

EDDIE BAZA CALVO  
Governor



2011 APR 20 11:44 AM  
RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

April 19, 2011

31-11-427

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

4/19/11  
5:24 pm  
v. Miller

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 8-31 (LS) "AN ACT TO ADD A NEW SUBITEM (13) TO §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SUPERINTENDENT OF EDUCATION TO HIRE MAINTENANCE, CUSTODIAL/JANITORIAL, AND CAFETERIA PERSONNEL AT THE DEPARTMENT OF EDUCATION", which I signed into law on April 18, 2011 as **Public Law 31-15**.

*Senseramente,*

EDDIE BAZA CALVO

Attachment: copy of Bill

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) Regular Session

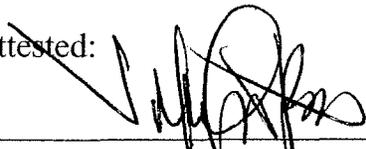
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that **Substituted Bill No. 8-31 (LS)**, "AN ACT TO *ADD A NEW SUBITEM (13) TO §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SUPERINTENDENT OF EDUCATION TO HIRE MAINTENANCE, CUSTODIAL/JANITORIAL, AND CAFETERIA PERSONNEL AT THE DEPARTMENT OF EDUCATION*", was on the 4<sup>th</sup> day of April, 2011, duly and regularly passed.



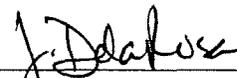
Judith T. Won Pat, Ed.D.  
Speaker

Attested:

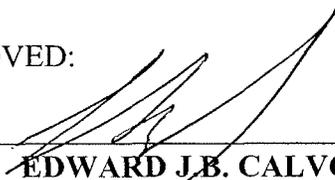


Tina Rose Muna Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 7<sup>th</sup> day of April, 2011, at 09:50 o'clock A.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: APR 18 2011

Public Law No. 31-15

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (FIRST) Regular Session**

**Bill No. 8-31 (LS)**

As substituted by the Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations  
and Public Broadcasting, and amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA  
T .C. Ada  
V. Anthony Ada  
F. F. Blas, Jr.  
B. J.F. Cruz  
Chris M. Duenas  
Sam Mabini, Ph.D.  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
M. Silva Taijeron  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SUBITEM (13) TO §3103 OF  
CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED,  
RELATIVE TO AUTHORIZING THE  
SUPERINTENDENT OF EDUCATION TO HIRE  
MAINTENANCE, CUSTODIAL/JANITORIAL, AND  
CAFETERIA PERSONNEL AT THE DEPARTMENT OF  
EDUCATION.**

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

2        **Section 1.** A new Subitem (13) is hereby *added* to §3103 of Chapter 3 of  
3 Title 17, Guam Code Annotated, as follows:

4        “(13) With the concurrence of the Board and subject to the availability of  
5 funds, have the authority to hire maintenance, custodial/janitorial, and cafeteria  
6 personnel.”

6

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/4/11

## VOTING SHEET

SBill No. 8-31(LS)

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

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

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

TOTAL

14

1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



March 14, 2011

The Honorable Judith T. Won Pat  
Speaker  
*I Mina' Trentai Unu Na Liheslatuaran Guahan*  
31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

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

RE: Committee Report on **Bill No. 8-31 (LS)** As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting on **Bill No. 8-31(LS)** An Act To Add A New Sub-item (13) To § 3103, Of Chapter 3, Of Title 17, Guam Code Annotated, Relative To Authorizing The Superintendent Of Education To Hire Maintenance And Custodial/Janitorial Personnel At The Department Of Education, as Substituted by the Committee and sponsored by Senator Judy P. Guthertz DPA.

Committee votes are as follows:

<u>2</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>6</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ  
Chairperson

March 17 11 00 05  
MWC



## COMMITTEE REPORT

ON

SUBSTITUTE BILL 8-31 (LS)

**“An Act To Add A New Sub-item (13) To § 3103, Of  
Chapter 3, Of Title 17, Guam Code Annotated, Relative To  
Authorizing The Superintendent Of Education To Hire  
Maintenance And Custodial/Janitorial Personnel At The  
Department Of Education.”**



March 11, 2011

**MEMORANDUM**

**TO: All Members**  
Committee on Youth, Cultural Affairs, Procurement, General  
Government Operations and Public Broadcasting

**FROM: Vice Speaker Benjamin J.F. Cruz**

**SUBJECT: Committee Report on Bill No. 8-31 (COR) As Substituted**

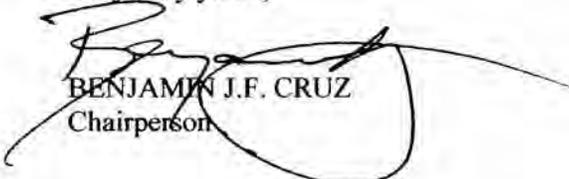
Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 8-31(LS) – “An Act To Add A New Sub-item (13) To § 3103, Of Chapter 3, Of Title 17, Guam Code Annotated, Relative To Authorizing The Superintendent Of Education To Hire Maintenance And Custodial/Janitorial Personnel At The Department Of Education.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Substitute Bill No. 8-31
- Bill No. 8-31(LS)
- Public Hearing Sign-in Sheet
- Testimony of Dr. Nerissa Bretania Underwood
- Testimony of Haya District
- Testimony of Luchan Principal
- Testimony of Team Kattan
- Testimony of Team Lagu
- Testimony of David Leddy
- Testimony of Monty McDowell
- Testimony of Matt Rector
- COR Referral of Bill No. 8-31(LS)
- Fiscal Note Waiver
- Notices of Public Hearing
- Public Hearing Agenda

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

Very truly yours,

  
BENJAMIN J.F. CRUZ  
Chairperson



## COMMITTEE VOTING SHEET

**SUBSTITUTE BILL 8-31(LS) "AN ACT TO ADD A NEW SUB-ITEM (13) TO § 3103, OF CHAPTER 3, OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SUPERINTENDENT OF EDUCATION TO HIRE MAINTENANCE AND CUSTODIAL/JANITORIAL PERSONNEL AT THE DEPARTMENT OF EDUCATION."**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>CRUZ, BENJAMIN J.F.</b> Chairperson				3/11/11		
<b>MUÑA BARNES, TINA ROSE</b> Vice-Chairperson				✓		
<b>WON PAT, JUDITH T.</b> Speaker and Ex-Officio Member		3/14/11				
<b>ADA, THOMAS C.</b> Member				3/14/11 2		
<b>GUTHERTZ, JUDITH P.</b> Member						
<b>RESPICIO, RORY J.</b> Member		3/14/11		3/14/11		
<b>RODRIGUEZ, DENNIS G. JR.</b> Member				3/14/11		
<b>ADA, V. ANTHONY</b> Member				3/14/11		
<b>DUENAS, CHRISTOPHER</b> Member		<del>3/14/11</del>		3/14/11		
<b>MABINI, SAM</b> Member						
<b>YAMASHITA, ALINE</b> Member						



## **Committee Report Digest**

### **I. OVERVIEW**

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Thursday, February 17, 2011 at 9:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 8-31 (LS) – “An act to add a new sub-item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.”

### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all senators on February 10 via email and fax. Notices of the hearing were published in the Marianas Variety Guam edition on February 10 and February 15. Copies of the hearing notices are appended to the report.

### **Senators Present**

Senator Tina Rose Muna Barnes, Acting Chairperson  
Senator Judith P. Guthertz, DPA, Committee Member  
Senator Thomas C. Ada, Committee Member  
Senator V. Anthony Ada, Committee Member  
Senator Christopher M. Duenas, Committee Member  
Senator Sam Mabini, Ph.D., Committee Member  
Senator Aline A. Yamashita, Ph.D., Committee Member  
Senator Mana Silva Taijeron

The public hearing was called to order at 9:02 a.m.

## **II. SUMMARY OF TESTIMONY AND DISCUSSION**

Acting Committee Chairperson Tina Rose Muña Barnes called the public hearing to order at 9:02 a.m. and announced the morning's agenda. Senator Guthertz, the sponsor of the bill, requested that Bill No. 8-31(COR) be heard first. Senator Tom Ada objected to the change in the agenda since Bill No. 8-31(COR) was scheduled for the afternoon session. Acting Chairperson Muña Barnes acknowledged the objection and agreed to accept testimony on Bill 8 -31(COR) during both morning and afternoon sessions.

**Anita Manibusan** is a parent of children of Southern high and a former member of the Guam Education Policy Board. According to Manibusan, schools years ago had their own custodians and there were no problems. She agrees with minimal outsourcing but doesn't believe that the school should provide supplies. The PTSO (Parent Teacher Student Organization) meets every 2 Saturdays to clean the exterior of the campus. She understands that money is tight but she wonders if it's cost effective to hire private contractors when they aren't there all the time.

**Ron Ayuyu**, the Chairman of the Education Policy Board expressed concern about funding. He says the intentions of Senator Guthertz legislation were good, but speculated about mandated funding. He wants clarification in black and white on funding source.

**Agustin Manalisay** says he is in support of the legislation if there was a funding source. If not he would be in favor of Senator Aline Yamashita's bill. He worries about fly by night companies coming in and taking money and leaving.

**Joseph B. Perez** claims they only need funding, manpower, equipment, and resources. He compares it to military and claims that he had adequate resources and could complete his missions because of it. He is not for bill 64. His claims they did it before, and will do it again they just lack manpower, equipment and resources.

**Joe S. San Agustin** is in support but he's concerned about funding. He is still waiting for a report that was promised when the law mandating the hiring freeze was passed.

**WRITTEN TESTIMONY**

Written testimony was submitted by the following:

- Mr. Monte McDowell (opposed)
- Mr. Billy Cruz, Department of Education (in-favor)
- Mr. Matt Rector, Guam Federation of Teachers(in-favor)
- Mr. David Leddy, Guam Chamber of Commerce (opposed)

In testimony submitted on Bill 64-31(LS), DOE Superintendent of Education Nerissa Underwood submitted surveys conducted in the various districts of Department of Education opposed to Bill No. 8-LS.

**III. FINDINGS AND RECOMMENDATIONS**

Upon further review of the draft legislation, the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting has determined that the language contained in Bill No. 8-31 must be revised given the following:

- The prohibition on hiring previously contained in PL 27-05 and PL 27-32 were not retained in the reconstitution of the Education Board and its duties and authorities as contained in PL 30-183.
- The draft legislation would authorize the Board of Education to hire the maintenance and janitorial staff which would be in conflict with the general authorities to hire personnel vested in the Superintendent of Education.
- The language contained in Section 2 of Bill No. 8-31(LS) would “reprogram” funds budgeted for private maintenance, custodial and janitorial services to pay for hiring the government employees, however, reprogramming these funds would impact active contracts of the Department of Education.

After discussion with the staff of Senator Judith P. Guthertz, author of the legislation, substitute language has been accepted to expressly authorize the Superintendent of Education to hire government employees for maintenance, custodial and janitorial positions. The revised language is not a mandate for the Superintendent to hire such positions, and although the current law does not prohibit the Superintendent from recruiting these positions, the author of the legislation is of the opinion that clear legal authority to which the Superintendent can rely – would be beneficial if she is to recruit for these positions.

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was referred Bill No. 8-31 (LS), hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 8-31(LS) with a recommendation TO REPORT OUT.

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

**Bill No. 8-31(LS)**

\*\*As Substituted by the Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations and Public Broadcasting

**Introduced by:**

**Judith P. Guthertz, DPA**

**AN ACT TO ADD A NEW SUBITEM (13) TO § 3103, OF  
CHAPTER 3, OF TITLE 17, GUAM CODE ANNOTATED,  
RELATIVE TO AUTHORIZING THE SUPERINTENDENT OF  
EDUCATION TO HIRE MAINTENANCE AND  
CUSTODIAL/JANITORIAL PERSONNEL AT THE  
DEPARTMENT OF EDUCATION.**

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

2 **Section 1.** Sub item (13) is hereby added to § 3103 of Chapter 3 of  
3 Title 17, Guam Code Annotated as follows:

4 “(13) With the concurrence of the Board and subject to the availability  
5 of funds, have the authority to hire maintenance and  
6 custodial/janitorial personnel.”

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

2011 JAN -3 AM 10:58 EDM

Bill No. 8-31(CS)

Introduced by:

Judith P. Guthertz, DPA

AN ACT TO ADD A NEW SUBITEM (E) TO § 3112(A)(16), OF CHAPTER 3, OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO LIFTING THE HIRING FREEZE OF MAINTENANCE AND CUSTODIAL/JANITORIAL PERSONNEL AT THE DEPARTMENT OF EDUCATION AND AUTHORIZING THE GUAM EDUCATION POLICY BOARD TO PERMIT IN-HOUSE MAINTENANCE, CUSTODIAL AND JANITORIAL SERVICES FOR FACILITIES MAINTENANCE SERVICES IN ALL DEPARTMENT OF EDUCATION SCHOOLS.

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

2 **Section 1.** Sub item (E) is hereby added to § 3112(a) (16) of Chapter 3 of Title 17, Guam  
3 Code Annotated.

4 “(E) The Board shall retain the option of employing in-house maintenance and custodial/  
5 janitorial services personnel in all Department of Education schools in lieu of maintenance and  
6 custodial/janitorial services contracts for facilities maintenance services if such action demonstrates  
7 such policy better supports the core mission and the upkeep of the facilities and grounds of  
8 Department of Education schools. The superintendent shall be authorized, as approved by the board,  
9 to hire maintenance and custodial/janitorial personnel.

10 **Section 2.** Funds originally budgeted for payment to private maintenance, custodial and  
11 janitorial services and operators shall be reprogrammed for this purpose.

12 **Section 3.** This provision shall take effect upon enactment.”

**SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER**  
 Chairman, Committee on Youth, Cultural Affairs, Procurement,  
 General Government Operations, and Public Broadcasting.  
 Web Address: [www.senatorbjcruz.com](http://www.senatorbjcruz.com)



*I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN*  
 The 31<sup>st</sup> Guam Legislature • [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)  
 155 Hesler Place, Hagatna, Guam 96910  
 Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

**PUBLIC HEARING SIGN-IN SHEET**  
 Thursday, February 17, 2011- 9:00A.M.-4:00P.M.  
*I Liheslatura* • Public Hearing Room • Hagåtña, Guam

**Bill No. 8-31(LS) – (Guthertz)** An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Bobbing Wolf for of		Support		✓	789-5826	
Magalaha Magalaha		OPP		✓	653-6637	
Billy Cruz	n			✓		
Edward Leon Guerrero	Tony Respicio					
Wants to testify	Bill 8-31					
on Bill 8-31						







# DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

www.gdoe.net

P.O. Box D.E., Hagatña, Guam 96932

Telephone: (671)475-0457 or 300-1547/1536 • Fax: (671)472-5003

Email: nbunderwood@gdoe.net



Nerissa Bretania Underwood, Ph.D.  
Superintendent of Education

February 17, 2011

Honorable Benjamin J.F. Cruz, Vice Speaker  
Chairman

Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting  
I Mina'Trentai-Unu Na Liheslaturan Guahan  
155 Hesler Place  
Hagatna, Guam 96910

**RE: Testimony in Support for Bill No. 64-31: An Act to Add § 7112.1 to Chapter 7, Division 2, title 17, Guam Code Annotated, Relative to Authorizing the Guam Department of Education to Enter into a Public-Private Partnership Through a Performance Management Contract for the Management, Operation and Maintenance of Its Structural and Grounds Facilities**

Hafa Adai Vice Speaker Cruz!

I am writing as the Superintendent of the Department of Education (DOE) to express my support for the passage of Bill No. 64-31.

The state of disrepair at many of our island's schools has been fodder for media stories and community concern for the last several years, if not decades. The failing buildings and lack of necessary maintenance on our school campuses has led not only to the excessive stretching of DOE's maintenance department but to the outright closing of some schools due to concerns for the safety of students and staff.

I do not deny that the maintenance of our educational facilities needs improvement. But I do want to stress that the inadequate state of our schools is in no way the result of a lack of commitment from DOE's custodial and maintenance staff. In fact, the opposite is true. The DOE maintenance and custodial employees are exceptionally committed to the daunting task of maintaining the forty-one school campuses and the DOE administrative offices. These individuals often use their personal equipment when none is available from DOE to perform tasks to ensure plumbing, security, air conditioning, and other necessary services are present at our schools and offices. These employees have also continued to perform without adequate funding for needed equipment or for training to provide them with updated information to better perform their jobs. The need for a change in the way DOE's facilities are maintained is a reflection not of employee commitment, but of the budget and practical challenges the Department faces on a yearly, and even daily, basis.

The effects of campuses that are inadequately maintained reach beyond student and staff safety. Whenever a school is closed by regulatory agencies or due to emergency issues with plumbing or power, instruction is disrupted. And when school campuses are in such disrepair that students cannot use certain classrooms, playgrounds, or exercise facilities, students are unable to take full advantage of the curricular program.

Subject: Testimony in Support for Bill No. 64-31  
February 17, 2011  
Page 2 of 2

specialized experience in institutional facilities management. The PMC is expected to provide the equipment necessary for the DOE custodial and maintenance staff to properly perform their work. The PMC is also expected to work on preventive maintenance and not merely emergency repair.

A meeting was held on February 14, 2011 with the maintenance and custodial staff. Also present in that meeting were Senator Aline Yamashita, Senator Tom Ada and John Benavente. The intent of the meeting was to allow the affected staff to ask questions regarding Bill No. 64-31. Our maintenance and custodial staff have raised a number of questions and concerns. They were assured that these would be addressed.

As stated in Bill No. 64-31, other agencies have had the opportunity to use a PMC and have had great success. I ask that the Legislature provide DOE with this same opportunity by passing this Bill.

Senseramente,

  
NERISSA BRETANIA UNDERWOOD, Ph.D.

cc: Chairman and Members, GEB  
Senator Aline Yamashita  
Senator Tom Ada

## HAYA DISTRICT

F.Q. Sanchez Elem., H.S. Truman Elem., Inarajan Elem., M.A. Sablan Elem., Merizo M.M. Elem., M.U. Lujan Elem., Talofoto Elem., Inarajan Middle School, Oceanview School, Southern High School, J.P. Torres Alternative

### Response to Bills No. 8-31 and 64-31

**The HAYA School Administrators do not support Bill No. 8-31 for reasons stated below:**

We do not want to deal with the current maintenance and custodial issues and concerns we are experiencing with funding, supplies, equipment and employees who are not performing effectively.

**The HAYA School Administrators have selected to support Bill No. 64-31 for the reasons stated below:**

- It will allow the administrators to focus more on the academic/curricular programs and issues.
- All necessary supplies and equipment will be provided for by the PMC.
- All PMC employees will be trained and skilled to effectively carry out their duties.
- It is a Performance Based Company and the administrators will not have to worry about evaluating the personnel.

**Recommended Amendments to the Bill:** Include language that the PMC will address and be responsible for cases of emergencies such as/but not limited to:

*Typhoon/shelter duty, Vandalism, Burglaries, Fire, Earthquakes, Floods, etc...*

## LUCHAN PRINCIPAL INPUT ON BILLS 8-31 and 64-31.

### Bill 8-31

Luchan principals do not agree with Bill 8-31 lifting the freeze on maintenance and custodial /janitorial personnel at the Department of Education (DOE). We prefer maintenance to be contracted out to private custodial vendors using a Performance Management contract. Privatizing the custodial and maintenance through a Performance Management contract will provide better management and operations for all school facilities.

### Bill 64-31

Luchan principals support Bill 64-31 authorizing Department of Education (DOE) to enter into a Performance Management based contract. We see that the Performance Management structure would provide for a more efficient service to DOE. Maintenance workers will be better utilized. Facilities and equipment will be better monitored and maintained.

# Team KATTAN

## *Response to Bill 8-31 & Bill 64-31*

<b>Adacao Elementary, B.P. Carbullido Elementary, J.Q. San Miguel Elementary, P.C. Lujan Elementary, Ordot Chalan Pago Elementary, Capt. Henry Price Elementary, Agueda I. Johnston Middle School, Luis P. Untalan Middle School, George Washington High School</b>		
1.	<i>Response to Bill 8-31</i>	<ul style="list-style-type: none"><li>▪ The Kattan schools are <b>not in support</b> to Bill 8-31 since we all disagree to employ in-house maintenance and completely employing just GDOE custodial/janitorial.</li><li>▪ We all have been so dissatisfied with the response, efficiency, and work performance of the current in-house maintenance.</li><li>▪ As far as employing custodial/janitorial, having both a partial outsource and GDOE custodial/janitorial would be more ideal in the schools.</li><li>▪ Many of the current schools utilize our GDOE custodians to perform other related tasks/assignments such as assisting with student supervision.</li></ul>
2.	<i>Response to Bill 64-31</i>	<ul style="list-style-type: none"><li>▪ The Kattan schools are <b>all in support</b> to Bill 64-31</li><li>▪ Equitable on maintenance funding should be distributed evenly such as the a/c repairs and/or replacement.</li><li>▪ Standards need to be clearly defined</li><li>▪ Constant communication with the schools need to be a common practice prior to performing work and work completion in the schools.</li></ul>



Nerissa Bretania Underwood <[nbunderwood@gdoe.net](mailto:nbunderwood@gdoe.net)>

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## Lagu input for Bills 8-31 and 64-31

1 message

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Julie Mendiola <[jtmendiola@gdoe.net](mailto:jtmendiola@gdoe.net)>

Tue, Feb 15, 2011 at 3:03 PM

To: Nerissa Bretania Underwood <[nbunderwood@gdoe.net](mailto:nbunderwood@gdoe.net)>, Arlene Unpingco2 <[arunpingco@gdoe.net](mailto:arunpingco@gdoe.net)>, Anthony Cepeda2 <[ahcepeda@gdoe.net](mailto:ahcepeda@gdoe.net)>, Beth Perez <[bnperez@gdoe.net](mailto:bnperez@gdoe.net)>, Beverly San Agustin <[bsanagustin@gdoe.net](mailto:bsanagustin@gdoe.net)>, Carla Benita Masnayon <[cdmasnayon@gdoe.net](mailto:cdmasnayon@gdoe.net)>, Carolyn Camacho <[cdbcamacho@gdoe.net](mailto:cdbcamacho@gdoe.net)>, Darlene Larimer <[dclarimer@gdoe.net](mailto:dclarimer@gdoe.net)>, Dexter Fullo <[dbfullo@gdoe.net](mailto:dbfullo@gdoe.net)>, Kenneth Denusta <[kdenusta@gdoe.net](mailto:kdenusta@gdoe.net)>, Melissa Limo <[mdlimo@gdoe.net](mailto:mdlimo@gdoe.net)>, Robb Malay <[rhmalay@gdoe.net](mailto:rhmalay@gdoe.net)>, "Robert G. Martinez" <[rgmartinez@gdoe.net](mailto:rgmartinez@gdoe.net)>, Vangie Iglesias2 <[eiglesias@gdoe.net](mailto:eiglesias@gdoe.net)>, Yolanda Gabriel <[ysgabriel@gdoe.net](mailto:ysgabriel@gdoe.net)>

2/15/11

Hi Dr. Underwood,

Our Lagu principals met yesterday and we have the following input(s) for Bills #8-31 & 64-31:

Bill #8-31: Our Lagu team is not in favor for this bill. This bill still will require DOE to provide materials & supplies. Based on previous experiences, we will not have all the funds to purchase needed supplies, etc. Currently, most of our schools are either partial or fully outsourced. Administrators do not have to worry about manpower, materials & supplies. Admin can focus their time and effort at other things.

Bill #64-31

1. On page 2, paragraph #2, we would like to know what "model" the senator is referring to.
2. On page 4, #c1, we would like to see the businesses have a minimum of ten (10) years of proven SATISFACTORY experience in management and .....
3. On page 6, #c, we would like to see the eengineer with at least ten (10) years of SATISFACTORY and demonstrable experience.....
4. We would like to see a performance based evaluation done every quarter. If the contractor/vendor is not performing to the contents of the contract, we need to ensure that we are able to either cancel the contract, etc.
5. Also, if the contractor received three unsatisfactory monthly ratings, we would like to have a provision in the contact in which we can cancel the contract due to their poor performance evaluation, etc.
6. If our government employees are going to be under the PMC, will this allow the employees to do other duties when needed? Such as: student supervision and to cover classes when teacher/subs are not available. If not, can we have this provision included? To allow the employees to do other duties as assigned by the administrator?

We hope this helps. If you have any questions or need more information, please do not hesitate to contact me.

Thank You,

Julie Mendiola - Lagu Management Team Leader

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**GUAM CHAMBER OF COMMERCE**  
PARTNERS IN PROGRESS

*February 17, 2011*

THE HONORABLE SENATOR BENJAMIN J.F. CRUZ  
Chairman  
Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting  
155 Hesler Place  
Hagåtña, Guam 96910

Subject: *Bill No. 8-31(LS) – An act to add a new sub item (E) to §3112(A)(16), of Chapter 4, Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education Schools.*

Håfa Adai, Mr. Chairman!

On behalf of the Guam Chamber of Commerce, I would like to thank you for the opportunity to provide feedback on Bill No. 8-31.

As stated in previous testimony submitted to Speaker Judith Won Pat in the 30th Guam Legislature on September 17, 2010, we believe the legislation does not serve the best interests of the Department of Education and the people of Guam. Adding more personnel to the Department would only aggravate its payroll crises without the assurance or guarantee that the custodial, janitorial, and maintenance requirements will be met.

Furthermore, the performance record on facility maintenance and repairs have not been satisfactory which is evidenced by the state of disrepair at Southern High and the closure of the John F. Kennedy High School campus in upper Tumon. It will only be a matter of time before other schools suffer the same outcome.

We maintain our original recommendations to the Committee as follows:

- GDOE be allowed to implement the recommendations of the Evergreen audit, which calls for the rebid of custodial services as part of a total outsourced maintenance and custodial package for the Department;
- Overhaul the maintenance operation of the Department thoroughly, radically, and completely; and,
- Establish as a permanent method of facilities improvement a public-private partnership arrangement for the construction and maintenance of all future schools as well as for the renovation and expansion of existing facilities.

We further maintain that DOE leave nonacademic work such as custodial, maintenance, repair and food catering to experienced, qualified and reliable private sector source and focus its resources and personnel on the higher priority of educating our children. Outsourcing these services provides greater efficiency in DOE operations while creating economic opportunity for local businesses. We see that privatizing these services will result in competitive sourcing, which benefits DOE in terms of reduced costs and increased service quality.



# ADVANCE MANAGEMENT INC.

*The Building Maintenance & Real Estate Service Professionals*



198 Adrian Sanchez Street, Suite #7, Harmon, Guam 96913 - 4456 • Tel: (671) 649-6488 • Fax: (671) 646-3739

February 28, 2011

Vice Speaker Benjamin J.F. Cruz  
Chairman, Committee on Youth,  
Cultural Affairs, General Government  
Operations, Procurement and Public Broadcasting  
155 Hesler Place  
Hagåtña, Guam 96910

**RE: Testimony against Bill No. 8-31 (COR)**

**Reference:** Management and Curriculum audit for the Guam Public School System – Final Report – Evergreen Solutions, LLC – April 13, 2009

Håfa Adai!

I write to provide testimony against Bill No. 8-31 for the below reasons.

I have called Guam home for more than 40 years and absolutely love and cherish this island, but unfortunately I, as well as the rest of the community, have had to endure the displeasure of watching our public schools and support facilities deteriorate. In the case of John F. Kennedy High School, deteriorate to the point of repair by replacement.

In 2009 Evergreen Solutions, LLC was contracted to evaluate all aspects of the then “Guam Public School System now referred to as Guam Department of Education.” As proven professionals in the field of Facilities Maintenances we reviewed with great interest Chapter 6 Facilities. Some highlights:

- GDOE Facilities and Maintenance Department is responsible for the operation and maintenance of 37 schools, but this function has been outsourced to a public-private partnership for the GEF or leased schools.
- John F. Kennedy High School is currently being demolished and replaced
- Portions for other schools, i.e., Oceanview Middle School, are closed and condemned
- Four new schools have been constructed since 1999: Adacco Elementary, Ligan Elementary, Astumbo Middle and Ukudo High School
- Half the elementary schools were built over 40 years ago while five were built over 50 years ago
- It was found, not surprisingly, that the maintenance functions of the Facilities and Maintenance Department has over the many years been neither sufficiently preventive nor immediately responsive to meet the needs of GDOE facilities. In addition, a significant deferred maintenance backlog seems to have built-up, leaving most of the 37 schools in poor to fair condition.

*e-mail: ami@amiguam.com • website: www.amiguam.com*

2 28-11/11

- GDOE teachers appear to be strongly dissatisfied with maintenance and the timeliness of repairs.
- Concerns were a severe shortage of working restrooms
- **Peak manning in the Maintenance Department was 180 personal in 1995 now some 79 due to Public Las 27-32 of 2002 which froze new hiring and promotions in maintenance, custodial and food service ranks. Privatization or outsourcing was envisioned but to date GDOE has not developed an official policy for outsourcing maintenance work. Evergreen used standards common within our industry, in particular the number of maintenance personnel needed for the square footage of facilities. The 37 schools equates to some 1,892,872 square feet and a skilled train maintenance person should be able maintain 107,439 square feet. Based on this standard only 18 maintenance workers should be needed for a well-functioning and effective maintenance staff at GDOE.**

I could go on and on about Evergreens Audit but they simply expressed what I believe we all know; Facilities Maintenance is not GDOE's core competency, education is. Standards are set high for highly educated and certified teachers while simple continuing education accompanied by proper tooling and maintenance management IT Infrastructure lacks in the non-core competency of Facilities Maintenance and its personnel.

The report reflects throughout it the highly clean and well-maintained condition of the four GEFf leased schools whose maintenance is outsourced. I am proud to say that our company, Advance Management, Inc. or AMI, is that outsourced company. It further alludes to a recommendation to use similar concepts throughout all GDOE facilities. The incorporation of GDOE employees as employees of the outsource vendor is mentioned.

Bill 8-31 intent is to allow the Board and Superintendent an option of employing in-house maintenance and custodial/janitorial services personnel in lieu of maintenance and custodial/janitorial services contracts for facilities maintenance services.

**Again the maintenance workforce has gone from a high of 180 personnel to its current state of 79 and recall that world standards indicate the true needed workforce should be no more than 18. I beg of you do not allow this hiring option since history has shown that it is never an option, it is an opening, once again, of a flood gate to bring aboard employees of first choice, the first choice being employees that are Government of Guam Department of Education employees.**

**GDOE performance in procurement has been challenging and this seems like an obvious work around; we, GDOE, may not procure well and do not hold our vendors to the agreed to standards but our HR Department can hire with little difficulty. Remember GDOE's core competency is education and has never properly cared for, tools nor trained it maintenance workforce. The Private vendor, in a Public-Private Partnership, must continually train and tool its employees to achieve the high standards GDOE should hold it to. Also the all-important care of the employees, health & welfare, benefit plans, cola, personnel evaluations, wage adjustments, disciplinary actions if every required and much**

**more are the responsibility of the Private Partner. This alone is a major enhancement to GDOE so it can continue to concentrate on its core competency of education.**

**The wages and benefits required by the Government of Guam's Public Law 26-111 on Private Sector Service contractors allows their personnel to achieve a living wage amongst the best in the country. A good base salary augmented with \$3.50 an hour health and welfare allowance plus vacation time, holidays and the list goes on. We thank the Guam Legislature for this forward thinking predicted on vision of gravitating more and more historically GovGuam jobs into the hands of Private Partners while encouraging the Private Partner to hire the GovGuam employee as employee of first choice if truly qualified.**

In conclusion, I urge senators of the Guam Legislature to not pass Bill No. 8-31 as written and introduced. Bill 8-31 should be rewritten to require rigorous time lines are met to ensure Public-Private Partnerships are procured in a rapid and professional manner with stringent high standards incorporated into the work specifications.

Senseramente,

A handwritten signature in cursive script that reads "Monty McDowell".

Monty McDowell  
Chief Executive Officer and Principal Broker  
Advance Management, Inc.

CC: Senators, Guam Legislature

**Matt Rector**  
President

February 16, 2011

**Tim Fedenko**  
Vice-President

**Sanjay Sharma**  
Secretary

Committee on Youth, Cultural Affairs,  
Procurement, General Government Operations,  
And Public Broadcasting

**James Lujan**  
Treasurer

Ref: Testimony in favor of Bill 8-31



**AFT Local 1581**  
**AFL-CIO**

Buenas yan Håfa Adai!!! My name is Matt Rector and I am testifying here today as the President of GFT, Guam's Local Union, in favor of Bill 8-31 which would allow the Department of Education to begin the process of rebuilding our school communities by once again allowing DOE to hire their own custodians and maintenance personnel. I stand in favor of this bill for three simple reasons, it's good for our children, it's cost effective and it's good for our island.

Schools are communities where our children spend a large portion of their lives, where we nurture them, educate them and hopefully help them to fulfill their potential as citizens of our great island. When custodians are full time career employees they are a meaningful part of that community unlike a part time contract employee. They see these children year after year giving our children a sense of continuity and stability in a hyper changing world. They protect our children from predators because they know who should or shouldn't be on campus. They protect and deter our children from juvenile indiscretion and misbehavior because they are additional adults on school grounds that can break up fights, stop kids from smoking in the restrooms and yes even prevent them from having sex on school grounds. Lastly, they have buy in and pride in their schools going above and beyond to ensure that their students have the best they can provide.

The current out sourcing of our custodial and maintenance services actually cost the people of Guam far more than if they had their own career employees in a number of ways. First I suspect that the actual dollars and cents cost of out sourcing versus hiring in house is more. Second, Public Schools lose millions of dollars every year to vandals and thieves. In the new GFT contract custodians are allowed to be scheduled on later shifts so that our schools have an adult employee presence at all times which would discourage vandals and thieves. Third, I suspect that none of the contracted workers receive health insurance which means that they probably utilize the medical services of Public Health and the GMH emergency room for themselves and their families which over tax those institutions and move the cost of their healthcare from their employers to the people of Guam. Fourth, career employees have institutional knowledge; they know where that water line is buried, they keep spare parts so that they can fix things on the fly. Since most maintenance issues are repetitive, they save our people time and money because they don't have to expend as much time and expense to trouble shoot these problems. Lastly, because the majority of these contracted workers are probably part time employees they probably utilize other public services such as GHURA housing, Section 8 and Food stamps at public expense. These are but a few of the hidden costs of outsourcing that must be analyzed when developing a cost benefit analysis of the current outsourcing model.

I ask the committee to consider the value of careers versus part time jobs to our island. Workers with careers qualify for loans. They buy cars, build houses, invest in their children's future and participate fully in our islands economy. They are also able to invest more in their own community. When you have a career, you have the time and the schedule to coach your son's little league team, chaperone your daughter's school dance, teach CCD, volunteer in your community and have the time to be the quality of parent that their children need. If you need multiple part time jobs with random schedules it makes it very difficult to not only be a great parent but an active member of your community. Furthermore, I doubt that any of these part time outsourced jobs have any benefits, like sick leave or annual leave, so if their child is sick they can't stay at home with them or they won't get paid. This is bad not only for the worker but for our island as a whole. We don't want parents to have to send their sick children to school because they can't stay at home with them; it not only endangers the sick child but all children at their school and is contrary to the recommendations of the Center for Disease Control.

In conclusion, I have a suggestion that I feel will improve this already great bill: include cafeteria workers in the list of positions that DOE can resume hiring in. Food prepared with Love for their children beats food cooked for profit any day. With over 65% of our children on free or reduced lunch these might be the only solid meals that the vast majority of our students receive in a day and I know that I would want a member of that child's school community looking after our children's nutritional needs as opposed to a large company whose most pressing concern is making a profit. My grandmother was a cafeteria lady at a public high school for her entire career and I can tell that she, like all the rest of DOE's Cafeteria workers, would never let one of her kids go away hungry.

Si Yu' Ma'āse for your consideration, please pass this great bill.



Matt Reesor  
President



# COMMITTEE ON RULES

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

2011 JAN 21 PM 3:07  
EPM

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

January 21, 2011

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

## Memorandum

To: Pat C. Santos  
Clerk of the Legislature

### MAJORITY MEMBERS:

From: Senator Rory J. Respicio  
Chairperson, Committee on Rules

Speaker  
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker  
Benjamin J. F. Cruz

*Hafa Adai!*

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Attached please find the fiscal notes for the bills number listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

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

- Bill Nos.: 1-31 (LS)
- 4-31 (LS)
- 6-31 (LS)
- 5-31 (LS)
- 7-31 (LS)
- 8-31 (COR)
- 9-31 (COR)
- 13-31 (COR)
- 15-31 (COR)
- 16-31 (LS)
- 19-31 (COR)
- 23-31 (COR)

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

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'ãse'!*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORBENITA A. MANGLONA  
ACTING DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR

JAN 21 2011

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hester Place  
Hagåtña, Guam 96910

*Hafa Adai* Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 1-31(LS), 4-31(LS), 6-31(LS), 7-31(LS), 8-31(LS), 13-31, 16-31(COR), 23-31(COR), and Fiscal Note Waivers on Bill Nos.: 5-31(LS), 9-31(LS), 15-31(COR) and 19-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
BENITA A. MANGLONA  
Acting Director

Enclosures

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 8-31 (LS)**

**Bill Title (Preamble): AN ACT TO ADD A NEW SUBITEM (E) TO §3112(A)(16), OF CHAPTER 3, OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO LIFTING THE HIRING FREEZE OF MAINTENANCE AND CUSTODIAL/JANITORIAL PERSONNEL AT THE DEPARTMENT OF EDUCATION AND AUTHORIZING THE GUAM EDUCATION POLICY BOARD TO PERMIT IN-HOUSE MAINTENANCE, CUSTODIAL AND JANITORIAL SERVICES FOR FACILITIES MAINTENANCE SERVICES IN ALL DEPARTMENT OF EDUCATION**

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)	\$166,133,549
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>\$187,979,346</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Other (Specify): Special Funds	Total:
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY Appro. to P.L. 30-196 thru 30-235	\$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 Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total I/</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 footnote
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? \$ \_\_\_\_\_
3. Does the Bill establish a new program/agency? / / N/A / / Yes /X/ No  
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No  
 Is there a federal mandate to establish the program/agency? /X/ N/A / / 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: 01/12/2011 Director: Benita A. Mangiona Date: JAN 20 2011  
 Acting, Benita A. Mangiona

**Footnote: I/ Despite the fact that §3112, Chapter 3, 17 GCA was repealed by P.L. 30-183:8 (Aug. 25, 2010), the Bill has a potential fiscal impact for additional funding requirements. However, in its present form, such impact cannot be determined at this time. In addition, the proposed provision for a new subitem (E) to §3112, Chapter 3, 17 GCA in this Bill is duplicated in Bill 7-31 (LS).**



# 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  
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Vice Speaker  
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Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
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ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Frank F. Blas, Jr.  
MINORITY LEADER

Attachment Senator  
Christopher M. Ducnas

January 4, 2011

**MEMORANDUM**

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

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

From: **Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Subject: **Referral of Bill Nos. 1-31 (LS) through B11-31 (LS)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 1-31 (LS) through B11-31 (LS).

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

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

*Si Yu'os Ma'åse'!*

2011 JAN 10 AM 8:44

B7-31 (LS)	Judith P. Guthertz, DPA	An act to add a new Subitem (E) to § 3112(a)(16), of Chapter 3, of Title 17, Guam Code Annotated, relative to authorizing the Guam Education Policy Board to provide in-house cafeteria services in all Department of Education Schools in lieu of privatized food services.	1/03/11 10:58 a.m	1/04/11		Committee on Education			
B8-31 (LS)	Judith P. Guthertz, DPA	An act to add a new Subitem (E) to § 3112(a)(16), of Chapter 3, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education Schools.	1/03/11 10:58 a.m	1/04/11		Committee on Youth, Cultural Affairs, Procurement, General Governmental Operations and Public Broadcasting			
B9-31 (LS)	Judith P. Guthertz, DPA	An act to <i>amend</i> §34205 of Chapter 34, Title 10 Guam Code Annotated and §70.10 of Chapter 70, Title 9 Guam Code Annotated, and to <i>add</i> §70.10.1, §70.10.2 and §70.10.3 to Chapter 70, Title 9 Guam Code Annotated relative to keeping animals in Guam.	1/03/11 10:59 a.m	1/04/11		Committee on Public Safety, Law Enforcement and Judiciary			
B10-31 (LS)	Judith P. Guthertz, DPA	An act to add Sub Items (A)(1)(2)(3)(4)(5)(6)(7) to Sub Section 12027 of Chapter 12 of Title 12 Guam Code Annotated relative to the back billing of consumer/ratepayers by the Guam Waterworks Authority.	1/03/11 10:59 a.m	1/04/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs			



February 7, 2011

**MEMORANDUM**

TO: All Senators

FROM: Senator Tina R Muna Barnes  
Acting Chairperson, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting

RE: First Public Hearing Notice on February 17<sup>th</sup> 2011

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room for the following:

9:00 AM - Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

1:30 PM - Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16). of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

Written testimonies should be submitted to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910, via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com). We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at [garrett.duenas@senatorbjcruz.com](mailto:garrett.duenas@senatorbjcruz.com).

cc: Clerk of the Legislature  
Protocol  
Audio/Visual  
All Media

## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Wednesday, February 09, 2011 12:14 PM  
**To:** 'Senator Adolpho B. Palacios'; 'Senator Adolpho Palacios'; 'Senator Aline Yamashita'; 'Senator Ben Pangelinan'; 'Senator Chris Duenas'; 'Senator Dennis Rodriguez Jr.'; 'Senator Frank F. Blas, Jr.'; 'Senator Judi Guthertz'; 'Senator Judith Guthertz'; 'Senator Mana Silva Taijeron'; 'Senator Rory J. Respicio'; 'Senator Tina Muna Barnes'; 'Senator Tom Ada'; 'Senator Tony Ada'; 'Senator Tony Ada'; 'Speaker Judi Won Pat'; 'Vice Speaker Benjamin JF Cruz'; 'Vice Speaker BJ Cruz'; 'mis@guamlegislature.org'; 'Therese Terlaje'; 'sgtarms@guamlegislature.org'; 'yong@guamlegislature.org'; 'clerksoffice@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'jamespcastro@gmail.com'; 'mark sayama'; 'fbtorres@yahoo.com'; 'phillipsguam@gmail.com'; 'etajalle@guamlegislature.org'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'chris.budasi@guamlegislature.org'; 'jcamacho@senatorada.org'; 'Doreen Garcia'; 'Cyrus@senatorada.org'; 'Nicole Santos'; 'jennifer.lj.dulla@gmail.com'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'carlospguam@yahoo.com'; 'Chris Carillo'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'jeff manibusan'; 'Leslie Gatan'; 'oliviampalacios@gmail.com'; 'Coy Torres'; 'senatorsam'  
**Subject:** 1st Notice of Public Hearing  
**Attachments:** 02072011 memo fr bjcruz re. First notice of public hearing for Feb 17,2011.pdf

All Senators and staff,

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room at 9 a.m.. I made a correction, apologies to Senator Yamashita.... Here is the correct bill listing.

Senseramente,

Chris Carillo  
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz  
Chairman,Committee on Youth, Cultural Affairs,Procurement,  
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan  
The 31st Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96910  
Phone: (671) 477-2520/1  
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February 15, 2011

**MEMORANDUM**

TO: All Senators

FROM: Senator Tina R Muna Barnes  
Acting Chairperson, Committee on Youth, Cultural Affairs, Procurement,  
General Government Operations, and Public Broadcasting

RE: First Public Hearing Notice on February 17<sup>th</sup> 2011

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room for the following:

- 9:00 AM - Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.
- Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.
- Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.
- Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.
- 1:30 PM - Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.
- Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".
- Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

Written testimonies should be submitted to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910, via facsimile to 477-2522, or via email to [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com). We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at [garrett.duenas@senatorbjcruz.com](mailto:garrett.duenas@senatorbjcruz.com).

cc: Clerk of the Legislature  
Protocol  
Audio/Visual  
All Media

## Chris Carillo

---

**From:** Chris Carillo [chris.carillo@senatorbjcruz.com]  
**Sent:** Tuesday, February 15, 2011 9:08 AM  
**To:** 'Senator Adolpho B. Palacios'; 'Senator Adolpho Palacios'; 'Senator Aline Yamashita'; 'Senator Ben Pangelinan'; 'Senator Chris Duenas'; 'Senator Dennis Rodriguez Jr.'; 'Senator Frank F. Blas, Jr.'; 'Senator Judi Guthertz'; 'Senator Judith Guthertz'; 'Senator Mana Silva Taijeron'; 'Senator Rory J. Respicio'; 'Senator Tina Muna Barnes'; 'Senator Tom Ada'; 'Senator Tony Ada'; 'Senator Tony Ada'; 'Speaker Judi Won Pat'; 'Vice Speaker Benjamin JF Cruz'; 'Vice Speaker BJ Cruz'; 'mis@guamlegislature.org'; 'Therese Terlaje'; 'sgtarms@guamlegislature.org'; 'yong@guamlegislature.org'; 'clerksoffice@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'director@gec.guam.gov'; 'jamespcastro@gmail.com'; 'mark sayama'; 'fbtorres@yahoo.com'; 'phillipsguam@gmail.com'; 'etajalle@guamlegislature.org'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'chris.budasi@guamlegislature.org'; 'jcamacho@senatorada.org'; 'Doreen Garcia'; 'Cyrus@senatorada.org'; 'Nicole Santos'; 'jennifer.lj.dulla@gmail.com'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'carlospguam@yahoo.com'; 'Chris Carillo'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'jeff manibusan'; 'Leslie Gatan'; 'oliviampalacios@gmail.com'; 'Coy Torres'; 'senatorsam'  
**Subject:** Public Hearing on 2/17/2011  
**Attachments:** 0217 Public Hearing 1st Notice (2).doc

Hafa Adai,

This is your 48 hour notice for the Committee on Youth, Cultural Affairs, General Government Operations, Procurement, and Public Broadcasting's public hearing on Thursday February 17<sup>th</sup> 2011. Attached is the memo... Thanks

Senseramente,

**Chris Carillo**  
**Office of the Vice-Speaker, Senator Benjamin J.F.Cruz**  
**Chairman, Committee on Youth, Cultural Affairs, Procurement,**  
**General Government Operations, and Public Broadcasting**

**I Mina'Trentai Unu na Liheslaturan Guåhan**  
**The 31st Guam Legislature**  
**155 Hesler Place**  
**Hagåtña, Guam 96910**  
**Phone: (671) 477-2520/1**  
**Fax: (671) 477-2522**  
**Web Address: <http://www.senatorbjcruz.com>**  
**E-mail: [chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)**

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**GOVERNMENT OF GUAM BEFORE THE COMMISSIONER OF BANKING & INSURANCE**

John Hancock Life Insurance Company  
and  
John Hancock Life Insurance Company (U.S.A.)  
Petitioners.

In the Matter of the Application for  
Merger of Petitioners,  
And John Hancock Life Insurance Company's Withdrawal and  
Permanent Discontinuance of the Transaction of Insurance  
Business in Guam Pursuant to Title 22 GCA §15113.  
Due to Merger

**NOTICE OF INTENTION TO EFFECT MERGER AND WITHDRAWAL**

Notice is hereby given that John Hancock Life Insurance Company, a Massachusetts Life Insurance Company with its home office at 601 Congress Street, Boston, MA 02110, merged with and into John Hancock Life Insurance Company (U.S.A.), a Michigan Life Insurer, effective as of December 31, 2009. John Hancock Life Insurance Company (U.S.A.) is the surviving company.

John Hancock Life Insurance Company will Withdraw and Permanently Discontinue the Transaction of Insurance Business in Guam.

All outstanding policies issued by John Hancock Life Insurance Company have been assumed through the Merger by John Hancock Life Insurance Company (U.S.A.).

All outstanding claims arising from any policies issued by John Hancock Life Insurance Company have been assumed through the Merger by John Hancock Life Insurance Company (U.S.A.).

All persons interested in this matter should write to John Hancock Life Insurance Company (U.S.A.), Office of the Corporate Secretary, at 601 Congress Street, Boston, MA 02110, or call 1-800-723-5543, or the Office of the Commissioner of Banking and Insurance at Barrigada, Guam at 671-635-1843/4576.

**NOTICE OF PUBLIC HEARING**

COMMITTEE ON YOUTH, CULTURAL AFFAIRS, GENERAL GOVERNMENT OPERATIONS, PROCUREMENT AND PUBLIC BROADCASTING

February 17, 2011 9:00 A.M.

Litlesaturo - Public Hearing Room - Hagatna Guam  
Vice Speaker Benjamin J.F. Cruz, Chairperson  
Senator Tina R. Muna-Barnes, Vice Chairperson

9:00 A.M.

**Bill No. 4-31(US)**-An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to 1 MF-8 certified firefighters of Aircraft Rescue and Fire Fighting Unit.

**Bill No. 12-31(COR)**-An act to amend § 5601(6), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated, to further define and expand its definition relative to the Public Official Financial Disclosure Act.

**Bill No. 18-31(COR)**-An act to repeal and reinsert 567101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfil the mandate of PL. 30-199 by providing for the establishment of the Guam Building Code Council.

**Bill No. 58-31(COR)**-An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language.

1:30 P.M.

**Bill No. 19-31(COR)**-An act to amend Section §105 of the Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

**Bill No. 48-31(COR)**-An act to add § 5231A, 5230 and §425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the 2009 American Recovery and Reinvestment Act.

**Bill No. 8-31(US)**-An act to add a new subarticle (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/antiaircraft personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

**Bill No. 64-31(COR)**-An act to add §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

If written testimonies are to be presented at the hearing, we request they be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hester Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to [christian@senatorbjfcruz.com](mailto:christian@senatorbjfcruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Garrett Guenas at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at [garrett@senatorbjfcruz.com](mailto:garrett@senatorbjfcruz.com).

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**Public Hearing for the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting**

February 17 2011

**Public Hearing Agenda**

9:00 AM - *I Liheslaturan Guahan* Public Hearing Room

Bill No. 8-31(LS) - (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

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Bill No. 4-31(LS) (Muña Barnes) - An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

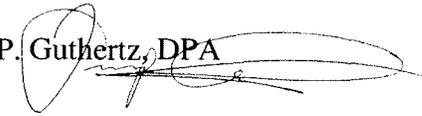
Bill No. 64-31(COR) - (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

I MINA TRENDAI UNU LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION

2011 JAN -3 AM 10:58 EDM

Bill No. 8-31(CS)

Introduced by:

Judith P. Guthertz, DPA  
  
\_\_\_\_\_

AN ACT TO ADD A NEW SUBITEM (E) TO § 3112(A)(16), OF CHAPTER 3, OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO LIFTING THE HIRING FREEZE OF MAINTENANCE AND CUSTODIAL/JANITORIAL PERSONNEL AT THE DEPARTMENT OF EDUCATION AND AUTHORIZING THE GUAM EDUCATION POLICY BOARD TO PERMIT IN-HOUSE MAINTENANCE, CUSTODIAL AND JANITORIAL SERVICES FOR FACILITIES MAINTENANCE SERVICES IN ALL DEPARTMENT OF EDUCATION SCHOOLS.

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

2           **Section 1.** Sub item (E) is hereby added to § 3112(a) (16) of Chapter 3 of Title 17, Guam  
3 Code Annotated.

4           “(E) The Board shall retain the option of employing in-house maintenance and custodial/  
5 janitorial services personnel in all Department of Education schools in lieu of maintenance and  
6 custodial/janitorial services contracts for facilities maintenance services if such action demonstrates  
7 such policy better supports the core mission and the upkeep of the facilities and grounds of  
8 Department of Education schools. The superintendent shall be authorized, as approved by the board,  
9 to hire maintenance and custodial/janitorial personnel.

10           **Section 2.** Funds originally budgeted for payment to private maintenance, custodial and  
11 janitorial services and operators shall be reprogrammed for this purpose.

12           **Section 3.** This provision shall take effect upon enactment.”