



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor of Guam*

November 23, 2011

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

31-11-1142  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 11/28/11  
Time 2:08 PM  
Received by OS

Dear Madame Speaker:

Transmitted herewith is Bill No. 330-31 (COR) "AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO *MAGALAHÍ'S* REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT", which was enacted into law without the signature of *I Maga'lahan Guåhan*. The legislation is now designated as **Public Law 31-154**.

*Senseramente,*

**EDDIE BAZA CALVO**

*D  
wyle & nax/be/11*

Attachment: copy of Bill

1142

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

**Bill No. 330-31 (COR)**

As amended.

Introduced by:

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

**AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO *MAGALAHÍ'S* REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that *I*  
3 *Maga'lahi* has initiated efforts to reorganize our government, by way of issuing  
4 general notices of proposed layoffs to certain agencies, and moving forward with  
5 consolidation of the agencies that deal with land matters in Guam, specifically the

**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 Bill No. 330-31 (COR), "AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO I MAGALAHÍ'S REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT," was on the 8<sup>th</sup> day of November, 2011, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

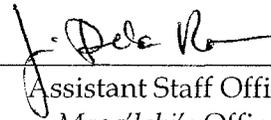
Attested:



Tina Rose Muña Barnes  
Legislative Secretary

-----

This Act was received by *I Maga'lahaen Guåhan* this 9<sup>th</sup> day of Nov., 2011, at  
4:25 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

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

Date: **NOV 21 2011**

Public Law No. 31-154

1 Department of Land Management, the *Chamorro* Land Trust Commission, and the  
2 Ancestral Lands Commission.

3 It is the intent of *I Liheslatura* that all budgetary savings and cost avoidances  
4 resulting from these and future actions of *I Maga'lahi* relative to government  
5 reorganization, must be identified and *shall* be used for purposes supporting the  
6 reduction of the government of Guam's General Fund deficit.

7 **Section 2. De-appropriation of Budgetary Savings or Cost Avoidances**  
8 **from Reorganization.** Notwithstanding any other provision of law, funds from  
9 any and all budgetary savings or cost avoidances realized through the actions of *I*  
10 *Maga'lahi* relative to the reorganization of the various executive branch agencies  
11 of the government of Guam pursuant to §1422c(c) of the Organic Act of Guam,  
12 *shall* be deemed de-appropriated immediately upon the exercise of *I Maga'lahi's*  
13 action, or upon the date, or dates certain, which may be specified in *I Maga'lahi's*  
14 action.

15 **Section 3. Reporting Requirements.** *I Maga'lahi shall* submit a  
16 quarterly report to *I Liheslatura* identifying the budgetary savings or cost  
17 avoidances realized through any reorganization actions.

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 11/08/11

## VOTING SHEET

Bill No. 330-31(COR)

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

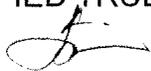
Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
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

15

CERTIFIED TRUE AND CORRECT:



\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



the People

# I Mina'trentai Una Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 27 2011

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

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

*Rory J. Respicio*

**RE: Committee Report on Bill No. 330-31 (COR), As Introduced**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 330-31 (COR), As introduced, "An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to *I Maga'lahaen's* Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit", sponsored by Senator Rory Respicio, which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 3 TO PASS
- \_\_\_\_\_ NOT TO PASS
- 2 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

*330-31  
COR  
2011  
10/27*

*Si Yu'os Ma'åse'*

*Vicente (ben) Cabrera Pangelinan*  
Chairman

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

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

Website: <http://senbenp.com>

**COMMITTEE REPORT  
ON**

**Bill No. 330-31 (COR), As Introduced  
Sponsored by Senator Rory Respicio**

**An Act to require that budgetary savings  
or cost avoidances realized within any  
General Fund Budget Appropriation for  
any Executive Branch Agency due to *I  
Maga'laha*n's Reorganization of the  
government, be used for the purpose of  
reducing the government of Guam's  
General Fund Deficit**



# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 27 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. 330-31 (COR), As Introduced**

Transmitted herewith for your consideration is the Committee Report on Bill No. 330-31 (COR), As Introduced, "An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to *I Maga'lahaen's* Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit" sponsored by Senator Rory Respicio.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.330-31 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Fiscal Note
7. Copy of COR referral Bill No.330-31 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

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

*Si Yu'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

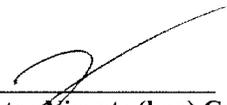
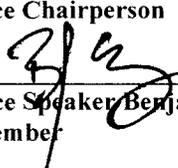
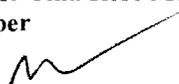
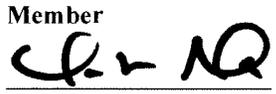
Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

*I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN*

**Committee Voting Sheet**

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

Bill No. 330-31 (COR), As Introduced, An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to *I Maga'lahaen's* Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
Speaker Judith T. Won Pat, Ed.D Vice Chairperson					
 Vice Speaker Benjamin J. F. Cruz Member	10/27/11 ✓				
Senator Tina Rose Muña-Barnes Member					
 Senator Judith P. Guthertz Member	W				
Senator Dennis Rodriguez, Jr. Member					
 Senator V. Anthony Ada Member			11/27/11		
 Senator Christopher M. Duenas Member			10/27/11 ✓		
Senator Mana Silva Taijeron Member					



the People

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  
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Member  
Committee on  
Municipal Affairs,  
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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 Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 330-31 (COR), As Introduced: "An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to *I Maga'laha*'s Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit"

### I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on October 19, 2011 at 5:30 pm in *I Liheslatura*'s public hearing room.

#### Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on October 12, 2011 (5-Day Notice), and again on October 17, 2010 (48 Hour Notice).

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

Senator Vicente (ben) Cabrera Pangelinan, Chairman  
Senator Tina Muna Barnes, Member  
Senator V. Anthony Ada, Member  
Senator Rory Respicio  
Senator Frank Blas

#### (b) Appearing before the Committee

Mr. Arthur Clark, Chief Policy Advisor of Governor Edward Calvo

#### (c) Written Testimonies Submitted

Ms. Benita Manglona, Director for the Department of Administration

## II. COMMITTEE PROCEEDINGS

### (a) Bill Sponsor Summary

**Chairman Pangelinan.** Thank you very much, Ladies and Gentlemen. We are now convening this public hearing by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land on the matter of three proposed legislation to be addressed by the body and by this Committee. Bill No. 344, 329, 330 and 343. We would like to thank my colleagues that have joined me: Senator Respicio, Senator Tony Ada, Senator Blas and Senator Muna Barnes.

The next item on agenda is Bill No. 330-31, “An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to *I Maga’lahen’s* Reorganization of the government, be used for the purpose of reducing the government of Guam’s General Fund Deficit”

We are fortunate to have the author of the legislation and we will give him an opportunity to present his legislative intent behind the bill.

**Senator Rory Respicio.** Thank you, Mr. Chairman. I have a prepared sponsor statement, which I will submit to you. But, just very quickly the genesis behind the bill, Mr. Chairman and colleagues is – every single member of this legislature is following what the Governor has done over the last ten months and some of us, quite honestly are perplexed. In this last budget process we have seen the Governor ask us to trust him and adopt his revenue projects and I believe the budget that we passed were based on his own revenue estimates that were vetted through the Office of Finance & Budget and the Special Accounting Services group and the Special Economic group. Following that, Mr. Chair we have also seen that now that the Governor got what he asked for, in terms of the revenue projections, very recently he instituted a 15% reserve. On top of that, he is moving forward with reorganizing certain departments and agencies. What Bill No. 330 does, it basically provides for some kind of honesty and transparency.

If in fact the Governor has moved to reorganize, for example the Department of Land Management and claims that there is a \$200,000 savings or cost avoidance, that money has to be captured and recognized some how and this mechanism in Bill No. 330 will provide for these kinds of cost savings or cost avoidances to be de-appropriated. So, when we see a shrinkage in one department of agency, there should be a corresponding decrease in the overall cost of the government of Guam. We have also seen over the years and I have also been very perplexed that both branches of government, the Judicial and the Legislature has been receiving significant budget cuts, but yet with all due respect, Mr. Clark the Governor’s office appropriation as well as the appropriation of the executive branch have increased beyond the organic growth. We recognize that certain things have to be paid, for example increments. Every time the Governor presents his budget to the Legislature, you are going to see those kinds of increases. But, the increases that the executive branch have been receiving go beyond these kinds of organic growth.

In recognizing the budget that we just passed, that the Governor signed into law and his move to want to reorganize or right size the government, it doesn't make sense if the Governor is allowed to move forward without having a de-appropriation mechanism so that we don't see the shell game being played where some agencies are made to suffer while other agencies may see a growth. This bill provides for a mechanism, including a reporting requirement that the Governor submit quarterly to the Legislature identifying budgetary savings or cost avoidances realized through any reorganization actions.

If this bill were to be passed and signed into law or enacted some how, maybe through an override, the Governor would have to provide the reporting requirement. It also provides a mechanism for the Governor, at any time to come back and request for supplemental budgets because of the de-appropriation, if he has to get authorization in other areas, he can do that at any time in the year. So, this is what this bill does.

**Chairman Pangelinan.** Thank you very much, Senator Respicio.

We received testimony from the Department of Administration on Bill No. 330-31. Because of the nature and the subject matter, she included testimony on the same letter on Bill No. 345, which is basically similar in nature in terms of their intentions. Mr. Clark, you can testify on the two.

#### **(b) Testimonies**

**Mr. Arthur Clark.** I didn't come here prepared to offer direct testimony on either of the two bills. I came here to advise the Committee that in addition to the testimony submitted by the Department of Administration that there will be additional testimony that will be provided by the Administration. As you have mentioned, since Bill No. 330 and Bill No. 345 deal with the same subject matter that likely both bills will be addressed in the same testimony. Part of the reason for the delay in being able to have the testimony available this evening is the fact that some of the fiscal team members were in San Francisco all of last week as we were meeting with the bond rating agencies. I came here specifically to deliver the testimony that was prepared by Ms. Benita Manglona. Just to advise the Committee that additional testimony is forthcoming.

**Chairman Pangelinan.** Very briefly, Bill No. 345 also would set aside and de-appropriate the savings identified into a special fund that is to account for and receive the savings identified by any reorganization plan and would subject the expenditure of those savings to additional appropriation by the Legislature. The intent is that any savings would go towards paying prior obligations and reduction of outstanding obligations of the government of Guam, not for any new programs or expenditures.. Very similar in terms of intent {to that of Bill No.330). Maybe just a little different in terms of approach. Those are the issues that are being presented in Bill No. 330 and Bill No. 345.

**Mr. Arthur Clark.** I appreciate you both highlighting purposes behind both and drawing from the distinction.

**Senator Rory Respicio.** While we are not discussing anything specific to government finances, just the mechanism to capture these savings or cost avoidances, I wonder if it would be appropriate to ask, since the Governor instituted the 15% reserve, even to the Department of Education, which he said he wouldn't do and then saw the letter that Senator Pangelinan wrote to the Governor asking him to reconsider his position, is there any move by the Governor to ask the Legislature to revisit his revenue projections?

**Mr. Arthur Clark.** I am not prepared to answer that question this evening.

**Senator Rory Respicio.** Maybe that is a discussion that you might ask the Governor to start having with this fiscal policy team because if in fact he is asking that the appropriated levels be withheld by 15%, then shouldn't he request that the Legislature revise the revenue projection and recommend to the Legislature and to the Committee on Appropriations, specifically which areas does he plan on cutting.

**Mr. Arthur Clark.** I will take that recommendation back to the Governor.

**Senator Rory Respicio.** But, logically if follows, right? If you think you are going to get 15% less in what you told the Legislature to trust that we will, if we are not getting that so early in the fiscal year, why isn't he reducing the appropriation level? Because my fear is, you see that the Administration is withholding 15% of the appropriation and he has this transfer authority that theoretically he can take and fund other programs and services that may be underfunded. I am also concerned that we see an Administration that has been too aggressive to want to convert to a cash basis. The government of Guam or any government does not operate on a cash basis. It's based on projections and cash management. But, the Governor wants to take this deficit and resolve it in one year. It's okay to recognize that, but at what consequence. Right now, a lot of employees are fearful that they are going to lose their job through reorganization where there are no plans in terms of definitive positions that will be impacted. Meanwhile, the overall organizational culture of the government of Guam is one of fear. We ask that you advise the Governor, please proceed with caution.

**Mr. Arthur Clark.** I will take that suggestion back to the Governor. Thank you, Senator.

**Chairman Pangelinan.** Any additional comments? If not, the public hearing on Bill No. 330 and 345 is now concluded. We thank everyone for their presence and testimony this evening. We will keep the record open to receive any additional public testimony on all bills that were before the Committee tonight. You can send it to our Committee in care of the Legislature at Hesler St, or at our office on Marine Drive or our website, [senbenp.com](http://senbenp.com)

Thank you and *Si Yu'os Ma'ase* and we are officially adjourned.

### **III. FINDINGS & RECOMMENDATIONS**

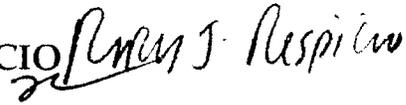
The Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 330-31 (COR), As Introduced, with the recommendation To PASS.

2011 REGULAR SESSION  
MAR 31 11:29 AM

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

Bill No. 330-31(COR)

Introduced by:

R. J. RESPICIO 

T.C. ADA

B.J.F. CRUZ 

J.P. GUTHERTZ, DPA 

A.B. PALACIOS, SR. 

AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO *I MAGALAHIS* REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. *I Liheslatura* finds that *I*  
3 *Maga'lahi* has initiated efforts to reorganize our government, by way of  
4 issuing general notices of proposed layoffs to certain agencies, and moving  
5 forward with consolidation of the agencies that deal with land matters in  
6 Guam, specifically the Department of Land Management, the Chamorro  
7 Land Trust Commission, and the Ancestral Lands Commission.

8 It is the intent of *I Liheslatura* that all budgetary savings and cost  
9 avoidances resulting from these and future actions of *I Maga'lahi* relative to  
10 government reorganization, must be identified and *shall* be used for

1 purposes supporting the reduction of the Government of Guam's General  
2 Fund deficit.

3       **Section 2. De-appropriation of Budgetary Savings or Cost**  
4 **Avoidances from Reorganization.** Notwithstanding any other provision  
5 of law, funding for any and all budgetary savings or cost avoidances  
6 realized through the actions of *I Maga'lahi* relative to the reorganization of  
7 the various executive branch agencies of the Government of Guam  
8 pursuant to §1422c.(c) of the Organic Act of Guam, shall be deemed de-  
9 appropriated immediately upon the exercise of *I Maga'lahi's* action, or upon  
10 the date, or dates certain, which may be specified in *I Maga'lahi's* action.

11       **Section 3. Reporting Requirements.** *I Maga'lahi* shall submit a  
12 quarterly report to *I Liheslatura* identifying the budgetary savings or cost  
13 avoidances realized through any reorganization actions.



**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**

Wednesday, October 19, 2011

**Bill No. 344-31 (COR) / 330 / 345**

**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Arthur Clark	Governor's Office	475-9370	arthur.clark @guam.gov	✓	✓		No

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



Eddie Baza Calvo  
Governor  
Ray Tenorio  
Lieutenant Governor

**Government of Guam**  
(Gubetnomention Guahan)  
**Department of Administration**  
(Dipattamenton Atmenestration)  
Post Office Box 884 Hagatña, Guam 96932  
Tel: (671) 475-1101/1250 \* Fax: (671) 477-6788



Benita A. Manglona  
Director  
George A. Santos  
Deputy Director

October 19, 2011

The Honorable Vicente C. Pangelinan  
Chairman, Committee on Appropriations, Taxation  
Banking, Insurance, Retirement & Land  
I Mina' trentaí Unu Na Liheslaturan Guahan  
324 W. Soledad Avenue, Suite 100  
Hagatña, Guam 96910

Buenas yan Hafa Adai Senator Pangelinan:

Thank you for the opportunity to comment on Bill No. 330-31(COR): "An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to I Maga'lahen's Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit"; and Bill No. 345-31 "Government of Guam Reorganization Accountability and Transparency Act and to establish a Reorganization Accountability and Transparency Fund".

#### **Bill No. 330-31**

The administration supports the intent of Bill No. 330-31 as it is in line with the purpose and objective of the Governor's reorganization plan to streamline government expenditures without jeopardizing government services. It is only fiscally responsible, and the right thing to do that the savings generated from these reorganized agencies be utilized to reduce the deficit. Government expenditures have grown faster than the revenues it generates. As a result, the general fund deficit continues to escalate. This government cannot continue on this path of deficit spending. Any action we can take to reduce the deficit will be the prudent thing to do in light of the unpaid tax refunds, unpaid vendor payables, and other unmet financial obligations.

It is recommended that Section 2 of the bill include a provision stating that any savings realized as a result of the reorganization shall be used to reduce the general fund deficit and shall not be used to fund new expenditures or appropriations.

**Bill No. 345-31**

On the other hand, Bill No. 345-31 will require the government to identify all organizational savings and report those savings back to the Legislature for approval. The legislature finds that its approval is needed prior to implementation of any reorganization initiative. This bill further

purports that all savings be de-appropriated from the agency's budget and be deposited into the Reorganization Accountability and Transparency (RAT) Fund for further appropriation.

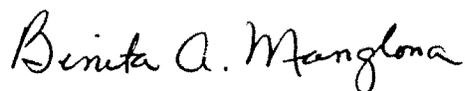
This bill attempts to contradict the purpose of the reorganization to right-size the government and to ensure that operations continue within the budgeted amount. The reorganization objective is to stream line operations and promote efficiency throughout the government. It is doing more for less, thus, living within our means. For the last three fiscal years, this government has had budget deficits. The impact of the reorganization will directly decrease the potential increase in the deficit during the year. However, this bill will not achieve this purpose.

The savings from the reorganization should further not be viewed as a cash savings for re-appropriation. In the event the projected revenue for FY 2012 is not realized, and the reorganization savings is re-appropriated for whatever other reasons, the net impact will be an increase in the deficit. This is definitely not fiscal responsibility. On the contrary, if the realized reorganization savings is not re-appropriated, the deficit will be reduced or the potential increase will be minimized. This is being fiscally responsible.

Lastly, the RAT Fund will be expensive and cumbersome to administer. Additionally, the process will be subject to the difficulties and retrospective review that will be performed through the audit process. With the already exhaustive litany of mandates, reporting requirements and the many bank accounts, the RAT Fund account will only contribute to the workload of an already overburdened Department of Administration.

If you have any questions or need further clarification, please feel free to contact me.

Senseramente,



Benita A. Manglona

Director

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN  
AFFAIRS; AND HUMAN & NATURAL RESOURCES



*I Minã'trentai Unu na Libeslaturan Guãhan*  
**THIRTY-FIRST GUAM LEGISLATURE**

October 19, 2011

**The Honorable vicente c. pangelinan**  
Chairperson  
Committee on Appropriations, Taxation,  
Public Debt, Banking, insurance Retirement and Land  
Suite 101, Quan Building  
324 W. Soledad Ave.  
Hagåtña, Guam 96910

**Re: Sponsor's Statement on Bill No. 330-31(COR)**

Hafa Adai Mr. Chairman:

Thank you for the opportunity for public consideration of Bill No. 330-31 (COR). Bill 330, if enacted, would mandate that all budgetary savings or cost avoidances realized by any reorganization actions taken by the governor be immediately de-appropriated, therefore reducing the General Fund deficit.

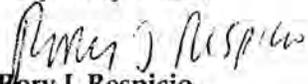
We must ensure that any savings or cost avoidance claimed by this Administration, through its efforts, be captured as true savings and not reported as savings and then transferred to fund other executive branch operations. This bill provides the legal mechanism to ensure that the governor will not be able to transfer any savings to other departments and agencies, and that these savings are applied to reduce the deficit.

The governor will still be able to make transfers to other departments or agencies from the current appropriated levels, using his transfer authority, however, should this bill become law, the governor will not be able to arbitrarily spend these savings elsewhere. Any savings or cost avoidances, in most cases because of GovGuam's perennial deficit, should be used to shrink the operating cost of that affected department or agency, and should also result in a corresponding decrease in the overall operating budget for the entire government. It would not make sense for some entities to lose their funding in the name of saving only to see the money used to increase the budgets of other departments or agencies.

Bill No. 330-31 (COR) would also require the governor to submit a quarterly report to the legislature detailing the savings or cost avoidances identified through any reorganization actions taken.

*Si Yu'os Ma'ase'* for the opportunity to present this statement. I respectfully request that you incorporate this into the Committee Report on Bill 330.

Very Truly Yours,

  
**Rory J. Respicio**

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 330-31 (COR)**

**AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO IMAGALAHI'S REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> All Executive Line Departments / Agencies	<b>Dept./Agency Head:</b> All Departments / Agency Heads
<b>Department's General Fund (GF) appropriation(s) to date:</b>	580,610,698
<b>Department's Other Fund (Specify) appropriation(s) to date:</b>	140,878,911
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$721,489,609</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$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 2012 (If applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>1/</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 /X/ 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 /X/ 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 / / No  
/ / Requested agency comments not received by due date / / Other: \_\_\_\_\_

Analyst: William P. Faltinglong Date: 10/7/11 Director: Ryan A. Rios Date: 10/7/11  
 William P. Faltinglong, BMA Supervisor Ryan A. Rios, Acting Director

**Comments:**  
 1. Bill 330-31 (COR) will negatively impact the operations of those departments and agencies identified for reorganization as part of the budgetary and cost reduction efforts implemented. Specifically, the proposed automatic de-appropriation under Section 2 of any budgetary cost savings in certain operational expenses will not allow for: 1) the departments and agencies to use such savings to address anticipated shortfalls on other operational areas; 2) the usage of such savings to possibly pay any existing prior year obligations of the affected departments and agencies; and 3) the use of the cost savings to address any unfunded mandates.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
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2011 OCT -5  
M 11:16

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

October 5, 2011

## MEMORANDUM

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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

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

### MAJORITY MEMBERS:

Speaker  
Judith T. Won Pat

From: **Senator Rory J. Respicio**

Vice Speaker  
Benjamin J. F. Cruz

Subject: **Referral of Bill Nos. 326-31(COR) through 336-31 (COR)**

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 326-31 (COR) through 336-31 (COR).

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

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

Senator  
Thomas C. Ada

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

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

*Si Yu'os Ma'åse!*

### MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

(6) Attachment

Senator  
Christopher M. Duenas

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**October 04, 2011**

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
329-31 (COR)	R.J. Respicio, T.C. Ada	AN ACT TO AMEND §71501 OF ARTICLE 5, CHAPTER 71, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INSURANCE REQUIREMENTS FOR PRIVATE SECURITY ORGANIZATIONS.	10/04/11 3:49 p.m.	10/5/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			
330-31 (COR)	R. J. Respicio T.C. Ada B.J.F. Cruz J.P. Guthertz, DPA A.B. Palacios, Sr.	AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO / <i>MAGALAHÍ'S</i> REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT	10/04/11 3:49 p.m	10/5/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			

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Public Hearing - FIRST NOTICE

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Hafa Adai,
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing beginning at 5:30pm on Wednesday, October 19, 2011. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Metkoles, gi diha 19 gi Oktubre, 2011 (Wednesday, October 19, 2011)

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

TAREHA (AGENDA)

media ora para alas sais gi pipuengi (5:30 PM)

Priniponi Siba (Bills)

Bill No. 344-31 (COR): An Act to Amend §24102(a) and §24102(f) and §24103 of Article 1 Chapter 24 Division 2 of Title 11 Guam Code Annotated and to Amend §24401 of Article 4 Chapter 24 Division 2 of Title 11 Guam Code Annotated and to Amend §75112(i) of Chapter 75 of Title 21 Guam Code Annotated Relative to Chamorro Land Trust Properties.

Bill No. 329-31 (COR): An Act to Amend §71501 of Article 5, Chapter 71, Title 10, Guam Code Annotated, Relative to Insurance requirements for private security organizations.

Bill No. 330-31 (COR): An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to I Maga'laha's Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit

Bill No. 345-31 (COR): An Act to Add a Chapter 11A to Division 1 of Title 5 of the Guam Code Annotated, Relative to establishing the "Government of Guam Reorganization Accountability and Transparency Act" and to establish a Reorganization Accountability and Transparency Fund.

Yanggen un nisista espesial na senbision, put labor agang i Hfisinan Simadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisista kopian i priniponi siba ginea este na tareha, halom gi i uepsnit i Liheslaturan Guåhan gi www.guamlegislature.com. Yanggen para un na halom testigu-ma, chule' para i Hfisinan-mamani gi 324 West Soledad Avenue gi iya Hagåtña, put guatto gi i Kuátton Katta gi i Liheslatura, put faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na outisio mapási un i fendon gubernamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

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# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

October 12, 2011

## Memorandum

To: 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 **5:30pm, Wednesday, October 19, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

**Bill No. 344-31 (COR): An Act to Amend §24102(a) and §24102(f) and §24103 of Article 1 Chapter 24 Division 2 of Title 11 Guam Code Annotated and to Amend §24401 of Article 4 Chapter 24 Division 2 of Title 11 Guam Code Annotated and to Amend §75112(i) of Chapter 75 of Title 21 Guam Code Annotated Relative to Chamorro Land Trust Properties.**

**Bill No. 329-31 (COR): An Act to Amend §71501 of Article 5, Chapter 71, Title 10, Guam Code Annotated, Relative to insurance requirements for private security organizations.**

**Bill No. 330-31 (COR): An Act to require that budgetary savings or cost avoidances realized within any General Fund Budget Appropriation for any Executive Branch Agency due to *I Maga'laha*'s Reorganization of the government, be used for the purpose of reducing the government of Guam's General Fund Deficit.**

**Bill No. 345-31 (COR): An Act to Add a Chapter 11A to Division 1 of Title 5 of the Guam Code Annotated, Relative to establishing the "Government of Guam Reorganization Accountability and Transparency Act" and to establish a Reorganization Accountability and Transparency Fund.**

Yanggen un nisisita espesiál na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guåhan gi [www.guamlegislature.com](http://www.guamlegislature.com). Yanggen para un na'hálom testigu-mu, chule' para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuaatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Éste na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)

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

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Hafa Adai,  
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing beginning at 5:30pm on Wednesday, October 19, 2011. The agenda is as follows:

### INEKUNGOK PUPBLEKO (PUBLIC HEARING)

*gi Metkoles, gi diha 19 gi Oktubre, 2011*  
(Wednesday, October 19, 2011)

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

#### TAREHA (AGENDA)

*media ora para alas sais gi pipuengi*  
(5:30 PM)

#### Priiponit Siba (Bills)

Bill No. 344-31 (COR): An Act to Amend §24102(a) and §24102(f) and §24103 of Article 1 Chapter 24 Division 2 of Title 11 Guam Code Annotated and to Amend §24401 of Article 4 Chapter 24 Division 2 of Title 11 Guam Code Annotated and to Amend §75112(i) of Chapter 75 of Title 21 Guam Code Annotated Relative to Chamorro Land Trust Properties

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Hafa Adai,  
 Senator Vicente (ben) Cabrera Pangellinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing beginning at 5:30pm on Wednesday, October 19, 2011. The agenda is as follows:

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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

October 17, 2011

Memorandum

To: 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 **5:30pm, Wednesday, October 19, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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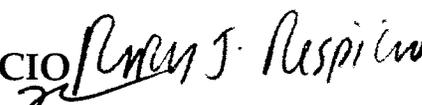
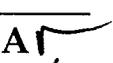
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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION

Bill No. 330-31(COR)

Introduced by:

R. J. RESPICIO   
T.C. ADA  
B.J.F. CRUZ   
J.P. GUTHERTZ, DPA   
A.B. PALACIOS, SR. 

AN ACT TO REQUIRE THAT BUDGETARY SAVINGS OR COST AVOIDANCES REALIZED WITHIN ANY GENERAL FUND BUDGET APPROPRIATION FOR ANY EXECUTIVE BRANCH AGENCY DUE TO I MAGALAHI'S REORGANIZATION OF THE GOVERNMENT, BE USED FOR THE PURPOSE OF REDUCING THE GOVERNMENT OF GUAM'S GENERAL FUND DEFICIT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. *I Liheslatura* finds that *I*  
3 *Maga'lahi* has initiated efforts to reorganize our government, by way of  
4 issuing general notices of proposed layoffs to certain agencies, and moving  
5 forward with consolidation of the agencies that deal with land matters in  
6 Guam, specifically the Department of Land Management, the Chamorro  
7 Land Trust Commission, and the Ancestral Lands Commission.

8 It is the intent of *I Liheslatura* that all budgetary savings and cost  
9 avoidances resulting from these and future actions of *I Maga'lahi* relative to  
10 government reorganization, must be identified and *shall* be used for

1 purposes supporting the reduction of the Government of Guam's General  
2 Fund deficit.

3 **Section 2. De-appropriation of Budgetary Savings or Cost**

4 **Avoidances from Reorganization.** Notwithstanding any other provision

5 of law, funding for any and all budgetary savings or cost avoidances

6 realized through the actions of *I Maga'lahi* relative to the reorganization of

7 the various executive branch agencies of the Government of Guam

8 pursuant to §1422c.(c) of the Organic Act of Guam, shall be deemed de-

9 appropriated immediately upon the exercise of *I Maga'lahi's* action, or upon

10 the date, or dates certain, which may be specified in *I Maga'lahi's* action.

11 **Section 3. Reporting Requirements.** *I Maga'lahi* shall submit a

12 quarterly report to *I Liheslatura* identifying the budgetary savings or cost

13 avoidances realized through any reorganization actions.