • The risk of losing ARRA SFSF funds due to inability to expend  
9 funds or due to procurement challenges will be abated;

10 Many of the priorities set forth by *I Liheslaturan Guåhan* and *I*  
11 *Maga'låhen Guåhan* enacted into law through the General Appropriations  
12 Act of 2011 remain unfulfilled due to redirecting budgeted cash collections  
13 for other purposes. *I Liheslaturan Guåhan* shall require stringent conditions  
14 of depositing reimbursements from USDOE into a trust account in order to  
15 insure and reaffirm its commitment to Education by providing safeguards to  
16 the funds transferred to be used in FY 2011 and beyond.

17 **SECTION 2. Creation of the Adequate Education Act Trust**  
18 **Account.**

19 (a) There is hereby created, separate and apart from all other funds  
20 of the government of Guam, a trust account known as the Adequate  
21 Education Act Trust Account (*'Trust Account'*). The Trust Account shall  
22 not be commingled with the General Fund or any other funds of the  
23 government of Guam, and it shall be maintained in a separate bank account,  
24 administered by a trustee that is selected in accordance with the Government  
25 of Guam procurement rules and regulations. The Trust Account's interest  
26 and investment earnings shall be continuously appropriated to the  
27 Department of Administration for the payment of the GDOE-Guam Power

1 Authority Promissory Note. Upon full payment of the Promissory Note,  
2 succeeding interest and investment earnings shall be continuously  
3 appropriated to the GDOE for maintenance and repair of its facilities.

4 (b) Monies deposited into the Trust Account shall be invested or  
5 reinvested into interest bearing instruments, United States treasury notes,  
6 investment grade and insured corporate notes, and other like instruments  
7 which are readily convertible to cash needed to pay for projects approved in  
8 the ARRA SFSF Phase I and Phase II grant application including any  
9 subsequent amendments approved by USDOE in accordance with  
10 appropriation in Section 3(a) of this Act.

11 (c) Monies deposited into the Trust Fund shall not be subject to any  
12 transfer authority of I Maga'láhen Guåhan or any representative of the Guam  
13 Department of Education.

14 **SECTION 3. Appropriation.**

15 Upon USDOE approval to amend the Phase I and Phase II ARRA  
16 SFSF grant application, whereby, the amount of Sixty Million Eighty Eight  
17 Thousand Nine Hundred Thirty Five Dollars (\$60,088,935) of Federal Funds  
18 originally allocated for Capital Improvement Projects, Technology Upgrades  
19 and Science, Technology, Engineering & Math (STEM) CIPs and  
20 Equipment is reprogrammed to Salaries and Benefits resulting in a  
21 reimbursement of funds appropriated and expended in Section 2 of Chapter  
22 II, Part I of Public Law 30-196, the reimbursement of Sixty Million Eighty  
23 Eight Thousand Nine Hundred Thirty Five Dollars (\$60,088,935) from the  
24 SFSF grant authorized by the USDOE pursuant to the expenditure of local  
25 funds and certified by the TPFA shall be deposited to the Trust Account.  
26 The use of the reimbursed funds in the Trust Account shall be pursuant to  
27 the following amounts and requirements:

1           (a) Sixty Million Eighty Eight Thousand Nine Hundred  
2 Thirty Five Dollars (\$60,088,935) is appropriated from the Adequate  
3 Education Act Trust Account to the Guam Department of Education  
4 in Object Classes 230, 250 and 450 as follows: object class 230  
5 (Contracts) - Thirty Five Thousand Dollars (\$35,000); object class  
6 250 (Equipment) - Three Million Fifty Thousand Dollars (\$3,050,000)  
7 and object class 450 (Capital Outlay) - Fifty Seven Million Three  
8 Thousand Nine Hundred Thirty Five Dollars (\$57,003,935).

9           (b) the appropriation to Object Classes 230, 250 and 450 in  
10 this section shall be continuing appropriations for the GDOE and shall  
11 be earmarked for Capital Improvement Projects, Technology  
12 Upgrades and Science, Technology, Engineering & Math (STEM)  
13 CIPs and Equipment approved by USDOE contained in ARRA SFSF  
14 Phase I and Phase II grant application including any subsequent  
15 amendments approved by USDOE.

16       **SECTION 4.       §5425A of Part A of Article 9, Chapter 5 of**  
17 **Title 5, Guam Code Annotated is hereby repealed.**

18       ~~"§5425A. Protest Procedure for Procurement Funded with 2009~~  
19 ~~American Recovery and Reinvestment Act Moneys Allotted to the~~  
20 ~~Guam Department of Education. (a) Notwithstanding any other~~  
21 ~~provision of this Chapter and any rules promulgated therefore, if an~~  
22 ~~actual or non-selected vendor, contractor, or service provider is~~  
23 ~~aggrieved by an award or a contract funded, in whole or in part, by the~~  
24 ~~funds allotted to the Guam Department of Education from the 2009~~  
25 ~~American Recovery and Reinvestment Act (ARRA), the procedure for~~  
26 ~~protest outlined in this Section shall apply, and shall be the exclusive~~  
27 ~~means available to resolve the concerns of persons aggrieved in~~

1 ~~connection with awards or solicitations involving ARRA funds, in~~  
2 ~~whole or in part. The protest shall be submitted to the Public Auditor~~  
3 ~~who may settle and resolve a protest by one ( 1) or more of the~~  
4 ~~following means:~~

5 ~~(1) amending or canceling the solicitation;~~

6 ~~(2) terminating the contract that was awarded;~~

7 ~~(3) declaring the contract null and void from the time of its~~  
8 ~~award; or~~

9 ~~(4) affirming the contract award decision.~~

10 ~~If the protest is not resolved by mutual agreement, the Public~~  
11 ~~Auditor shall issue a decision, in writing, within no more than ten (10)~~  
12 ~~working days of receipt of the protest. The decision shall state the~~  
13 ~~reasons taken. A copy of the written decision shall be mailed, using~~  
14 ~~certified mail, or otherwise furnished to the vendor, contractor, or~~  
15 ~~service provider who initiated the protest, the person awarded the~~  
16 ~~contract, and to all other non-selected bidders or offerors.~~

17 ~~(b) For purposes of this Section, the determination of facts and~~  
18 ~~decision by the Public Auditor for the resolution of protests of ARRA~~  
19 ~~funded procurements shall be final and conclusive with no right of~~  
20 ~~appeal or judicial review. The fact that a protest has been filed~~  
21 ~~pursuant to this Section shall not stay the procurement process or~~  
22 ~~award of any contract funded by ARRA moneys, whether in whole or~~  
23 ~~in part, unless so ordered by the Public Auditor. A request for~~  
24 ~~reconsideration shall also not stay the award of any contract funded by~~  
25 ~~ARRA moneys, whether in whole or in part, unless so ordered by the~~  
26 ~~Public Auditor.~~

1           ~~This Section is repealed effective December 31, 2011, unless~~  
2           ~~the federal grantor agency authorizes an extension of time for the~~  
3           ~~obligation or expenditure of ARRA funds, in which case this Section~~  
4           ~~shall be repealed at the end of the extension period."~~

5           **SECTION 5. Severability.** If any provision of this Law or its  
6           application to any person or circumstances is found to be invalid or contrary  
7           to law, such invalidity shall not affect other provisions or applications of this  
8           Law which can be given effect without the invalid provisions or application,  
9           and to this end the provisions of this Law are severable.



**Mina'trentai Unu Na Liheslaturan Guahan**  
*THIRTY-FIRST GUAM LEGISLATURE*

**Senator Vicente "ben" Cabrera Pangelinan**

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,  
INSURANCE, RETIREMENT AND LAND**

**Tuesday, March 15, 2011**

**Bill No. 103**

**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Benitez Mangina		988-1010	bbmr-directore bbmr.guam.gov	✓	✓		

**From:** Joe S San Agustin <jssa3gepb@yahoo.com>  
**Date:** March 29, 2011 8:44:35 AM GMT+10:00  
**To:** "Senator ben c. pangelinan" <senbenp@guam.net>  
**Cc:** Ronald Ayuyu <ronaldayuyu@yahoo.com>, Rosie Tainatongo <r\_tainatongo@yahoo.com>  
**Subject:** Bill 103-31

Senator Pangelinan, Unfortunately I was not able to attend the Public Hearing reference Bill 103-31. If I may extend my Support for the bill. We have spoken before in regards to the expenditure of SFSF/ARRA Funds and we both agreed that it may not be possible to expend the funds as required by September 2011 and you have suggested to possibly shift some of the funds to salaries and fund the CIP projects through local appropriation if possible and again I AGREED.

Sir, during a work session with the GEB we were advised that Governor Calvo would like to shift 60 million dollars from the SFSF/ARRA Funds to pay for salaries for not only the current fiscal year but the upcoming fiscal year.

DOE management has also identified that they could possibly shift 12 million dollars to the consolidated grants for the next fiscal year. This would basically total 72+ million dollars.

Sir, I hope this email can be printed and submitted as written support for the bill.

Joe S. San Agustin  
Member GEB  
email: jssa3gepb@yahoo.com  
687-5552



## **BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR DIRECTOR

**BENITA A. MANGLONA**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR  
March 15, 2011

**STEPHEN J. GUERRERO**  
DEPUTY DIRECTOR

Senator Vicente (ben) Cabrera Pangelinan  
Chairman,  
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement  
and Land  
I Mina'trentai Unu Na Liheslaturan Guahan  
155 Hesler Place  
Hagatna, GU 96910

Hafa adai yan buenas dias:

Honorable Chairman Pangelinan, thank you for this opportunity to submit testimony on Bill 103 (COR). My name is Benita Manglona, and I am the Director of the Bureau of Budget, Management and Research and Acting Director for Department of Administration for the Government of Guam. I am here to provide support for this legislation, with recommended changes.

I believe this bill can achieve the goal of using the American Recovery and Reinvestment Act (ARRA) grant to fund the Guam Department of Education salaries and benefits of school-based teachers, administrators and support staff, and then directly apply the exact amount of general funds that have been freed up, for projects that were intended to be funded by ARRA.

However, I would like to request that the bill address only this activity, as any other language that is not directly tied to this goal may jeopardize approval by USDOE for a request to reprogram funds. In other words, Senator ben, these proposed changes we are requesting, I believe are necessary and critical in ensuring USDOE concerns are addressed and met. I say this because the Administration is working closely with USDOE to reallocate more than the \$36M identified in the bill.

One of the issues that USDOE would like to have addressed in this bill is to have clear language that the Maintenance of Effort for both the Education Jobs Funds, as well as the ARRA State Fiscal Stabilization Fund, Educational Services Fund (SFSF ESF), has to be ensured. I would like to request for language that would state that this has to be accounted for in the switch of projects that are ARRA funded to local funds within DOE's FY 2011 budget.

We further ask that you consider the following amendments and additions;

#### SECTION 1, Page 1

- On line 11, insert “Phase I and” before Phase II.
- Beginning on line 11 and continuing to line 12, where the amounts are stated, please use the figure of \$75, 782,784.
- Beginning on line 12 and continuing to line 14, delete the phrase, “...modernization, renovation and repair of public educational facilities used primarily for classroom instruction that are most in need of modernization, renovation, and repair.”, and insert in its place, “..Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”

#### SECTION 1, Page 2

- Beginning on line 3 and continuing to the end of line 12, delete both paragraphs.
- On line 14, delete the word, “inability” and insert “difficulties” in its place.
- Beginning on line 19 and continuing to the end of line 28, delete the whole paragraph.

#### SECTION 1, Page 3

- The amount specified on lines 1-3 will need to be changed. We are still working with USDOE to get their agreement on the final amount that can be reprogrammed to salaries and benefits of school-based teachers, administrators and support staff. We hope to have this amount finalized within the next few days and will transmit the final amount that USDOE will agree can be reprogrammed to your office.
- On line 3, delete, “capital expenditures” and insert the following in its place, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On line 7, delete, “September” and insert “December” in its place.
- On lines 9-10, delete, “supplant the cash shortfall of the Government of Guam for the second quarter of FY 2011” and insert in its place, “salaries and benefits of school-based teachers, administrators and support staff.”
- On line 11, delete, “capital expenditure projects as they become shovel ready” and insert, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On line 14, delete the word, “six” and in its place we will have to calculate the number of pay periods that will be covered, once we get the final amount that USDOE will authorize for reprogramming.
- On lines 16-18, delete the entire bulleted phrase.
- On lines 21-23, delete the entire bulleted phrase.

#### SECTION 1, Page 4

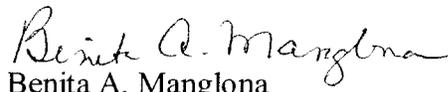
- On lines 8-10, delete the entire sentence.

#### SECTION 2, Page 4

- On line 13, insert “Phase I and” in front of “Phase II”.
- On lines 14-15, the amount specified here will again need to be changed, based on what USDOE authorizes for reprogramming.
- On line 15, delete, “CIPs” and insert in its place, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On lines 16-17, the amount specified here will again need to be changed, based on what USDOE authorizes for reprogramming.
- On line 19, insert “230, 250 and” in front of “450”. Note that “450” appears twice on this line, and they both need to be changed as specified.
- On line 20, delete, “CIPs” and insert in its place, “Capital Improvement Projects; Technology Upgrades; and Science, Technology, Engineering, and Math (STEM) CIPs and Equipment.”
- On line 21, delete, “June 10, 2010”.
- On line 21, insert, “Phase I and” in front of, “Phase II”.
- On line 22, insert, “, including any subsequent amendments approved by USDOE.” after the word, “application”.
- On line 26, add a new sentence, “The reprogramming of appropriations that are authorized in this section shall not jeopardize the Maintenance of Efforts requirements for both the ARRA grant, as well as the Education Jobs Fund grant.”

I would like to commend you for introducing this very important piece of legislation and the efforts that Governor Calvo and his administration has done to ensure ARRA funds are spent to benefit our public schools. I look forward to working with you and the legislature to a favorable outcome.

Senseramente,

  
 Benita A. Manglona  
 Director

**Bureau of Budget & Management Research**

Fiscal Note of Bill No. 103-31 (COR)

**AN ACT TO REPROGRAM \$36,673,370 FROM OBJECT CLASS 111 AND 113 FROM THE GUAM DEPARTMENT OF EDUCATION FY 2011 BUDGET TO OBJECT CLASS 450 FOR ONGOING AND CONTINUING CAPITAL EXPENDITURE PROJECTS.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Guam Department of Education		Dept./Agency Head: Narrissa Bretania-Shaffer	
Department's General Fund (GF) appropriation(s) to date: General Fund to Department of Education Operational Fund (DOEOF)		163,276,054	
Department's Other Fund (Specify) appropriation(s) to date: Public Library Resource Fund (PLRF), Healthy Futures Fund (HFF), Territorial Education Facilities Fund (TEFF), School Lunch Cash Collection, SAE/Child Nutritional Reimbursement Fund, Indirect Cost Fund		21,845,797	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>\$185,121,851</b>	

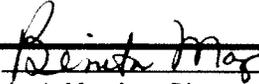
**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1. Does the bill contain "revenue generating" provisions? // Yes      /X/ No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A      // Yes      // No  
If no, what is the additional amount required? \$ \_\_\_\_\_ // N/A
3. Does the Bill establish a new program/agency? // Yes      // No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A      // Yes      // No  
Is there a federal mandate to establish the program/agency? // Yes      // No
4. Will the enactment of this Bill require new physical facilities? // Yes      /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes      /X/ No  
// Requested agency comments not received by due date /X/ Other: Time constraint

Analyst (s): Joe Certeza  Date: 03/14/2011 Director: Benita Manglona  Date: 3/18/11  
Benita A. Manglona, Director

**Footnotes:**

This Bill has no potential fiscal impact to any government of Guam funds. However, the reprogram of GDOE General Fund of \$36,673,370 from 111/113 personnel to 450 capital improvements as a result of the USDOE authorization to use ARRA SFSF funds for GDOE's payroll will immediately create a positive cash flow for the government to meet its impending short-term unbudgeted obligations.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

March 4, 2011

**MEMORANDUM**

**To:** Pat Santos  
Clerk of the Legislature

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

**From:** Vice Speaker Benjamin J.F. Cruz  
Acting Chairperson, Committee on Rules

**Subject:** Referral of Bill No. 103-31 (COR)

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 103-31 (COR).

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

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

*Si Yu'os ma'åse!*

(1) Attachments

2011 MAR - 7 PM 1:45

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**March 3, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b> Passed? Failed? Vetoed? Overridden? Public Law?
103-31 (COR)	v. c. pangelinan	AN ACT TO REPROGRAM \$36,673,370 FROM OBJECT CLASS 111 AND 113 FROM THE GUAM DEPARTMENT OF EDUCATION FY 2011 BUDGET TO OBJECT CLASS 450 FOR ONGOING AND CONTINUING CAPITAL EXPENDITURE PROJECTS.	3/03/11 2:19 p.m.	3/4/11		Committee on Appropriation , Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 8, 2011

## Memorandum

To: All Senators  
From: Senator Vicente (ben) Cabrera Pangelinan  
Re: Public Hearing Notice – FIRST NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

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

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Tuesday, March 15, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Bill No. 25-31 (COR): An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

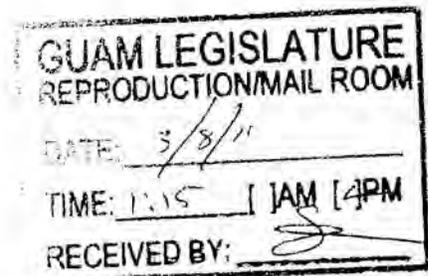
Bill No. 38-31 (COR): An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §1102 of Chapter 1, Title 16, Guam Code Annotated.

Bill No. 82-31 (COR): An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

Bill No. 103-31 (COR): An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

Resolution No. 12: Relative to expressing the sense of *I Liheslaturan Guåhan's* expenditure priority of Compact Impact Act Funds for Fiscal Year 2012 to *I Maga'lahen Guahan* and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

cc: Tom Unsiang, Sergeant-at-Arms  
Clerks Office  
MIS  
Protocol



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

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

Website: <http://senbenp.com>



Search Mail Search the Web Show search options Create a filter

Compose Mail

Inbox

Sent Mail

Drafts

Agent Orange

Budget FY2012 (10)

Calvo (4)

campaign 2010 (3)

CMTF (1)

DC-Conf Trip

Democrat Speech

Dos Amantes

Faxes

Faxes 31GL

Fundraiser 2010

FY11 Comm Rpts

GEDA

Grants (242)

Messages Comm

Messages Comm 31GL

Military Buildup (2)

NCSL Fall Seminar 20

PA Docs

PR

Referrals

Referrals 2011

Retirement Fund

Scan Documents

senben pics

Tiyan

Z more v

Contacts

Tasks

Lisa Cipollone

Search, add, or invite

Back to Sent Mail Archive Report spam Delete Move to Inbox Labels More actions v

Newer 2 of 4983 Older v

Public Hearing - First Notice

from Lisa Cipollone <cipo@guamlegislature.org> hide details 2:49 PM (4 minutes ago) Reply v

to Judi Won Pat <speaker@judiwonpat.com>, senator@senatorbjcruz.com, Tina Muna Barnes <tinamunabarnes@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Senator Judi Guthertz <judiguthertz@pticom.com>, "Thomas C. Ada" <office@senatorada.org>, "Adolpho B. Palacios" <senabpalacios@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, aline4families@gmail.com, V Anthony Ada <senatoronyada@guamlegislature.org>, "Christopher M. Duenas" <duenasenator@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Mana Silva Tajeron <senatormana@gmail.com>

cc Audrey Ward <audrey@judiwonpat.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, chelsea@tinamunabarnes.com, Elaine Tajalle <elainevtll@gmail.com>, Robert Tupaz <rob.tupaz@gmail.com>, Cyrus Luhr <cyrus@senatorada.org>, pjtcruz@yahoo.com, Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>, Mary Fejeran <maryfejeran@gmail.com>, tanya4families@gmail.com, Peter Leon Guemero <peterlg@gmail.com>, "Michael D. Carlson" <mcarlson@ite.net>, razelgonzales@gmail.com, chechsantos@gmail.com, Yong Pak <yong@guamlegislature.org>, Carissa Pangelinan <cpangelinan@gmail.com>, sgtarms@guamlegislature.com, Tom Unsiog <tunsiog@guamlegislature.org>

date Tue, Mar 8, 2011 at 2:49 PM

subject Public Hearing - First Notice

mailed-by guamlegislature.org

New window

Print all

More about...

Budget »

Guam USA »

Guam Employment »

Bankruptcy Law »

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice - FIRST NOTICE

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at 9:00am, Tuesday, March 15, 2011 at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Bill No. 25-31 (COR): An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

Bill No. 38-31 (COR): An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §1102 of Chapter 1, Title 16, Guam Code Annotated.

Bill No. 82-31 (COR): An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

Bill No. 103-31 (COR): An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

Resolution No. 12: Relative to expressing the sense of *Liheslaturan Guåhan's* expenditure priority of Compact Impact Act Funds for Fiscal Year 2012 to *Maga'lahaen Guahan* and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

 **1st Notice\_PH031511.pdf**  
72K [View](#) [Download](#)

 [Reply](#)  [Reply to all](#)  [Forward](#)

[Back to Sent Mail](#) [Archive](#) [Report spam](#) [Delete](#) [Move to Inbox](#) [Labels](#) [More actions](#)

[Newer 2 of 4983 Older](#)

Use [filters](#) to manage your incoming messages. [Learn more](#)

You are currently using **4420 MB (58%)** of your **7554 MB**.

Last account activity: 39 minutes ago on this computer. [Details](#)

Guam Legislature Mail view: [standard](#) | [turn off chat](#) | [basic HTML](#) [Learn more](#)

©2011 Google - [Terms of Service](#) - [Privacy Policy](#) - [Program Policies](#) - [Google Home](#)

Powered by 



Compose Mail

Inbox

Sent

Drafts

Agent Orange

Budget FY2012 (10)

Calvo (4)

campaign 2010 (3)

CMTE (1)

DC-Conf Trp

Democrat Speech

Dos Amantes

Faxes

Faxes 31GL

Fundraiser 2010

FY11 Comm Rpts

GEDA

Grants (242)

Messages Comm

Messages Comm 31GL

Military Buildup (2)

NCSL Fall Seminar 20

PA Docs

PR

Referrals

Referrals 2011

Retirement Fund

Scan Documents

senben pics

Tiyan

7 more

Contacts

Tasks

+ Lisa Cipollone

Search, add, or invite

Search Mail Search the Web Show search options Create a filter

Back to Sent Mail Archive Report spam Delete Move to Inbox Labels More actions 1 of 4983 Older

Public Hearing - First Notice

from Lisa Cipollone <cipo@guamlegislature.org> hide details 2:54 PM (0 minutes ago) Reply

to news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, jason@kuam.com, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, lannie@kuam.com, jtyquiengco@abc7.com, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Karrigan <kevin@k57.com>, geny@mvguam.com, therese@mvguam.com, zita@mvguam.com, publisher@glimpsesofguam.com, rgibson@k57.com, gdumat-ol@guampdn.com, Erin Thompson <egthompson@guampdn.com>, slimtiaco@guampdn.com, "Melyan, Catriona" <cmelyan@guam.gannett.com>

date Tue, Mar 8, 2011 at 2:54 PM

subject Public Hearing - First Notice

mailed-by guamlegislature.org

Office of Senator Vicente (ben) Cabrera Pangelinan will hold a hearing on Tuesday, March 15 beginning at 9:00am in the Guam Legislature Public Hearing Room. The agenda is as follows:

**INEKUNGOK PUPBLEKO (PUBLIC HEARING)**

*gi Máttas, gi diha 15 gi Mátsa na mes, 2011 (Tuesday, March 15, 2011)*

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

*Alas 9 gi ega'an (9:00 AM)*

**TAREHA (AGENDA)**

**Priniponi Siha (Bills)**

**Bill No. 26-31 (COR):** An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

**Bill No. 38-31 (COR):** An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §1102 of Chapter 1, Title 16, Guam Code Annotated.

**Bill No. 82-31 (COR):** An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

**Bill No. 103-31 (COR):** An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

**Resolusion (Resolution)**

**Resolution No. 12-31 (COR):** Relative to expressing the sense of I Liheslaturan Guahan's expediture priority of Compact Impact Act Funds for Fiscal Year 2012 to I Maga lahen Guahan and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

*Yanggan un nisisita espesiát na setbisio put fabot ágang i lflsinan Senadot ben pangellinan gi 473-4236/7.*

- New window
- Print all
- Expand all
- Forward all

Ads

**Download White Paper Now**

Data Protection Options for Your Virtual Environment  
www.datalink.com

**network storage**

All-in-One NAS Server, Low Cost Noise-free, Power-saving  
www.qnap.com

**Virtual Tape Disk Backup**

RAID Network Storage Backup A Trusted IT Leader for over 30 yrs  
www.VirtualTapeLibrary.com

**iStockphoto:Official Site**

Millions of Royalty Free Photos. Great Images. Low Prices. No Catch!  
iStockphoto.com

**640GB SATA 6.0Gb/s HDD**

WD Caviar Black 640TB 64MB Cache Use code EMCKGKJ72, \$59.99 Shipped  
www.newegg.com/HardDrive

**Bullhead City & Ft Mohave**

Encl/Canopy/Open Boat & RV Storage Best Prices, 24/7 Access, SPECIALS  
www.RiverCitiesStorage.com

**BlueArc**

High performance network attached storage  
www.bluearc.com

**Galactic SAN+NAS Storage**

FC+Infiniband+iSCSI+NAS multi-links Low Cost Enterprise Unified Storage  
www.galactic.com.hk

**More about...**

- Guam USA »
- Guam Employment »
- Style »
- Download Free Font »
- Storage »
- EMC San Storage »
- SCSI Raid Storage »
- Storage Area Network »

About these links

*i-mel si senbenp@guam.net , patsino halom gi i uepsait gi www.senbenp.com. Este na nutisiu inapasi nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at [senbenp@guam.net](mailto:senbenp@guam.net) or log onto [www.senbenp.com](http://www.senbenp.com)

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

↩ Reply   ↩ Reply to all   → Forward

**Mail Delivery Subsystem** Delivery to the following recipient failed permanently: jtyqu 2:54 PM (0 minutes ago)  
**MAILER-DAEMON@mail.networksolutionsemail.com** | [show details](#) 2:54 PM (0 minutes ago)   ↩ Reply

Your message did not reach some or all of the intended recipients.

<[agla76@aol.com](mailto:agla76@aol.com)>:  
64.12.222.197 does not like recipient.  
Remote host said: 550 5.1.1 <[agla76@aol.com](mailto:agla76@aol.com)>: Recipient address rejected: [agol.com](mailto:agol.com)  
Giving up on 64.12.222.197.

--- Below this line is a copy of the message.

Return-Path: <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)>  
Received: (qmail 27267 invoked by uid 78); 8 Mar 2011 04:54:08 -0000  
Delivered-To: [mvguam.com-therese@mvguam.com](mailto:mvguam.com-therese@mvguam.com)  
Received: (qmail 27144 invoked by uid 78); 8 Mar 2011 04:54:05 -0000  
Received: from unknown (HELO cloudmark1) (10.49.16.81)  
by 0 with SMTP; 8 Mar 2011 04:54:05 -0000  
Return-Path: <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)>  
Received: from [209.85.161.176] ([209.85.161.176.55013] helo=mail-gx0-f176.google.com)  
by cm-mr6 (envelope-from <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)>)  
(ecelerity 2.2.3.46 r(37554)) with ESMTP  
id 1F/A2-05923-C66B57D4; Mon, 07 Mar 2011 23:54:04 -0500  
Received: by gxk20 with SMTP id 20so2644347gxk.7  
for <multiple recipients>; Mon, 07 Mar 2011 20:54:04 -0800 (PST)  
MIME-Version: 1.0  
Received: by 10.151.62.1 with SMTP id p1mr5387760ybk.377.1299560044440; Mon,  
07 Mar 2011 20:54:04 -0800 (PST)  
Received: by 10.150.217.2 with HTTP; Mon, 7 Mar 2011 20:54:04 -0800 (PST)  
Date: Tue, 8 Mar 2011 14:54:04 +1000  
Message-ID: <AANLkTinnfdGRN=tkQf7Qs5oaaSY-gH9=44Fwh3eRH6z5@mail.gmail.com>  
Subject: Public Hearing - First Notice  
From: Lisa Cipollone <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)>  
To: [news@guampdn.com](mailto:news@guampdn.com), [news@k57.com](mailto:news@k57.com), Sabrina Salas <[sabrina@kuam.com](mailto:sabrina@kuam.com)>, [jason@kuam.com](mailto:jason@kuam.com),  
Mindy Aguon <[mindy@kuam.com](mailto:mindy@kuam.com)>, [nick@kuam.com](mailto:nick@kuam.com), [lannie@kuam.com](mailto:lannie@kuam.com), [jtyquiengco@abc7.com](mailto:jtyquiengco@abc7.com),  
[clynt@k57.com](mailto:clynt@k57.com), Betsy Brown <[betsy@k57.com](mailto:betsy@k57.com)>, Kevin Kerrigan <[kevin@k57.com](mailto:kevin@k57.com)>, [gerry@mvguam.com](mailto:gerry@mvguam.com),  
[therese@mvguam.com](mailto:therese@mvguam.com), [zita@mvguam.com](mailto:zita@mvguam.com), [publisher@glimpesofguam.com](mailto:publisher@glimpesofguam.com),  
[rgibson@k57.com](mailto:rgibson@k57.com), [gduat-ol@guampdn.com](mailto:gduat-ol@guampdn.com),  
Erin Thompson <[egthompson@guampdn.com](mailto:egthompson@guampdn.com)>, [slimtiaco@guampdn.com](mailto:slimtiaco@guampdn.com),  
"Melyan, Catriona" <[cmelyan@guam.gannett.com](mailto:cmelyan@guam.gannett.com)>  
Content-Type: multipart/alternative; boundary=000e0cd595d2d02def049df16692

--000e0cd595d2d02def049df16692  
Content-Type: text/plain; charset=windows-1252  
Content-Transfer-Encoding: quoted-printable

Office of Senator Vicente (ben) Cabrera Pangelinan will hold a hearing on  
Tuesday, March 15 beginning at 9:00am in the Guam Legislature Public Hearin=  
g  
Room. The agenda is as follows:

- \*
- \*
- \*INEKUNGOK PUPBLEKO\*
- \*(PUBLIC HEARING)\*
- ..
- \*gi M\*\*=E5\*\*ttes, gi diha 15 gi M\*\*=E5\*\*tso na\*\* mes, 2011\*
- \*(Tuesday, March 15, 2011)\*
- ..
- \*Ku=E5tton Inekungok Pupbleko gi I Liheslaturan Gu=E5han\*
- \*(Guam Legislature Public Hearing Room)\*
- ..
- \*Alas 9 gi ega=92an\*

of residents have turned their back on Christchurch, raising questions over the city's future. City officials estimate

fired by incessant aftershocks or because their workplace has been affected. The key question is how



**I Mina' Trentai Unu Na Lihelaturan Guahan**  
**THIRTY-FIRST GUAM LEGISLATURE**  
**Senator Vicente "ben" Cabrera Pangelinan**  
**Office of the People**

**INEKUNGOK PUPBLEKO**  
 (PUBLIC HEARING)

gi Máttes, gi diha 15 gi Mátso names, 2011  
 (Tuesday, March 15, 2011)

**Kuátton Inekungok Pubbleko gi I Lihelaturan Guahan**  
 (Guam Legislature Public Hearing Room)

**Alas 9 gi ega'an**  
 (9:00 AM)

**TAREHA**  
 (AGENDA)

**Priniponi Siha**  
 (Bills)

**Bill No. 25-31 (COR):** An Act to provide relief to those businesses and thier employees inapct by road conrtuction projects at busy intersections throughout Guam.

**Bill No. 38-31 (COR):** An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §1102 of Chapter 1, Title 16, Guam Code Annotated.

**Bill No. 82-31 (COR):** An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

**Bill No. 103-31 (COR):** An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

**Resolusion**  
 (Resolution)

**Resolution No. 12-31 (COR):** Relative to expressing the sense of I Lihelaturan Guahan's expenditure priority of Compact Impact Act Funds for Fiscal Year 2012 to I Maga lahen Guahan and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agendes and departments.

*Yanggen un nisisita espesiát na setbisio put fabot ágang i lfsinan Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net , patsino hálam gi i uepsait gi www.senbenp.com. Este na nutisú inapási nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto www.senbenp.com This ad paid for with government funds

worse than Christchurch before the Feb. 22 tremor razed it to the ground, killing dozens. "I was always intending to but this has just made that resolve to move all the more strong."

The shallow, 6.3-magnitude quake devastated the South Island's bustling tourist gateway, reducing two major office buildings to rubble, leaving a large hotel tilting and causing parts of the iconic Christchurch Cathedral to crumble.

**Estimates**

Estimates are that the tremor – that killed at least 166 people – destroyed one-third of the buildings in central Christchurch and left 10,000 people homeless.

Mayor Bob Parker has warned it could be months before parts of the city reopen, and though the government has underwritten all employees' wages for six weeks in a bid to protect jobs, prospects for the CBD's 52,000 workers are uncertain.

"I know already that populations in other towns in the South Island have risen exponentially as people from here who have the ability to or have a holiday home or have a contact re-

**Shippea**

Hundreds of Canterbury University students are being shipped to Australia to finish their studies while thousands of schoolchildren have enrolled elsewhere, some as far away as Auckland, after some local schools warned they could be closed for a year.

The quake, an aftershock of a 7.0-magnitude shudder on Sept. 4 which caused damage but no deaths, has left city businesses scrambling for office space in the suburbs, setting up in warehouses and homes.

Some companies had moved their servers into bunkers after the earlier quake, meaning staff can log in from home while the city remains in lockdown, but others have lost everything.

Meanwhile tens of thousands of residences are still without power or water, and a quarter of all homes will need some sort of repair work.

About 10,000 will need to be demolished – entire streets in some suburbs – and the rush is on to find parks and other land for temporary housing before the punishing southern winter sets in.

seats and the support of independent lawmakers the 49-seat parliament.

HRPP lost one seat but the support of an additional two independents, giving Tuilaepa control over seats, a single seat increase according to preliminary results released Saturday. Samoan Electoral Commissioner Tanuvasa Meleisito Lemisio.

The main opposition Tautua Samoa Party increased its representation by two seats, to 13.

It had based its election campaign on accusations that the government mismanaged aid following the 2004 tsunami, which killed people and did not do enough to help victims of the disaster.

It was the first election test for the opposition party which was formed by independent lawmakers in 2008.

The Electoral Commission said 90 percent of 76,000 registered voters on the island nation of 190,000 people voted, some for hours before polling stations opened.

EXP

P.H.I.

TUESDAY MARCH 8, 2011



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 13, 2011

## Memorandum

To: All Senators  
From: Senator Vicente (ben) Cabrera Pangelinan  
Re: Public Hearing Notice – SECOND NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

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

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Tuesday, March 15, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Bill No. 25-31 (COR): An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

Bill No. 38-31 (COR): An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §1102 of Chapter 1, Title 16, Guam Code Annotated.

Bill No. 82-31 (COR): An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

Bill No. 103-31 (COR): An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

Resolution No. 12: Relative to expressing the sense of *I Liheslaturan Guåhan's* expenditure priority of Compact Impact Act Funds for Fiscal Year 2012 to *I Maga'lahen Guåhan* and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

cc: Tom Unsiong, Sergeant-at-Arms  
Clerks Office  
MIS  
Protocol



Search Mail Search the Web [Show search options](#)  
[Create a filter](#)

Compose Mail

Inbox (2)

Sent Mail

Drafts

- Agent Orange
- Budget FY2012 (10)
- Calvo (4)
- campaign 2010 (3)
- CMTF (1)
- DC-Cont Trip
- Democrat Speech
- Dos Amantes
- Faxes
- Faxes 31GL
- Fundraiser 2010
- FY11 Comm Rpts
- GEDA
- Grants (242)
- Messages Comm
- Messages Comm 31GL
- Military Buildup (2)
- NCSL Fall Seminar 20
- PA Docs
- PR
- Referrals
- Referrals 2011
- Retirement Fund
- Scan Documents
- senben pics
- Tiyan
- 7 more ▾
- Contacts
- Tasks

• Lisa Cipollone  
Search, add or invite

ip.Yeah-Success in Debt! - www.DonDecide.com - Don! Decide! Successful Bankruptcy Without Paying For Assistance 2011 03/13 AM

Back to Sent Mail Archive Report spam Delete Move to Inbox Labels More actions 1 of 5033 Older ▾

**Second Public Hearing Notice**

from Lisa Cipollone <cipo@guamlegislature.org> [hide details](#) 2:27 PM (0 minutes ago) [Reply](#)

to Judi Won Pat <speaker@judiwonpat.com>, senator@senatorbjcruz.com, senator@tinamunabames.com, "Rory J. Respicio" <roryforguam@gmail.com>, Senator Judi Guthertz <judiguthertz@pticom.com>, "Thomas C. Ada" <office@senatorada.org>, "Adolpho B. Palacios" <senabpalacios@gmail.com>, "Dennis Rodriguez, Jr" <senatordrodriguez@gmail.com>, "Frank F. Blas, Jr" <frank.blasjr@gmail.com>, Sinadot Yamashita <aline4families@gmail.com>, V Anthony Ada <senatortonyada@guamlegislature.org>, "Christopher M. Duenas" <duenasenator@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Mana Silva Tajeron <senatormana@gmail.com>

cc Audrey Ward <audrey@judiwonpat.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, chelsa@tinamunabames.com, Elaine Tajalle <elainevtll@gmail.com>, Robert Tupaz <rob.tupaz@gmail.com>, Cyrus Luhr <cyrus@senatorada.org>, pjfcruz@yahoo.com, Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>, Mary Fejeran <maryfejeran@gmail.com>, tanya4families@gmail.com, Peter Leon Guerrero <peterlg@gmail.com>, "Michael D. Carlson" <mcarlson@ite.net>, leslie.g@senatormabini.com

date Sun, Mar 13, 2011 at 2:27 PM

subject Second Public Hearing Notice

mailed by guamlegislature.org

[New window](#)  
[Print all](#)

**Ads**

**\$899 BK 888-265-6604**  
No Upfront Fees Required!  
Local CA Bar Licensed Attorneys  
[www.usbankruptcygroup.com](http://www.usbankruptcygroup.com)

**Bankruptcy Center**  
Professional financial assistance  
for individuals and small business  
[www.a-bankruptcy-attorney.com](http://www.a-bankruptcy-attorney.com)

**More about..**  
[Guam USA »](#)  
[Guam Employment »](#)  
[Chapter 7 Bankruptcy »](#)  
[Guam News »](#)

[About these links](#)

Hafa Ada,  
The Office of Senator Vicente (ben) Cabrera Pangelinan will be conducting a public hearing on Tuesday, March 15, 2011 beginning at 9:00am at the Guam Legislature Public Hearing Room. The following is on the agenda:

**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

*gi Måttes, gi diha 15 gi Måtso na mes, 2011*  
(Tuesday, March 15, 2011)

*Kuåtton Inekungok Pubbleko gi I Liheslaturan Guàhan*  
(Guam Legislature Public Hearing Room)

*Alas 9 gi ega'an*  
(9:00 AM)

**TAREHA  
(AGENDA)**

**Priniponi Siha  
(Bills)**

**Bill No. 25-31 (COR):** An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

**Bill No. 38-31 (COR):** An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)"

of §1102 of Chapter 1, Title 16, Guam Code Annotated.

**Bill No. 82-31 (COR):** An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

**Bill No. 103-31 (COR):** An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

**Resolution  
(Resolution)**

**Resolution No. 12-31 (COR):** Relative to expressing the sense of *I Liheslaturan Guahan*'s expediture priority of Compact Impact Act Funds for Fiscal Year 2012 to I Maga lahen Guahan and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

*Yanggen un nisisita espesiát na setbisio put fabot ágang i Ifisinan Senadot ben pangelinan gi 473-4236/7, I-mel si [senbenp@guam.net](mailto:senbenp@guam.net), patsino hálom gi i uepsait gi [www.senbenp.com](http://www.senbenp.com). Este na nutisiu inapási nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236, email at [senbenp@guam.net](mailto:senbenp@guam.net) or log onto [www.senbenp.com](http://www.senbenp.com)

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

 **Sens\_2nd Public Hearing Notice\_031511.pdf**  
72K [View](#) [Download](#)

[↩ Reply](#) [↩ Reply to all](#) [→ Forward](#)

[Back to Sent Mail](#) [Archive](#) [Report spam](#) [Delete](#) [Move to Inbox](#) [Labels](#) [More actions](#)

1 of 5033 [Older](#)

Add phone numbers, notes and more for the people in your [Contact list](#). [Learn more](#)

You are currently using 4474 MB (59%) of your 7554 MB.

Last account activity 1 hour ago at IP 202.128.81.231 [Details](#)

Guam Legislature Mail view standard | [turn off chat](#) | [basic HTML](#) | [Learn more](#)

©2011 Google - [Terms of Service](#) - [Privacy Policy](#) - [Program Policies](#) - [Google Home](#)

Powered by 



Search Mail Search the Web [Show search options](#)  
[Create a filter](#)

Compose Mail

Inbox (2)

Sent Mail

Drafts

Agent Orange

Budget FY2012 (10)

Calvo (4)

campaign 2010 (3)

CMTF (1)

DC-Conf Trip

Democrat Speech

Dos Amantes

Faxes

Faxes 31GL

Fundraiser 2010

FY11 Comm Rpts

GEDA

Grants (242)

Messages Comm

Messages Comm 31GL

Military Buildup (2)

NCSL Fall Seminar 2010

PA Docs

PR

Referrals

Referrals 2011

Retirement Fund

Scan Documents

senben pics

Tiyan

7 more ▾

Contacts

Tasks

◆◆ Lisa Cipollone

Search, add, or invite

Configure for Desktop Client | www.AMU.APLU...AMU is the #1 provider of education to the U.S. military. 70+ degrees | [Send Feedback](#)

Back to Sent Mail Archive Report spam Delete Move to inbox Labels ▾ More actions ▾ Newer 2 of 5033 Older ▾

**Second Public Hearing Notice** Inbox | X

from ◆◆ Lisa Cipollone <cipo@guamlegislature.org> [hide details](#) 2:21 PM (6 minutes ago) [↶ Reply](#) ▾

to news@guampdn.com,  
news@k57.com,  
Sabrina Salas <sabrina@kuam.com>,  
jason@kuam.com,  
Mindy Aguon <mindy@kuam.com>,  
nick@kuam.com,  
michele@kuam.com,  
lannie@kuam.com,  
Josh Tyquiengco <jtyquiengco@k57.com>,  
clynt@k57.com,  
Betsy Brown <betsy@k57.com>,  
Kevin Kemgan <kevin@k57.com>,  
geny@mvguam.com,  
therese@mvguam.com,  
zita@mvguam.com,  
publisher@glimpsesofoam.com,  
rgibson@k57.com,  
ALICIA PEREZ <aliciaperez69@hotmail.com>,  
Alicia Perez <perezksto@gmail.com>,  
gdumat-ol@guampdn.com,  
slimtiaco@guampdn.com,  
Erin Thompson <egthompson@guampdn.com>,  
brnkelman@guampdn.com

bcc: sglataarms@guamlegislature.org,  
Yong Pak <yong@guamlegislature.org>,  
Pat Santos <psantos@guamlegislature.org>

date Sun, Mar 13, 2011 at 2:21 PM

subject Second Public Hearing Notice

mailed-by guamlegislature.org

Hafa Adai,  
The Office of Senator Vicente (ben) Cabrera Pangelinan will be holding a public hearing on Tuesday, March 15, 2011 beginning at 9:00am at the Guam Legislature Public Hearing Room. The following is on the agenda:

**INEKUNGOK PUPBLEKO (PUBLIC HEARING)**

*gi Máttes, gi diha 15 gi Mátso na mes, 2011*  
(Tuesday, March 15, 2011)

*Kuátton Inekungok Pubbleko gi I Lihesiaturan Guàhan*  
(Guam Legislature Public Hearing Room)

*Alas 9 gi ega'an*  
(9:00 AM)

**TAREHA (AGENDA)**

**Priniponi Siha (Bills)**

**Bill No. 25-31 (COR):** An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

**Bill No. 38-31 (COR):** An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §1102 of Chapter 1, Title 16, Guam Code Annotated.

**Bill No. 82-31 (COR):** An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

**Bill No. 103-31 (COR):** An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

*Resolusion*

- [New window](#)
- [Print all](#)
- [Expand all](#)
- [Forward all](#)

Ads

**Earn Your Degree Online**  
Compare 3000+ Degrees. Study Any Subject Online. Request Free Info!  
eLearners.com

**LOW Cost USCG Ship Models**  
Museum Quality - Incredible Detail  
Low Prices Plus Free Shipping  
www.SDModelMakers.com

**Paddle in Aspen June 2011**  
Outside In Aspen multisport event + pro athletes. Parties. Swag. \$100+  
www.OutsideInAspen.com

**Extra Long Kayak Paddle**  
Ideal for the Solo Canoeist.  
Try Our Performance Paddle Today!  
BendingBranches.com/Solo-Paddle

**USCG Exam Prep Software**  
QMED, DDE, Chief, 3rd Eng, AB, OUPV 100T, 3rd Mate, 500/1600 Master.  
WWW.MannerAdvancement.com

**Us Coast Guard**  
Over 20 Million Records  
Free Locator - Reconnect Now!  
www.military.com

**Buy Coast Guard Clothing**  
USCG Shirts, Jackets and More  
Free Shipping on Orders Over \$35!  
www.4ArmedForces.com

**USCG Captain's License**  
Approved OUPV or Masters to 100 ton No USCG exam to take!  
www.USCaptain.us

- More about..
- [Guam »](#)
  - [Decorative Font »](#)
  - [OCR Font »](#)
  - [MSO »](#)
  - [Guam »](#)
  - [Boating Safety »](#)
  - [Coast Guard »](#)
  - [Marine Safety »](#)

[About these links](#)

(Resolution)

Resolution No. 12-31 (COR): Relative to expressing the sense of *I Liheslaturan Guahan's* expediture priority of Compact Impact Act Funds for Fiscal Year 2012 to I Maga lahen Guahan and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

*Yanggen un nisisita espesiát na setbisio put fabot ágang i Ifisinan Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net , patsino hálom gi i uepsait gi www.senbenp.com. Este na nutisiu inapási nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at [senbenp@guam.net](mailto:senbenp@guam.net) or log onto [www.senbenp.com](http://www.senbenp.com)

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

↩ Reply   ↩ Reply to all   → Forward

**Mail Delivery Subsystem** Delivery to the following recipient failed permanently: sgtat: 2:21 PM (6 minutes ago)

**MAILER-DAEMON@mail.networksolutionsemail.com** Your message did not reach : 2:21 PM (6 minutes ago)

✉ Lisa Cipollone to sgtarms   [show details 2:22 PM \(5 minutes ago\)](#)   ↩ Reply   ▾

----- Forwarded message -----

From: **Lisa Cipollone** <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)>  
Date: Sun, Mar 13, 2011 at 2:21 PM  
Subject: Second Public Hearing Notice  
To: [news@guampdn.com](mailto:news@guampdn.com), [news@k57.com](mailto:news@k57.com), Sabrina Salas <[sabrina@kuam.com](mailto:sabrina@kuam.com)>, [jason@kuam.com](mailto:jason@kuam.com), Mindy Aguon <[mindy@kuam.com](mailto:mindy@kuam.com)>, [nick@kuam.com](mailto:nick@kuam.com), [michele@kuam.com](mailto:michele@kuam.com), [iannie@kuam.com](mailto:iannie@kuam.com), Josh Tyquiengco <[jtyquiengco@k57.com](mailto:jtyquiengco@k57.com)>, [clynt@k57.com](mailto:clynt@k57.com), Betsy Brown <[betsy@k57.com](mailto:betsy@k57.com)>, Kevin Kerrigan <[kevin@k57.com](mailto:kevin@k57.com)>, [gerry@mvguam.com](mailto:gerry@mvguam.com), [therese@mvguam.com](mailto:therese@mvguam.com), [zifa@mvguam.com](mailto:zifa@mvguam.com), [publisher@glimpesofguam.com](mailto:publisher@glimpesofguam.com), [rgibson@k57.com](mailto:rgibson@k57.com), ALICIA PEREZ <[aiciaperez69@hotmail.com](mailto:aiciaperez69@hotmail.com)>, Alicia Perez <[perezksto@gmail.com](mailto:perezksto@gmail.com)>, [gdumatol@guampdn.com](mailto:gdumatol@guampdn.com), [slimtiaco@guampdn.com](mailto:slimtiaco@guampdn.com), Erin Thompson <[egthompson@guampdn.com](mailto:egthompson@guampdn.com)>, [bmkelman@guampdn.com](mailto:bmkelman@guampdn.com)

- Show quoted text -  
- Show quoted text -

↩ Reply   → Forward

⏪ [Back to Sent Mail](#)   Archive   Report spam   Delete   Move to Inbox   Labels ▾   More actions ▾

⏪ [Newer 2 of 5033 Older](#) ⏩

Add phone numbers, notes and more for the people in your [Contact list](#). [Learn more](#)

You are currently using **4474 MB (59%)** of your **7554 MB**.

Last account activity 1 hour ago at IP 202.128.81.231. [Details](#)

Guam Legislature Mail view: [standard](#) | [turn off chat](#) | [basic HTML](#) [Learn more](#)

©2011 Google - [Terms of Service](#) - [Privacy Policy](#) - [Program Policies](#) - [Google Home](#)

Powered by 



I Mina' Trentai Unu Na Liheslaturan Guahan  
**THIRTY-FIRST GUAM LEGISLATURE**  
Senator Vicente "ben" Cabrera Pangelinan  
Office of the People

**INEKUNGOK PUBBLEKO (PUBLIC HEARING)**

gi Máttes, gi diha 15 gi Mátso na mes, 2011 (Tuesday, March 15, 2011)

Kuálton Inekungok Pubbleko gi I Liheslaturan Guahan  
(Guam Legislature Public Hearing Room)

Alas 9 gi ega'an (9:00 AM)

**TAREHA (AGENDA)**

*Priniponi Siha (Bills)*

**Bill No. 25-31 (COR):** An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.

**Bill No. 38-31 (COR):** An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement "A" Class Licenses, by Amending Subsection "(u)" of §a41102 of Chapter 1, Title 16, Guam Code Annotated.

**Bill No. 82-31 (COR):** An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.

**Bill No. 103-31 (COR):** An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.

*Resolusion (Resolution)*

**Resolution No. 12-31 (COR):** Relative to expressing the sense of I Liheslaturan Guahan's expediture priority of Compact Impact Act Funds for Fiscal Year 2012 to I Maga lahen Guahan and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.

*Yanggen un nisisita espesiát na setbisio put fabot ágang i lhisinan Senadot ben pangelinan gi 473-4236/7, i-mel si [senbenp@guam.net](mailto:senbenp@guam.net), patsino hálom gi i uepsait gi [www.senbenp.com](http://www.senbenp.com). Este na nutisiu inapási nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236, email at [senbenp@guam.net](mailto:senbenp@guam.net) or log onto [www.senbenp.com](http://www.senbenp.com)

This ad paid for with government funds



**I Mina'Trentai Unu Na  
Lihselaturan Guahan**

***THIRTY-FIRST GUAM LEGISLATURE***

**Senator Vicente "ben" Cabrera Pangelinan  
Office of the People**

---

***INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)***

***gi Lunes, gi diha 7 gi Mátso na mes, 2011  
(Monday, March 7, 2011)***

***Kuátton Inekungok Pubbleko gi I Lihselaturan Guahan  
(Guam Legislature Public Hearing Room)***

***Alas 9 gi ega'an  
(9:00 AM)***

***TAREHA  
(AGENDA)***

***Huntan Inanokdha'***

**Report from the Chamorro Land Trust Commission**

***Komfitmasion Siha:***

**(Confirmation hearings)**

**Mr. Michael J.G. Borja, Member, Chamorro Land Trust Commission**

**Ms. Rita T. Franquez, Member, Chamorro Land Trust Commission**

***Priniponi Siha***

**(Bills)**

**Bill No. 45-31 (COR): An Act relative to Authorizing the Guam Police Department the continual operations of its Headquarters and Administrative Offices in Tiyan, until a permanent Headquarters and Administrative Office Facility is constructed or identified through amending a restrictive provision contained in Public Law 26-100.**

**Bill No. 56-31 (COR): An Act relative to policymakers participating in the government of Guam HealthCare Insurance Negotiating Team by amending §4302 (c) of Article 3, Chapter 4, Title 4, Guam Code Annotated.**

**Bill No. 59-31 (COR): An Act to amend Section 20 of Chapter XIII of Public Law 30-196 relative to requiring all government of Guam agencies to comply with the staffing pattern disclosure mandates inclusive of the fourth quarter of fiscal year 2010.**

**Bill No. 68-31 (COR): An Act relative to Lot #54-2 REM, consisting of approximately 1,161 square meters, located in the Municipality of Agana Heights, which would allow for the government of Guam's acceptance of a deeded 10 foot easement property amounting to a 30 foot total easement property, a grating of a setback variance to a total of four sides of the property and the deletion of the dotted easement down the middle of the existing lot, resulting in solving a fifty eight year dispute in the Municipality of Agana Heights.**

**Bill No. 73-~~30~~<sup>21</sup> (COR): An Act to appropriate funds to the Guam Environmental Protection Agency (GEPA) for actions arising from the enforcement of 10 GCA Chapter 76.**

*Yanggen un nisisita espesiât na setbisio put fabot âgang i Ifisinin Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net , patsino hâlom gi i uepsait gi www.senbenp.com. Este na nutisiu inapâsi nu i fendon gubetnamento.*

**If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto www.senbenp.com  
This ad paid for with government funds**



# I Mina'Trentai Unu Na Liheslaturan Guahan

*THIRTY-FIRST GUAM LEGISLATURE*

**Senator Vicente “ben” Cabrera Pangelinan  
Office of the People**

---

**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

***gi Måttes, gi diha 15 gi Måtso na mes, 2011  
(Tuesday, March 15, 2011)***

***Kuåtton Inekungok Pupleko gi I Liheslaturan Guáhan  
(Guam Legislature Public Hearing Room)***

***Alas 9 gi ega'an  
(9:00 AM)***

**TAREHA  
(AGENDA)**

***Priniponi Siha  
(Bills)***

**Bill No. 25-31 (COR) – Introduced by Senator Tony Ada: An Act to provide relief to those businesses and their employees impacted by road construction projects at busy intersections throughout Guam.**

**Bill No. 38-31 (COR) – Introduced by Senator Adolpho Palacios: An Act Relative to facilitating the timely issuance of General Operators Drivers Licenses, through the allowance of off-duty road examinations for License Endorsement “A” Class Licenses, by Amending Subsection “(u)” of §1102 of Chapter 1, Title 16, Guam Code Annotated.**

**Bill No. 82-31 (COR) – Introduced by Senator Mana Taijeron: An Act to amend Section 1107(E) of Chapter 1, Division 1, Title 11 of the Guam Code Annotated relative to authorizing the Department of Revenue and Taxation to hire necessary personnel for the Passport Division.**

**Bill No. 103-31 (COR) – Introduced by Senator Vicente Pangelinan: An Act to reprogram \$36,673,370 from Object Class 111 and 113 from the Guam Department of Education FY2011 Budget to Object Class 450 for ongoing and continuing capital expenditure projects.**

***Resolution***  
**(Resolution)**

**Resolution No. 12-31 (COR) – Introduced by Senator Vicente Pangelinan: Relative to expressing the sense of *I Liheslaturan Guåhan*'s expediture priority of Compact Impact Act Funds for Fiscal Year 2012 to I Maga lahen Guahan and to the Secretary of Interior to support capital improvement projects and operations of various impacted government agencies and departments.**

*Yanggen un nisisita espesiåt na setbisio put fabot ågang i Ifisinin Senadot ben pangelinan gi 473-4236/7, i-mel si [senbenp@guam.net](mailto:senbenp@guam.net) , patsino hålom gi i uepsait gi [www.senbenp.com](http://www.senbenp.com). Este na nutisiu inapåsi nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at [senbenp@guam.net](mailto:senbenp@guam.net) or log onto [www.senbenp.com](http://www.senbenp.com)  
This ad paid for with government funds

**From:** "Rory J. Respicio" <roryforguam@gmail.com>  
**Date:** March 5, 2011 3:17:01 AM GMT+10:00  
**To:** "vicente \"ben\" pangelinan" <senbenp@guam.net>, Lisa Cipollone <cipo@guam.net>  
**Subject:** Fwd: Memo for review & approval

Dear Speaker ben/Lisa,

Please note that I am referring Bill 103 to your committee, as its ramifications and effect on the current budget and future GovGuam budgets are clearly under your purview. Your bill, although it seeks to reprogram already budgeted items, it will require a commitment that the government of Guam pay for these projects (which would have otherwise been paid for using AARA funds) with the GF or some other funding source. Bill 103 is unlike the GAIN bill, which had more to do with the administration of that appropriation rather than the appropriation itself. I am just letting you know in case the Speaker challenges this referral; or if in case you question (for the sake of argument) the consistencies in my referrals; or equally important, in case you might think that this was the Acting COR Chair's decision, and had it had been me, then there might have been a different outcome.

At any rate, your suggestion with Bill 103 is excellent. Gov. Calvo, which in DC, acknowledged in a conversation that this was your idea. He joked that maybe since he's in support of your idea than you might no longer like the idea and abandon it. LOL. FYI, Governor Calvo mentioned to me that there might be as much as \$75M available from AARA funds available for reprogramming, and that GovGuam will just have to "promise" to pay for those AARA projects later. Doing this allows these monies to be spent before the deadline.

Please consider an expedite hearing and a possible one-day, one-item special session called by the Speaker once you file your committee report. We will also have to go into a Committee of the Whole. Do a full court press on your bill. I will do my part to support your initiative, and even work through the logistics of a special session with Speaker Won Pat. This is really a big deal, and its urgency must be underscored! Bill 103 should not be treated like any other bill or resolution.

Rory

Rory J. Respicio

Senator

31st Guam Legislature

155 Hesler Street

Hagatna, Guam 96910

T: 671.472.7679 F: 671.472.3547

E: [roryforguam@gmail.com](mailto:roryforguam@gmail.com)

Please consider the environment before printing this e-mail.

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

February 26, 2011

Honorable Arne Duncan  
Secretary of Education  
U.S. Department of Education  
Washington, D.C.

*Håfa Adai* Secretary Duncan,

Upon assuming office in January of this year, my administration has been working diligently in identifying and addressing the serious fiscal issues affecting our government and our island community. One of the key federal initiatives that has had a positive impact on our island's economy is the American Recovery and Reinvestment Act of 2009 (ARRA) and the \$236M in direct grants and loans availed to our government. Of this amount, \$121M (51%) of funds received has been via grants awarded by the U.S. Department of Education. For this, we would like to say "*Un Dankulu Na Si Yu'os Ma'åse* (a heartfelt "Thank You!").

In line with efforts to address financial challenges facing our island, I am hereby requesting to reallocate the maximum amount allowed by U.S. DOE from Guam's State Fiscal Stabilization Fund Education Stabilization Fund (SFSF ESF) \$75.7M grant from current projects towards the payment of FY2011 salaries of administrators, teachers and support staff of our Guam Department of Education (GDOE).

I've been advised of existing Maintenance of Effort conditions for the SFSF and Education Jobs Fund grants which require identical levels of non-federal financial support in FY2011 for our Department of Education. As such, in order to maintain these (MOE) levels, I will engage Senators of our 31<sup>st</sup> Guam Legislature to amend our FY2011 budget law to commit funds appropriated for GDOE personnel towards capital improvement and technology projects and all other projects that were to have been funded by Guam's SFSF ESF grant. Because this plan would not only safeguard funds for critical school renovations and repairs but also would have a positive impact on our island's economy, I am certain that it will receive the necessary support from our Legislature. I have discussed this proposal with GDOE's Superintendent of Education, Dr. Nerissa Underwood, and she is supportive of this plan of action.

Should the aforementioned plan be effectuated, the Government of Guam will remain able to commit to the following ARRA SFSF assurances:

**Reprogramming RLIS & SFSF**

	2011 Existing Plan Detail	Revised Plan Detail	Move to Local Funding	Move to 2011-2012 Consolidated
<b>SFSF Grant</b>				
<b>Technology</b>				
Virtual Desktops	\$ 4,235,000	\$ -	\$ -	\$ 4,235,000
Mobile Labs	\$ 1,358,856	\$ -	\$ -	\$ 1,358,856
Interactive White Boards	\$ 742,981	\$ -	\$ 650,000	\$ 92,981
Internet Bandwith	\$ 300,000	\$ -	\$ -	\$ 300,000
Laptops/Desktop	\$ 6,911,000	\$ -	\$ -	\$ 200,056
Fiber Optic Upgrades	\$ -	\$ -	\$ 1,500,000	\$ -
DWDM for internet access	\$ -	\$ -	\$ 2,000,000	\$ -
Open DSN (1 year)	\$ -	\$ -	\$ 35,000	\$ -
Wireless schools equipment	\$ 682,312	\$ -	\$ 1,300,000	\$ -
Wireless Schools electrical upgrades	\$ 558,256	\$ -	\$ 558,256	\$ 558,256
Infrastructure capital outlay	\$ 568,200	\$ -	\$ -	\$ 568,200
Student ebook software	\$ 1,944,685	\$ -	\$ -	\$ 1,944,685
Student Management system upgrades	\$ 2,107,159	\$ -	\$ 1,500,000	\$ 607,159
Professional Development	\$ 573,516	\$ -	\$ 573,516	\$ -
	\$ 1,383,600	\$ -	\$ -	\$ 1,383,600
	<u>\$ 21,365,565</u>	<u>\$ -</u>	<u>\$ 8,116,772</u>	<u>\$ 11,248,793</u>
<b>Classroom Personnel Support</b>	\$ -	\$ 60,388,933	\$ -	\$ -
Third Party	\$ 8,350,000	\$ 8,350,000	\$ -	\$ -
FMIS with new desktps for staff using system	\$ 3,853,849	\$ 5,853,849	\$ -	\$ -
Stem Equipment	\$ 1,100,000	\$ -	\$ 1,100,000	\$ -
	<u>\$ 13,303,849</u>	<u>\$ 74,292,784</u>	<u>\$ 1,100,000</u>	<u>\$ -</u>
<b>CIP</b>	\$ 35,973,370	\$ 750,000	\$ 46,472,163	\$ -
Stem Capital Improvements	\$ 5,100,000	\$ 700,000	\$ 4,400,000	\$ -
	<u>\$ 41,073,370</u>	<u>\$ 1,450,000</u>	<u>\$ 50,872,163</u>	<u>\$ -</u>
	<u>\$ 75,742,784</u>	<u>\$ 75,742,784</u>	<u>\$ 60,058,933</u>	<u>\$ 11,248,793</u>

Rec'd: 4/1/11

**Reprogramming RLIS & SFSF**

Project	2011 Existing Plan Detail	Revised Plan Detail	Move to 2011-2012 Consolidated
<b>ARRA Consolidated RLIS</b>			
<b>Grant Programs &amp; Budgets</b>			
Administrative Expense	\$ 610,308	\$ 610,308	
Non Public Schools	\$ 422,500	\$ 422,500	
PNP-Asmuyao Comm Learning	\$ 77,440	\$ 77,440	
Highly Qualified Teachers	\$ 2,000,000	\$ 2,000,000	
SLIP Improvement Plan			
Classroom Responders	\$ 160,650	\$ 160,270	
Handheld computers	\$ 913,000	\$ 372,904	
Multimedia projectors	\$ 61,500	\$ -	\$ 61,500
Smart Boards	\$ 205,000	\$ -	\$ 205,000
Off Island travel	\$ 50,000	\$ 536,061	
Consultant Services	\$ 30,000	\$ 236,791	
Subscription Services	\$ 16,000	\$ 16,000	
Admin Supplies	\$ 5,000	\$ 5,000	
Instructional Supplies	\$ 58,850	\$ 172,974	
Teacher Incentives	\$ 500,000	\$ 500,000	
	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>	\$ 266,500
English as Second Language excluding above			
Contract above	\$ 212,090	\$ 212,090	
Supplies \$ Material	\$ 168,239	\$ 168,239	
Books & media kits	\$ 294,900	\$ 294,900	
Teacher Incentives	\$ 62,000	\$ 62,000	
Travel	\$ 60,000	\$ 60,000	
Other Contractual	\$ -	\$ -	
	<u>\$ 797,229</u>	<u>\$ 797,229</u>	
STEM (excluding above)			
STEM eval see contract above	\$ 120,000	\$ 120,000	
STEM (needs, curriculum, training, .....evaluation)	\$ 430,000	\$ 430,000	
Printing & advertisement	\$ 15,000	\$ 15,000	
Supplies - Training & admin	\$ 51,000	\$ 51,000	
Instructional Supplies	\$ 148,616	\$ 148,616	
Computer systems & software	\$ 188,000	\$ 188,000	
Printers	\$ 7,000	\$ 7,000	
Lab Equipment	\$ 478,200	\$ 478,200	
Multimedia projectors	\$ 7,200	\$ 7,200	
TV Monitors	\$ 3,600	\$ 3,600	
Teacher Incentives	\$ 350,000	\$ 350,000	
	<u>\$ 1,798,616</u>	<u>\$ 1,798,616</u>	
Safe & Drug Free	\$ 500,000	\$ 500,000	
Enhancing Ed Tech program			
Wiring 3 schools	\$ 1,208,388	\$ 1,210,000	
Computer repairs	\$ 17,112	\$ 17,000	
Wiring repairs I schools	\$ 18,000	\$ 18,000	
Professional Development (see above)	\$ 150,000	\$ 64,000	
Venue rental	\$ 25,000	\$ 12,000	
Virtualization Tower for classrooms	\$ 1,943,500	\$ -	\$ 1,943,500
Laptops for teachers	\$ -	\$ 1,500,000	

Project	2011 Existing Plan Detail	Revised Plan Detail	Move to 2011-2012 Consolidated
Analog Telephones for classrooms	\$ -	\$ 75,000	
Interactive Whiteboards		\$ 150,000	
Digital Visual Presenters	\$ -	\$ 150,000	
Mobile Carts	\$ 471,500	\$ 656,000	
Networking Equipment	\$ 18,000	\$ -	\$ 18,000
Supplies	\$ 23,000	\$ 23,000	
Web based lesson plans	\$ 2,050	\$ -	
Mentor Fees	\$ 18,450	\$ -	
Teacher Incentives	\$ 105,000	\$ 125,000	
	\$ 4,000,000	\$ 4,000,000	\$ 1,961,500
<b>ARRA RLIS Grant Total</b>	<b>\$ 12,206,093</b>	<b>\$ 12,206,093</b>	<b>\$ 2,228,000</b>

**GOVERNMENT OF GUAM  
GDOE - SFSF PHASE I & PHASE II  
ESF PROJECT SUMMARY**

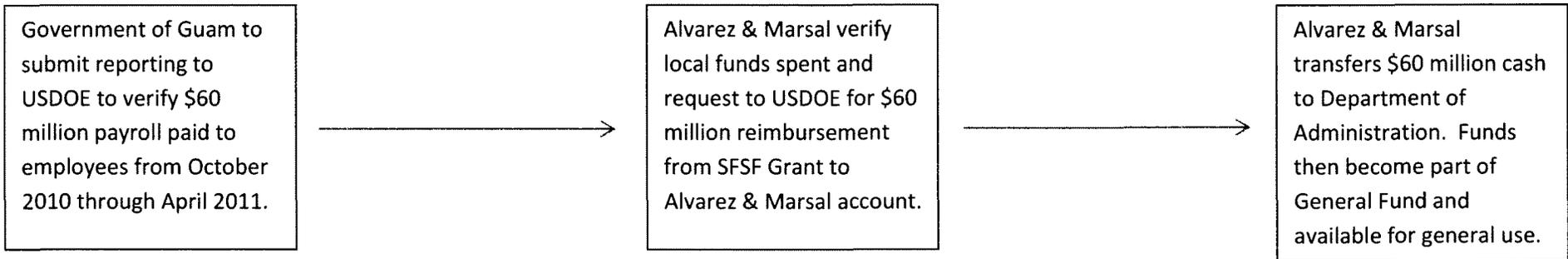
PROJECT:	U.S. DOE APPROVED (ESF):	AMENDMENT #2 REQUEST	REVISED LEVEL (ESF):	TO BE FUNDED BY GOVGUAM GENERAL FUND
<b>CAPITAL IMPROVEMENT PROJECTS:</b>				
School CIPs	\$35,223,370	(\$35,223,370)	\$0	\$46,472,163
Comprehensive School Assessments (Phase I)	<u>\$750,000</u>		<u>\$750,000</u>	<u>\$0</u>
<b>Sub Total - CIPs</b>	<b>\$35,973,370</b>		<b>\$750,000</b>	<b>\$46,472,163</b>
<b>TECHNOLOGY UPGRADES (Gateway to Success):</b>				
Gateway to Success (Phase I)	\$9,933,024	(\$9,933,024)	\$0	\$8,116,772
Gateway to Success (Phase II)	<u>\$11,432,541</u>	<u>(\$11,432,541)</u>	<u>\$0</u>	<u>\$0</u>
<b>Sub Total - Tech. Upgrades</b>	<b>\$21,365,565</b>		<b>\$0</b>	<b>\$8,116,772</b>
<b>FMIS &amp; CONSULTANT SERVICES:</b>				
FMIS (Software, Hardware, Training, & Installation) (Phase I)	\$2,992,147	\$2,000,000	\$4,992,147	\$0
Professional Consultant Services (Phase I)	<u>\$861,702</u>		<u>\$861,702</u>	<u>\$0</u>
<b>Sub Total - FMIS &amp; Consultants</b>	<b>\$3,853,849</b>		<b>\$5,853,849</b>	<b>\$0</b>
<b>THIRD PARTY FIDUCIARY AGENT SERVICES:</b>				
TPF (Phase I)	\$6,000,000		\$6,000,000	\$0
TPF (Phase II)	<u>\$2,350,000</u>		<u>\$2,350,000</u>	<u>\$0</u>
<b>Sub Total - Third Party Fiduciary</b>	<b>\$8,350,000</b>		<b>\$8,350,000</b>	<b>\$0</b>
<b>SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM):</b>				
STEM CIPs (L.P. Untalan & George Washington High School) (Phase II)	\$4,400,000	(\$4,400,000)	\$0	\$4,400,000
STEM Schools (Comprehensive Assessments) (Phase II)	\$700,000		\$700,000	\$0
STEM Equipment (Phase II)	<u>\$1,100,000</u>	<u>(\$1,100,000)</u>	<u>\$0</u>	<u>\$1,100,000</u>
<b>Sub Total - STEM</b>	<b>\$6,200,000</b>		<b>\$700,000</b>	<b>\$5,500,000</b>
<b>GDOE PERSONNEL:</b>				
Salaries & Benefits - School-based Teachers, Administrators & Support Staff	<u>\$0</u>	\$60,088,935	<u>\$60,088,935</u>	<u>\$0</u>
<b>Sub Total - GDOE Personnel</b>	<b>\$0</b>		<b>\$60,088,935</b>	<b>\$0</b>
<b>GRAND TOTAL (GDOE - ESF)</b>	<b><u>\$75,742,784</u></b>		<b><u>\$75,742,784</u></b>	<b><u>\$60,088,935</u></b>
<b>FUND BREAKDOWN BY PHASES:</b>				
<b>PHASE I</b>	<b>\$50,747,665</b>		<b>\$50,747,665</b>	
<b>PHASE II</b>	<b>\$24,995,119</b>		<b>\$24,995,119</b>	
<b>GRAND TOTAL (GDOE - ESF)</b>	<b><u>\$75,742,784</u></b>		<b><u>\$75,742,784</u></b>	

Department of Education  
Reprogramming SFSF

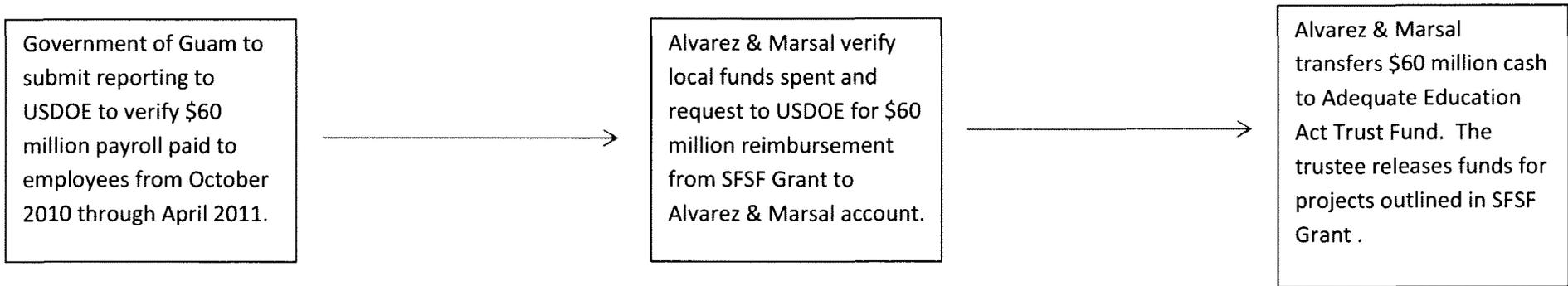
	Capital Outlay	Equipment or Capital Outlay	Contractual	Totals
<b>SFSF Grant</b>				
<b><u>Technology</u></b>				
Interactive White Boards		\$ 650,000		\$ 650,000
Fiber Optic Upgrades	\$ 1,500,000			\$ 1,500,000
DWDM for internet access	\$ 2,000,000			\$ 2,000,000
Open DSN (1 year)			\$ 35,000	\$ 35,000
Wireless schools equipment		\$ 1,300,000		\$ 1,300,000
Wireless Schools electrical upgrades	\$ 558,256			\$ 558,256
Infrastructure capital outlay	\$ 568,200			\$ 568,200
Software	\$ 931,800			\$ 931,800
Student Management system upgrades	\$ 573,516			\$ 573,516
	\$ 6,131,772	\$ 1,950,000	\$ 35,000	\$ 8,116,772
<b><u>Stem Equipment</u></b>				
Stem Equipment		\$ 1,100,000		\$ 1,100,000
	\$ -	\$ 1,100,000	\$ -	\$ 1,100,000
<b><u>CIP</u></b>				
CIP	\$ 46,472,163			\$ 46,472,163
Stem Capital Improvements	\$ 4,400,000			\$ 4,400,000
	\$ 50,872,163	\$ -	\$ -	\$ 50,872,163
	\$ 57,003,935.00	\$ 3,050,000.00	\$ 35,000.00	\$ 60,088,935.00



**Methodology of Reprogramming State Fiscal Stabilization Fund (SFSF) Grant presented at Public Hearing for Bill 131-31**



**Methodology of Reprogramming State Fiscal Stabilization Fund (SFSF) Grant in Substituted Bill 103-31**



Excerpts form GDOE Education Financial Supervisory Commission (EFSC) meeting conducted on March 16, 2011, specific to a discussion about the Bill 103-31 and the reprogramming of the State Fiscal Stabilization Fund and the Education Jobs Fund.

[http://www.senbenp.com/EFSC/EFSC Meetings/Minutes Mar162011.pdf](http://www.senbenp.com/EFSC/EFSC%20Meetings/Minutes%20Mar162011.pdf)

Chris: We can project what the increase will be when the Jobs Fund runs out; we should be able to run that out for the rest of the year. We'll make sure to have that report for the next meeting.

Doris: What is the direction that we're leading to for the Jobs Fund? I've heard about it, but what's the real scoop? How is it going to be played out?

Chris: SFSF? Currently, there's a bill that was introduced that would take \$36.6 million of the CIP money that was in the Phase Two application and move that in to salaries. And then take that money from salaries and make it a continuing appropriation—locally—as per CIP. It's moving the federal money in to salaries and the local money from salaries to capital projects.

Doris: The concern that I have, given the government's cash crisis—cash deficit—I don't want to go with "cash," given the deficit. If we're spending the money up front, is DOA still going to release the money to be put in what I call a *trust fund* so that the cash will be available? In other words, we're doing this to obligate cash, so technically, they would still be getting five million dollars a month, or whatever pay period... on average, six million every pay period. On average you would still be getting about five million dollars every pay period to meet the cash obligation of payroll were it not for this. So the concern that I have is unless that money is being put aside in lieu of, when it's time to pay the capital expenditures, there is no cash, because the money that we would have not given to them probably will go to pay tax refunds or something—or some other obligation. That's the concern that I have, is that when we see whatever bill has not been paid will then be paid. If I was USDOE, given GovGuam's track record, I would say you would still have to put the money aside.

Chris: This issue is a big concern of Senator Pangelinan's, and when he wrote the legislation, it puts in there that there can be no reserve against this money that's being pulled out of salaries and put in with the capital improvement projects. Two, it's a continuing appropriation until the money is all spent. Three, it has allotment priority at the top of the list, except that it's behind salaries and anything that has to do with health and safety.

Doris: That's 90% of the budget.

Chris: It was meant to be put in priority. Of course, the bill has just been introduced, so we hope that you come and testify on it and give feedback on what would make it stronger. It's his concern, too, that this money will never make it to DOE for the intended purpose. That's not what we want to happen.

Doris: Given GovGuam's need to pay other obligations, whether it be tax refunds or anything else, that becomes extra cash that they don't have to plan to give to DOE that could be used to

pay elsewhere. I'm just looking at it from both ends. The cash to do the capital programs, once it is due, it's not going to be there.

Chris: Frankly, if we mess around with it, we're going to have to pay the money back to USDOE, because we won't meet the maintenance of effort required to get that money in the first place. For instance, if we take the 36 and we don't use it then we're not meeting the maintenance of effort. This could trigger a whole bunch of things we don't want. So the cue would be not to borrow to pay the 36 million to meet the maintenance of effort.

Doris: I don't know if that's the concern for anybody, but that's my concern. It will be a great relief for the general fund not to worry about funding payroll of DOE. If I don't have to fund payroll of DOE, because DOE's payroll is bigger than the general fund's payroll with everybody combined. DOE's payroll is bigger, and it's more of a headache on the part of DOA to find the money to give to them. That would be my observation—now I won't have to worry about finding five million dollars every pay period for the next 72 million dollars' worth.

Taling: The figure is 60 now.

Chris: The bill is 36; I don't know where the 60 came from. The intent of the senator was only to not have to subvert procurement law so it made sense to—rather than say we don't have to follow procurement law, let's take the ARRA money, spend it on payroll, take the local money and move it into capital improvements so that there's no timeline for them to spend their capital improvement money so they'd lose it.

Edison: I think what needs to happen is better coordination of when DOE's projects will be so that in terms of letting BBMR now—it's a pretty lengthy process as there could be protests...

Doris: Does the money lose its identity and it will no longer be an ARRA-funded federal program subject to the single audit? And it will just be a capital improvement project subject to local procurement?

Edison and Chris: Yes.

Doris: So the money does lose its identity?

Edison: Yes, because the ARRA money—

Doris: All bets are off on that one then. So they've agreed?

Chris: But the conditions haven't been laid out by USDOE. They may say *trust fund*—you never know.

Taling: Well, the SFSF money is under the purview of the governor so it's really up to him to decide how he wants to use it.

Doris: The other alternative—a *simpler* alternative is forget the capital improvements... we can't do them. We'll just use it for payroll to help relieve all our other obligations.

Taling: The problem becomes the maintenance of effort.

Doris: In what way? Explain.

Chris: In order to get that \$72 million dollars there was a formula that you had to meet and the 20 million for the Jobs Fund which means that you had to contribute a certain percentage of local funds towards education. It actually was based on 2008 levels. We had to furnish the same level of appropriations in 2008 in 2011 in order to qualify for that money.

Doris: How much is the maintenance of effort going to be?

Chris: In 2008, it was probably a couple hundred million.

Doris: Does anybody know exactly what the maintenance of effort was?

Chris: We have all that info—somewhere between 180 and 200 million.

Doris: When you say *maintenance of effort*—

Chris: Appropriation levels for DOE.

Edison: That means the local government's contribution.

Taling: It has to do with supplanting.

Doris: What we're saying is, going forward, as long as we're contributing at least—we've already done 177 million dollars. If the funding continues to be 177 or thereabouts we've met it... that funding of 177 million does not include capital.

Taling: It can.

Doris: Where is it going to come from?

Chris: The danger is if the money is taken out of salaries and moved to capital, that 36 million— and if they never see it, then the maintenance of effort of DOE is only 140 million, because they never got that 36. We'll have to pay all that ARRA money back.

Doris: But the cash demands are so great just for tax refunds, alone, that 70 million dollars could be gobbled up and won't even pay one year, and it wouldn't even make a dent. Look what happened with the deficit bond—we've paid down 90 million dollars and it only increased the amount by 20 million and it's back up to the number it was before.

Edison: But that's why the 70 million wouldn't be sustainable.

Doris: I'm just thinking out loud. A concern would be the cash. The good news is it does relieve the cash pressures of DOA. The bad news is I don't know if we'll get the cash down below.

Chris: It'll have to be factored into the FY12 budget. Specifically, money will have to be set aside in the fiscal 12 budget to make up that 36 million. It can't necessarily be a continuing appropriation. That's the only way they're going to see the money from my standpoint.

Doris: How are your projects coming along? Do you have a capital improvement plan as to when these things are going—not at the next meeting but at the meeting thereafter? I think that would be helpful to provide to this committee and to the legislature as to what is your capital improvement plan – what projects...

Taling: Sodexo shows that we're at 139 million of projects that we need to—

Doris: But if you don't have the funding, what decision has been made as to what projects you *are* going to fund?

Taling: We have a list that has been provided a couple of times, but—

Chris: Could we get the electronic version of the list? They were paid with government funds for their projects, right?

Doris: They were paid with ARRA funds, right?

Taling: Do you want to see the Sodexo account? I can show you the link.

Doris: Can you just email it to me too?

Chris: You can send it to me, and I'll just fan it out.

Doris: That is going to be a factor, going forward into the whole budget process, because now we're dealing with *cash*.

Taling: Sodexo came up with—

Edison: If they anticipate that 9 million will be expended by—there's going to be different timelines for each of these projects.

Taling: The way that we're planning is to encumber everything by September 30 and try to spend everything by December.

Doris: But that's not realistic. Encumbering is one thing, but spending—

Taling: USDOE actually has the provision for liquidation for CIPs.

Doris: In what way?

Taling: In what way? We can continue to draw down on the funds as long as it's encumbered.

Doris: Even if it's beyond 90 days?

Taling: Yes.

Doris: Because of the CIP.

Taling: Yes.

Doris: For example, take a look at the landfill... every month I see the request to pay vendors on that project, and hopefully it'll be winding down by this summer, right? It's supposed to wind down by this summer?

Taling: I looked at the projects at Southern High—that's like three million. Then we have roofing... we're going to try to—

Doris: But you haven't advertised for those yet, right?

Taling: We should see ads for them to start to come out at the end of the month.

Doris: At the next meeting, maybe a topic of discussion would be for us to get an update or status report on the CIP.

Chris: We already had the public hearing on the ARRA bill.

Taling: Ten days, right?

Chris: You can submit up until the bill hits the floor. The senator said he would make sure it's in the official record. There was already a public hearing on the bill to reprogram.

Doris: Really? When?

Chris: Yesterday. We invited everyone, but the only person who showed up was Benita.

Doris: Really? I don't remember getting a letter.

Chris: You can still submit. Our office is meticulous about inviting certain people.

Doris: I apologize, because I don't recall—normally, when there is a thing to respond, I would see that. But I had not seen that so I'll make sure...

Chris: I think session is scheduled for next week so I don't know if it'll make it on the agenda, but if so, you'll have to have the testimony ready by next week.

Steve: Does the whole 36 million have to be obligated by 2012, or can it span out for the next five years?

Chris: The legislation didn't specify that. The one thing about it is the timeline of the projects. If the money is going to be spent in 12, then it needs to be available in 12. If it's going to go into 13, then...

Taling: It was our plan to have as much of the projects going on during the summer while school is out.

Doris: Which makes sense and more power to you if you can finish it – earlier rather than later. Who is your overall guiding architect on all of this?

Taling: Sodexo is our project managers, and our architects are [inaudible].

Doris: Okay.

### **Subsequent Events**

On February 18, 2011, a Senator from the Guam Legislature asked the Governor to consider requesting USDOE re-program \$36,673,370 of the fiscal stabilization grant, initially earmarked for capital expenditures, for the payment of personnel costs for FY 2011. The reprogramming request seeks to stabilize government revenues in anticipation of a cash shortfall for the third quarter of FY 2011 and to avoid losing ARRA funds for failure to expend such funds by the September 2011 deadline. In March 2011, USDOE informed the Governor that prior to considering and approving Guam's proposed amendment to utilize SFSF funds for DOE payroll, legislation is required to ensure that the reprogramming is matched by local funds at the same levels for the following intended purposes of SFSF funds: capital improvement projects, professional development for teachers, school staff and administrators, and improving the financial management system.

In addition, Bill 48-31 was recently passed on February 24, 2011 by the Guam Legislature to provide temporary expedited procurement protest procedures for acquisitions funded with ARRA funds awarded to the DOE. Under this bill, if a non-selected vendor, contractor, or service provider is aggrieved by an award or contract funded, in whole or in part, by ARRA funds allotted to DOE, they can submit a protest to the Public Auditor, who may settle and resolve a protest within no more than ten working days, by one or more of the following means: amending or canceling the solicitation; terminating the contract that was awarded; declaring the contract null and void from the time of its award; or affirming the contract award decision. Prior to this bill being passed, procedurally the non-selected vendor, contractor, or service provider would have to submit the protest to the procuring agency, and would then file a procurement appeal with the Public Auditor no later than 14 days after they received a decision on their protest. This expedited procurement process would be repealed effective December 31, 2011.

Subsequently, on February 25, 2011, the acting governor released Governor's Directive No. 2011-002 which establishes and engages an "ARRA Rapid Response Team," headed by his Chief of Staff, and includes the Chief Fiscal Advisor, Special Assistant on Education, BBMR, and GSC. The team is tasked to work diligently to find solutions to GovGuam's financial challenges including ensuring maximum and expeditious usage of federal funds, with a heightened focus on ARRA funds.

The directive requires all heads of departments, agencies or other government entities, including autonomous and semi-autonomous agencies that have been awarded ARRA funds to submit a Narrative Progress Report on a monthly basis to BBMR no later than 10 days after promulgation of the directive until further ordered, including percentage completion, for each active ARRA grant awarded to the department or agency. In addition, the progress report should include any issues hindering or delaying full usage of ARRA funds before grant expiration and recommended solutions to such issues. Departments or agencies must also provide a list of ARRA-funded contracts pending clearance for the AG and/ or will be submitted to that office in the near future. A schedule of all ARRA-funded Capital Improvement Projects that includes the project cost, description, estimated date of commencement, and estimated date of completion should also be submitted.

Although OPA recognizes the urgent need to obligate the remaining \$151.7M ARRA funds by September 2011, we do not believe Guam's procurement laws and regulations impede the process. The existing safeguards ensure compliance with ARRA's stringent accountability and transparency provisions and were designed to curtail fraud, waste, and abuse. In addition, several

entities contend the AG review and approval of procurements of \$500,000 or greater, mandated by Public Law 30-72, is the main delay in the procurement process. The OPA is supportive of the AG review, as it adds an independent layer of review and control which mitigates the risk of procurement irregularities, errors, omissions, and potential fraud. However, the extended timeline to conduct this review is problematic. The AG should make its best effort to conduct this review expeditiously. Without a similar independent oversight control, procurements below \$500,000 are also at risk.

### **No Reconciliation of Data between Guam Recovery and Federal Recovery Websites**

As the lead agency for ARRA funds, BBMR collaborated with the Bureau of Information and Technology to establish the Guam Recovery Website, [www.recovery.guam.gov](http://www.recovery.guam.gov), to provide public access to ARRA information and Guam's efforts to use the resources in the best ways. However, we found that the website lacked transparency and sufficient accountability. BBMR's consolidated quarterly reports do not reconcile with what is listed on the Federal Recovery Website, [www.recovery.gov](http://www.recovery.gov). According to the federal website, \$281.8M was awarded to Guam between February 17, 2009 and September 30, 2010. GovGuam was awarded \$236.7M and the rest was awarded to private companies and non-profit organizations. However, BBMR's website reports GovGuam's share at \$234.6M, a \$2M difference. BBMR does not track awards to non-government entities.

Despite requiring agencies to submit financial reports in a particular format (BBMR Form ARRA-1), BBMR does not necessarily use that data and instead relies on AS400 information to produce the summary report posted on the Guam website, although the information from the autonomous agencies are utilized. BBMR explains variances to be the result of federal grantors requiring agencies to detail actual draw-downs while figures on the Guam website are actual expenditures recorded in the AS400 system.

As indicated in Tables 1 and 2, there is no reconciliation between the data reported on the Guam Recovery and Federal Recovery websites. Among the four entities we reviewed, we found variances of \$663,000 and \$1.9M in the total amounts awarded and expended, as follows:

**Table 1: Amounts Awarded as of 9/30/10**

Entity	Guam Recovery website	Federal Recovery website	Difference
Department of Labor	\$4,342,758	\$4,342,758	-
Department of Public Works	\$19,560,000	\$19,560,000	-
Guam Energy Office	\$29,976,790	\$30,647,909	(\$671,119)
Department of Education	\$89,259,787	\$89,267,981	\$8,194
		<b>Total</b>	<b>(\$663,000)</b>

**Table 2: Amounts Expended as of 9/30/10**

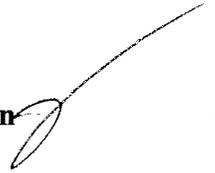
Entity	Guam Recovery website	Federal Recovery website	Difference
Department of Labor	\$2,146,211	\$2,036,836	\$109,375
Department of Public Works	\$604,340	\$604,340	-
Guam Energy Office	\$2,775,410	\$1,021,397	\$1,754,013
Department of Education	\$1,002,731	\$983,720	\$19,011
		<b>Total</b>	<b>\$1,882,399</b>

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION

Bill No. 103-31 (COR)

Introduced by:

v.c. pangelinan



AN ACT TO REPROGRAM \$36,673,370 FROM OBJECT CLASS 111 AND 113 FROM THE GUAM DEPARTMENT OF EDUCATION FY 2011 BUDGET TO OBJECT CLASS 450 FOR ONGOING AND CONTINUING CAPITAL EXPENDITURE PROJECTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1           **SECTION 1. Legislative Statement and Intent.** The 111<sup>th</sup> United States  
2 Congress enacted the American Recovery and Reinvestment Act (ARRA) of 2009 for the  
3 purpose of providing economic stimulus and relief to states and taxpayers. In enacting  
4 ARRA, the primary goal of its framers was to provide a quick infusion of cash to state  
5 and local governments for the preservation and creation of jobs, thus stimulating the  
6 economy. *I Liheslaturan Guåhan* agrees with the economic basis of the following  
7 approach and seeks to promote the principles and objectives of this federal legislation at  
8 the local level.

9           *I Liheslaturan Guåhan* finds that US Department of Education (USDOE)  
10 approved the Guam Department of Education (GDOE) State Fiscal Stabilization Fund  
11 (SFSF) Phase II application which budgets \$36,673,370 (Thirty Six Million Six Hundred  
12 Seventy Three Thousand Three Hundred Seventy Dollars) for the modernization,  
13 renovation and repair of public educational facilities used primarily for classroom  
14 instruction that are most in need of modernization, renovation and repair. The GDOE,  
15 which was awarded the SFSF funds two years ago, has experienced difficulty in  
16 obligating and expending the funds prior to the September 2011 deadline. In failing to

2011 MAR -3 PM 2:19



1 obligate or expend the funds, the GDOE shall forfeit the funds earmarked to improve the  
2 physical infrastructure of our educational institutions.

3 The management of the GDOE cites the legal review of procurement contracts,  
4 applicable to all Government of Guam entities, as a bottleneck in the obligation and the  
5 expenditure of the funds. In citing the following provision, the GDOE has requested  
6 exemption to the legal review requirement within the procurement statutes and the right  
7 of bidders to access their rights to the legal system in protesting bid awards.

8 *I Liheslaturan Guåhan* affirms that the GDOE has not presented a compelling  
9 reason to merit exemption from the procurement statutes, which were crafted to protect  
10 the public interest in contractual negotiations. Furthermore, *I Liheslaturan Guåhan* finds  
11 that the following solution to GDOE’s inability to expend the funds represent a  
12 dangerous precedent whereby legislative remedies are sought for administrative issues.

13 *I Liheslaturan Guåhan* wherever possible seeks a win-win approach to problems  
14 facing our community and thus finds that the inability of the GDOE to expend ARRA  
15 SFSF funds presents an opportunity for such a solution. *I Liheslaturan Guåhan*  
16 recognizes that the following approach is consistent with the spirit in of *Inafa Maolek* and  
17 is an example of a bi-partisan approach to solving problems because “*the greatness of*  
18 *Guam transcends all political lines.*”

19 *I Maga’låhen Guåhan* continues to communicate to the people of Guam that an  
20 impending cash shortfall is inevitable in FY 2011 due to unbudgeted expenditures.  
21 Although the magnitude of the cash shortfalls remains unclear, *I Liheslaturan Guåhan*  
22 recognizes the Organic authority and responsibility of *I Maga’låhen Guåhan* to manage  
23 the daily operations of the Government of Guam. Therefore, *I Liheslaturan Guåhan* seeks  
24 to empower the Executive Branch with the necessary fiscal tools to confront the FY 2011  
25 cash shortfalls and immediately rescind Executive Order 2011-02 in order to reinstate the  
26 Hay Study pay increases. The partnership of *I Maga’låhen Guåhan* is necessary for  
27 success in stimulating the Guam economy through raising the standard of living for  
28 public employees for the first time in twenty years.

29 In granting the following budgetary mechanisms, *I Liheslaturan Guåhan* is  
30 providing a solution and creating the opportunity for the chief executive to exercise his  
31 referent authority to convince the leadership of the GDOE and USDOE of the worthiness

1 of this cause. The cause involves requesting the USDOE to reprogram \$36,673,370  
2 (Thirty Six Million Six Hundred Seventy Three Thousand Three Hundred and Seventy  
3 Dollars) of the ARRA SFSF grant earmarked for capital expenditures for the payment of  
4 personnel cost for FY 2011.

5 The following approach will not reduce or redirect funds due to the GDOE for  
6 repairs of educational institutions. Rather, the approach seeks to guarantee that the  
7 GDOE not lose ARRA SFSF funds due to not expending the funds by September 2011  
8 and ensure that GDOE complies with local procurement laws. In doing so, the approach  
9 merely utilizes the ARRA SFSF funds to supplant the cash shortfalls of the Government  
10 of Guam for the second quarter of FY 2011 and appropriates and reserves the funds  
11 transferred for capital expenditure projects as they become shovel ready.

12 *I Liheslaturan Guåhan* finds that the use of ARRA SFSF funds for GDOE's  
13 payroll will provide the following advantages to GDOE as well as the General Fund:

- 14 • Approximately six pay periods of salaries and benefits for the GDOE will  
15 be covered;
- 16 • ARRA SFSF funds will insulate the GDOE from any cash flow difficulty  
17 should it be faced by the Government of Guam; ensuring compliance of  
18 the Adequate Education Act;
- 19 • Reporting requirements for expenditures of GDOE payroll will be less  
20 burdensome to the administrative infrastructure of the department;
- 21 • Locals funds relieved by ARRA SFSF funds will allow the Government of  
22 Guam to meet impending short term unbudgeted obligations, including the  
23 Mental Health Permanent Injunction and the Calvo's SelectCare contract;
- 24 • The GDOE will be able to preserve and retain jobs; consistent with the  
25 overarching principle of ARRA;
- 26 • The GDOE will not need to seek an exemption from the procurement  
27 statutes;
- 28 • Infusion of ARRA SFSF monies will provide external sources of funding  
29 for the island's economy, spurring economic activity; consistent with  
30 ARRA's goals;

- 1 • The risk to losing ARRA SFSF funds due to inability to expend funds or  
2 due to procurement challenges will be abated;
- 3 • Cash requirements for GDOE Capital Improvement Projects (CIPs) for the  
4 next three to six months are small because bid proposals specifications and  
5 project bid solicitations are being developed.

6 For its cooperation with the following approach, the GDOE has demonstrated its  
7 stewardship and sense of the shared responsibility with the entire Government of Guam.  
8 *I Liheslaturan Guåhan* recognizes the selfless act of assisting *I Maga'låhen Guåhan* to  
9 reinstitute the Hay study increases and reaffirms its commitment to Education by  
10 providing safeguards to the funds transferred to be used in FY 2011 and beyond.

11 **SECTION 2. Reprogramming of Appropriation.** A new Section 17 is added  
12 to Chapter II, Part I of Public Law 30-196:

13 “Upon USDOE approval to amend the Phase II ARRA SFSF grant application,  
14 whereby, the amount of \$36,673,370 (Thirty Six Million Six Hundred Seventy Three  
15 Thousand Three Hundred and Seventy Dollars) originally allocated for CIPs is  
16 reprogrammed to Salary and Benefits, the amount of \$36,673,370 (Thirty Six Million  
17 Six Hundred Seventy Three Thousand Three Hundred and Seventy Dollars) is re-  
18 appropriated (from the General Fund) in Chapter II, Part I Section 2 of this Act, from  
19 Object Classes 111 and 113 to Object Class 450. Funds transferred to Object Class 450  
20 shall be a continuing appropriation for the GDOE and shall be earmarked for CIPs  
21 approved by USDOE contained in the June 10, 2010 ARRA SFSF Phase II grant  
22 application. Furthermore, the aforementioned funds shall not be subject to allotment  
23 reserves by the Bureau of Budget Management and Research nor shall they be subject to  
24 the Governor’s transfer authority and shall be designated as the first allotment priority  
25 only to be superseded by allotments designated for health care mandates and government  
26 wide payroll expenses.

27 **SECTION 3. Severability.** If any provision of this Law or its application to any  
28 person or circumstances is found to be invalid or contrary to law, such invalidity shall not  
29 affect other provisions or applications of this Law which can be given effect without the  
30 invalid provisions or application, and to this end the provisions of this Law are severable.