

MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

BILL NO. 66 (EC)
INTRODUCED BY:

F. B. AGUON, JR. 

AN ACT RELATIVE TO REQUIRING THE PROPER RESTORATION OF ROADWAYS AND HIGHWAYS THAT ARE PARTIALLY DAMAGED DUE TO CONSTRUCTION WORK TO THEIR PRE-CONSTRUCTION CONDITION BY THE CONTRACTOR PRIOR TO THE FULL DISBURSEMENT OF PUBLIC CONSTRUCTION FUNDS FOR SUCH PROJECTS, AND EMPOWERING GUAM'S VILLAGE MAYORS TO CERTIFY THE COMPLETION AND PROPER RE-SURFACING OF THE ROADWAY OR HIGHWAY TO ITS PREVIOUS CONDITION.

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

2 **Section 1. Legislative Findings/Intent.**

3 I Liheslaturan Guahan finds that many of Guam's roads continue to
4 be destroyed by contractors or government of Guam agencies while trying
5 to repair underground waterlines, sewage lines or other utility
6 requirements. Although there exist requirements that such roads/highways
7 be restored to the condition it was in prior to the construction work, in
8 many instances this has not been the case, and the repair work conducted
9 in these minor areas has resulted in poor road conditions, affecting
10 vehicles, i.e. tire damage, alignment problems, etc. In some cases, the
11 repair work on the roads has led to serious safety concerns, at times

1 causing people to swerve away from the repaired road area, and nearly
2 causing accidents.

3 It is therefore the intent of I Liheslaturan Guahan to insure that any
4 construction work conducted on Guam's roadways and highways, due to
5 repairs of underground utilities, lines, or for other purposes, that such
6 roads are returned to their pre-construction condition, and properly re-
7 surfaced with asphalt. Thus insuring that the people of Guam no longer
8 have to be concerned about vehicle safety or endure unnecessary
9 inconvenience due to minor roadway patches that are not completely or
10 properly repaired.

11 **Section 2. Requirement for the Proper Restoration of Guam's**
12 **Roadways to Pre-Construction Conditions Prior to Complete Release of**
13 **Public Construction Funds, and Empowering Mayors in the Process.**

14 The Government of Guam, which include any and all government
15 agencies or instrumentalities, shall henceforth be required to withhold five
16 percent (5%) of any funds for specific projects that require the destruction
17 of any of Guam's primary or secondary roadways or highways for the
18 purposes of addressing utility repairs, expansions, or other work. Such
19 funds shall be withheld until such time that the roadway or highway is
20 appropriately repaired to pre-construction condition.

21 The Mayors of each village shall be empowered to certify the proper
22 completion or resurfacing of the roadway or highway as required herein,
23 and shall provide such written certification to the Department of Public

1 Works or to the contracting government of Guam agency within five (5)
2 working days of the request for certification. The retention of the
3 aforementioned construction funds shall then be immediately released by
4 the contracting government of Guam agency, in accordance with applicable
5 rules, regulations and mandates.

6 **Section 3. Severability Clause.**

7 If any provision of this Act or its application to any person or
8 circumstances is held invalid, the invalidity shall not affect other
9 provisions or applications of this Act which can be given effect without the
10 invalid provision or application, and to this end the provisions of this Act
11 are severable.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

August 15, 2006

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 66 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 66 (EC)**: "An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

5 TO PASS
0 NOT TO PASS
0 TO REPORT OUT ONLY
0 ABSTAIN
0 INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

P.L. 28-149

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report- BILL No. 66 (EC): "An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition".

Transmitted herewith for your information and action is the report on BILL No. 66 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. BILL No. 66 (EC)
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES



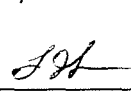
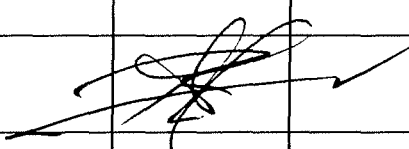

Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
155 HESLER PLACE, HAGÅTNA, GUAM 96910

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓				
Lawrence F. Kasperbauer, Ph.D.		X				
Jesse A. Lujan						
Ray Tenorio		✓				
Michael Cruz, M.D.						
Lou A. Leon Guerrero						
Judith T. Won Pat, Ed.D.		✓				
Benjamin J.F. Cruz						

POF-1
11/3/06

POF-2
12/19/06

POF-3
12/20/06

12/27/06 Introduced
38
FEB 18 2005

**MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION**

**BILL NO. 66 (EC)
INTRODUCED BY:**

F. B. AGUON, JR.

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7 be restored to the condition it was in prior to the construction work, in
8 many instances this has not been the case, and the repair work conducted
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22 completion or resurfacing of the roadway or highway as required herein,
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8 circumstances is held invalid, the invalidity shall not affect other
9 provisions or applications of this Act which can be given effect without the
10 invalid provision or application, and to this end the provisions of this Act
11 are severable.

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON GENERAL & OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT
ON
BILL NO. 66 (EC)**

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9:00 a.m. on September 01, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on August 25 and August 29, 2005 and posted in the Government Meetings Section in the August 31, 2005 edition of the PDN.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Senator Lawrence F. Kasperbauer, Ph.D., Member
Senator Jesse A. Lujan, Member
Senator Ray Tenorio, Member
Senator Judith T. Won Pat, Member
Senator Benjamin J. F. Cruz, Member
Vice Speaker Joanne M.S. Brown
Senator Robert Klitzkie
Senator Adolpho B. Palacios, Sr.
Senator Rory J. Respicio

II. SUMMARY OF TESTIMONY

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

Marc Gagarin, Chief Engineer, Rights of Way, Department of Public Works, Oral testimony Against of Bill No. 66. Mr. Gagarin said that he believes the five percent mark, in reference to the first part of the bill, is too low and that it currently cost the government sixty percent on the construction. He said Department of Public Works is not responsible for the inspection of the repairs. He said that there are consultants and inspectors contracted by those excavating or digging up the roadways who are liable for the completion of the roadway repairs. Mr. Gagarin said that there are standards are enforced in repairing the roads. He also said that a contractor hired by a utility company to repair a trench can temporarily do patchwork on a road, but that DPW will require that the contractor hired by the utility company complete a permanent repair on the road. He said that in emergency situations, a permanent repair is not required immediately thereafter.

Nito Blas, Mayor, Mangilao, oral testimony in support of Bill No. 66. Mayor Blas said that he needs to be provided with a checklist for inspection when there is a road repair done in his village. He said the mayors need to watch out for repairs done by those excavating the roads and to “clean up the process” to ensure that repairs are done right.

Robert Lizama, Mayor, Yigo, oral testimony in support of Bill No. 66. Mayor Lizama said the term “destruction” used in Section 2 of the bill was too strong of a word and that the word should be replaced with the appropriate term “excavation”. He cited a project were a contractor excavated a roadway in his village and the contractor failed to meet the requirements for repair. He said he does not want to have repeated repairs on the same excavated road when the road could be done correctly if it were inspected and certified as a “permanent fix”.

John Blas, Executive Director, Mayor's Council of Guam, oral testimony in support of Bill No. 66. Mr. Blas briefly said he was present to offer support for the mayors.

Discussion:

Speaker Forbes asked Mr. Gagarin of his thoughts on GWA posting a bond for repairs or construction on roadways. Mr. Gagarin said that it would be preferable if GWA did post a bond. Speaker Forbes asked Mr. Gagarin if DPW is working on getting GWA to pay for the repairs and if they have a list of potholes identified for repairs. Mr. Gagarin said that the CCU has been given a list of potholes identified for repairs and that DPW has yet to see action from the CCU in response- specifically funding for the repairs.

Senator Kasperbauer inquired about the cost of the road repairs. Mr. Gagarin said that funding for the repairs are based on the contract's cost.

Speaker Forbes asked Mr. Gagarin if DPW has objections to the mayor's being empowered? Mr. Gagarin said yes and he was concerned about the mayor's empowerment in regards to roadway repairs. He said the language in the bill should be clarified to avoid future disputes about its authority over these matters.

Senator Won Pat, in reference to the powers of the Mayors over road repairs, briefly remarked that the word "empower" be re-written to "shall be required". She suggested that DPW conduct seminars with the mayors to be informed and educated on the process and to know what to certify off on as a complete project.

Senator Tenorio was concerned about the warranty of such road projects and the possible deterioration of roads due to faulty construction. He asked Mr. Gagarin the financial loss amount if such a situation occurs and a project needs to be re-done? Mr. Gagarin said the amount would be approximately one hundred fifty thousand (\$150,000) dollars. Senator Tenorio said that he would like to see a warranty period for any road repairs as a result of utility excavations, citing that he is aware of too many roadway projects recurring due to a project not done right, causing DPW to put out more money to have the job redone correctly. Mayor Lizama interjected by saying that a two year warranty is too long and the insurance is too expensive for the company who is liable for the repairs. Mayor Lizama said that every project must have a bond and that the bond be returned to the contractor after the project has been certified and completed.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 66 would insure that roads that are excavated for utility repairs and or construction are rebuilt and resurface to its pre-construction state. The committee further finds that many accidents have occurred along Guam's roadways as a result of a driver's diversion to avoid bumps, dips or potholes along Guam's roads and has presented a expense burden on the many taxpayers and victims of these accidents. The committee finds that our resident's are unnecessarily burdened with increasing cost on their car insurance for auto repairs and/ or damages resulting from the poor conditions of Guam's roads and are also challenged with maintaining good driving skills in a poorly constructed road filled with bumps, dips and potholes. The committee further finds that this measure will make those excavating the roads accountable for its repairs.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 66 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL No. 66 (EC)**, “An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.”

IV. PUBLIC HEARING AGENDA

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing
Thursday, September 01, 2005, 9:00 a.m.

The following appointments will be heard:

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

The following Bills will be heard by the Committee on General & Omnibus Matters:

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 75 (EC) - by Ray Tenorio

An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Bill No. 96 (EC) - by J. T. Won Pat

An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch.

Bill No. 104 (LS) - by J. A. Lujan

An Act To Establish Strict Accountability For Adverse Effects On Personal Health And Environmental Quality As A Result Of New Landfill Facility Construction, Operation, Closing And Monitoring.

Bill No. 105 (LS) - by J. A. Lujan

An Act To Affirm Public Responsibility For Real Property Valuation Lost As A Result Of Landfill Construction And Operation.

Bill No. 125 (EC) - by E. J. B. Calvo

An Act Authorizing I Maga'láhen Guáhan To Exchange A Portion Of Government Land Within Lot Number 10120-R16, Municipality Of Dededo, With Lot Number 5400-R6, Municipality Of Mangilao, On A Value For Value Basis To Address The Protective Buffer Zone Requirements For The Department Of Corrections Pursuant To Public Law 17-54.

Bill No. 132 (EC) - by A. B. Palacios

An Act To Add Article 2 To Chapter 30 Of Title 5 Of The Guam Code Annotated, Relative To Creating The "Independent Counsel Act Of 2005."

Bill No. 139 (EC) - by R. J. Respicio

An Act To Create A Recycling Enterprise Zone At The Jose D. Leon Guerrero Commercial Port.

Bill No. 152 (LS) - By F. B. Aguon, Jr.

An Act Relative To Providing Additional Representation And Support To The People In The Villages Of Yigo And Mangilao At The Municipal Level Through The Establishment Of A Vice-Mayor Position For Each Of These Villages, In Recognition Of The Growing Resident Population In These Areas As The Second And Fourth Most Heavily Populated Villages In Guam And To Address The Corresponding Increasing Needs Of Its Residents; Thus Amending §§40101, Chapter 40, Division 4, Title 5, Guam Code Annotated.

Bill No. 170 (EC) - by Committee on Calendar, request of I Maga'láhen Guåhan the Governor of Guam in accordance with the Organic Act of Guam

An Act To Authorize The Lease For An Education Facility On Lot Marbo Base Command "B"-4, Approve The Request For Proposal And Reservation Of Funds For The Same.

**Committee on General & Omnibus Matters, and
Executive Committee**

Public Hearing
September 01, 2005
9:00 a.m..

I Liheslaturan Guahan, Hagåtña

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
<i>Robert S. Lizama</i>	<i>Yigo Mayor's Office</i>	✓		✓		

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
<i>Jose Chandy</i>	<i>self</i>	✓	CANCELLED	✓		<i>8281215</i>
<i>Verente Mendez</i>	<i>"</i>	✓	CANCELLED	✓		<i>8282556</i>

Bill No. 66 (EC) - by F. B. Aguon Jr.

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NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
<i>MARC GAGARIN</i>	<i>DPW</i>	✓			✓	<i>646 3126</i>
<i>MARCO RIZO B. VAS</i>	<i>MUNICIPAL</i>	✓				



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 66 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 66.

MARK FORBES
Speaker and Chairman,
Committee on General and Omnibus Matters



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

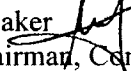
155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

August 25, 2005

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

FROM: Speaker 
Chairman, Committee on General & Omnibus Matters, and
Executive Committee

SUBJECT: Notice of Public Hearing- **Thursday, September 01, 2005**

Please be informed that I have scheduled a public hearing on Thursday, September 01, 2005, 9:00 a.m., at the Public Hearing Room, Temporary Legislative Building, on the following appointments and bills:

The following appointments and bills will be heard;

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

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Bill No. 75 (EC) - by Ray Tenorio

An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Bill No. 96 (EC) - by J. T. Won Pat

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The 28th Guam Legislature

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Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

August 29, 2005

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

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Transmission Report

Date/Time
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8-25-05; 4:23PM
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Guam Legislature

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I Mina' Bente Ocho Na Liheslaturan Guahan
The 26th Guam Legislature

155 Heeler Place
Hagatna, Guam 96910
Office (871) 472-3409 • Fax (871) 472-3510

Speaker Mark Forbes

FACSIMILE

Date: August 25, 2005 **Time:**
Fax No.: 477-3079 **No. of Pages:**
To: PDN Government Meetings
From: The Office of Speaker Mark Forbes
Re: Public Hearing Notice- Thursday, September 01, 2005
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Friday, August 26 and Saturday, August 27, 2005 to read:

"Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Thursday, September 01, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatna, Guam.

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Rebecca Ann Ducmas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

Bill No. 66 (EC) - by P. B. Agon Jr.
An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 75 (EC) - by Ray Teodoro
An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	960	pdn	8-25-05; 4:21PM	1'45"	2 / 2	EC		CP 12.0

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

FACSIMILE

Date: August 29, 2005

Time:

Fax No.: 477-3079

No. of Pages:

To: PDN Government Meetings

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- Thursday, September 01, 2005

Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Tuesday, August 30, Wednesday, August 31 and Thursday, September 01, 2005 to read:

“Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Thursday, September 01, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatna, Guam.

The following appointments and bills will be heard:

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

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Activity Report

Date/Time
Local ID
Local Name
Company Logo

8-29-05;10:14AM
4723510
Guam Legislature

Calling **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	14	clerks	8-26-05;10:38AM	1'11"	2/ 2	EC		CP 12.0
2	21	sen frank aguon	2:16PM	27"	-/ 4	BC		0536
3	21	vice spkr brown	2:17PM	6'16"	4/ 4	EC	BC	CP 7200
4	21	sen calvo	2:23PM	1'43"	4/ 4	EC	BC	CP 21.6
5	21	sen bj cruz	2:26PM	2'12"	4/ 4	EC	BC	CP 24.0
6	21	sen m cruz	2:28PM	1'08"	1/ 4	EC	BC	0513 28.8
7	21	sen kasperbauer	2:30PM	2'17"	4/ 4	EC	BC	CP 14.4
8	21	sen leon guerrero	2:32PM	2'34"	4/ 4	EC	BC	CP 12.0
9	21	lujann	2:35PM	0"	-/ 4	BC		056D
10	21	sen palacios	2:36PM	1'51"	4/ 4	EC	BC	CP 19.2
11	21	sen respecto	2:38PM	3'00"	4/ 4	G3	BC	CP 12.0
12	21	sen tenorio	2:42PM	6'14"	4/ 4	G3	BC	0223 4800 2.4
13	21	sen unpingco	2:48PM	2'50"	4/ 4	EC	BC	CP 9600
14	21	sen won pat	2:51PM	0"	-/ 4	BC		056D
15	21	sen frank aguon	2:53PM	1'42"	4/ 4	EC	RE	CP 28.8
16	21	sen m cruz	2:55PM	0"	1/ 4	RE		056D
17	23	pdn	2:57PM	2'47"	4/ 4	EC	BC	CP 9600
18	23	marianas variety	3:01PM	2'42"	4/ 4	EC	BC	CP 12.0
19	23	kuam	3:05PM	1'56"	4/ 4	EC	BC	CP 14.4
20	23	hit radio	3:08PM	1'40"	4/ 4	EC	BC	CP 28.8
21	21	klitzkie	3:10PM	0"	-/ 4	BC		056A
22	23	guam business	3:12PM	0"	-/ 4	BC		056D
23	23	power ninty eight	3:19PM	0"	-/ 4	BC		056D
24	23	k stereo/kish	3:29PM	0"	-/ 4	BC		056B
25	23	world radio	3:30PM	0"	-/ 4	BC		056A
26	23	family radio	3:30PM	0"	-/ 4	BC		056B
27	23	kprg	3:31PM	0"	-/ 4	BC		056B
28	23	riene steffy	3:31PM	0"	-/ 4	BC		056B
29	24	pdn	3:32PM	1'52"	3/ 3	EC		CP 14.4
30	28	DPW	3:34PM	36"	1/ 1	EC		CP 26.4
31	29	96479224	3:35PM	1'08"	1/ 1	EC		CP 14.4
32	30	94727951	3:36PM	1'06"	1/ 1	EC		CP 24.0
33	31	94774826	3:38PM	45"	1/ 1	EC		CP 16.8
34	32	96462335	3:39PM	29"	1/ 1	EC		CP 28.8
35	33	94779402	3:40PM	30"	1/ 1	EC		CP 26.4
36	34	94770883	3:41PM	29"	1/ 1	EC		CP 28.8
37	35	94737024	3:41PM	1'08"	1/ 1	G3		CP 9600
38	36	94772689	3:43PM	60"	1/ 1	EC		CP 12.0
39	37	94725003	3:44PM	25"	1/ 1	EC		CP 28.8
40	41	97344130	3:46PM	1'17"	1/ 1	EC		CP 9600
41	39	GUAM ATTY GEN'L	3:48PM	59"	1/ 1	EC		CP 9600
42	38	94778777	3:49PM	0"	-/ 1			056D
43	42	96469403	3:50PM	44"	1/ 1	EC		CP 24.0
44	43	96440010	3:52PM	35"	1/ 1	EC		CP 24.0
45	79	DPW	4:09PM	34"	1/ 1	EC		CP 28.8
46	81	947787777	4:13PM	1'18"	1/ 1	G3		0223 9600 1
47	85	94778777	4:20PM	1'57"	1/ 1	G3		0223 4800 1
48	92	klitzkie	8-29-05; 9:15AM	0"	-/ 1			056B

Total 79

** Called **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	12	6716497766	8-26-05;10:01AM	1'14"	1	EC		CP 7200
2	17	4775984	10:51AM	60"	1	EC		CP 21.6
3	19	4775984	10:54AM	56"	1	EC		CP 21.6
4	77	671 4778082	3:55PM	4'11"	2	EC		CP 12.0
5	88	6714775637	8-28-05; 3:00PM	2'23"	1	G3		CP 4800
6	90	6716478860	11:23PM	3'20"	1	EC		CP 21.6

Total 7

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

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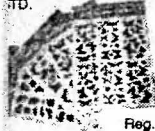
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LOCAL

LOCAL NEWS

Wildlife refuge closed on Labor Day

The Guam National Wildlife Refuge, Ritidian Unit, will be closed to the public on Monday in observance of the federal Labor Day holiday, a statement from the refuge said. The refuge will resume regular hours of operation of 8:30 a.m. to 4 p.m., seven days a week, on Tuesday, the statement added.

Pacific Collection closed on Fridays

The University of Guam's Richard F. Taitano Micronesian Area Research Center's Pacific Collection will be closed on Fridays, according to a UOG statement. Call 735-2150 for more information.

Pacific Daily News

GOVERNMENT MEETINGS

Aug. 31

Guam Housing Corp. board of directors' regular meeting: 3 p.m. Aug. 31, GHC conference room, Suite 535, ITC Building, Tamuning. For special accommodations, call 647-4143, ext. 140.

Guam Parole Board regular hearing: 8:30 a.m. Aug. 31, Parole Services Division, 404 East Sunset Blvd., Tiyan. Call 473-7001/7005.

Sept. 1

A.B. Won Pat Guam International Airport Authority board of directors regular meeting: 3 p.m. Sept. 1, terminal conference room 3, Tamuning. Agenda copies available during meeting; parking is available in the public parking lot. For special accommodations, call 646-0300.

Committee on General and Omnibus Matters public hearing: Public hearing 9 a.m. Sept. 1, Legislature's public hearing room, Hagåtña. Appointments of Antonio M. Palomo and Rebecca Ann Duenas as members. Guam Historic Preservation Review Board; and Mark Zhao, member, Guam Real Estate Commission.

▲ Bill 66, requiring proper restoration of roadways and highways that are partially damaged due to construction work to their preconstruction condition by the contractor prior to the full disbursement of public construction funds for such projects, and empowering Guam's village mayors to certify completion and proper resurfacing of roadway/highway to its previous condition;

▲ Bill 75, relative to the term of office of the Public Auditor;

▲ Bill 96, relative to establishing an ethics in government program for elected officials and any person who is appointed as board or commission member, director, deputy director, or by whatever title denotes the head and first assistant of a government of Guam agency, department, public corporation, authority, or any other entity of the executive

ON THE NET

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branch;

▲ Bill 104, establishing strict accountability for adverse effects on personal health and environmental quality as a result of new landfill facility construction, operation, closing and monitoring;

▲ Bill 105, affirming public responsibility for real property valuation lost as a result of landfill construction and operation;

▲ Bill 125, authorizing the governor to exchange a portion of government land within Lot 10120-R16, Dededo, with Lot 5400-R6, Mangilao, on a value-for-value basis to address the protective buffer zone requirements for the Department of Corrections;

▲ Bill 132, relative to creating the Independent Counsel Act of 2005;

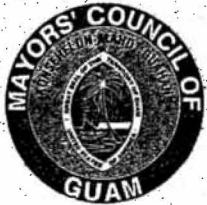
▲ Bill 139, to create a recycling enterprise zone at the Jose D. Leon Guerrero Commercial Port;

▲ Bill 152, to provide additional representation and support to residents of Yigo and Mangilao at the municipal level through the establishment of a vice mayor position for these villages;

▲ Bill 170, authorizing the lease for an education facility at Marbo base command B-4, and approve request for proposal and reservation of funds for same, requested by the governor. Call 472-3409.

Workers Compensation Commission, Department of Labor, meeting: 6:30 p.m. Sept. 1, third floor, GCIC Building, Hagåtña. Agenda copies available at commission's office. For special accommodations, call 475-7033.

Pacific Daily News, Wednesday, August 31, 2005 guampdn.com



MUNICIPALITY OF AGANA HEIGHTS
Mayors' Council of Guam

Honshelon Mahoi Guahan

P.O. Box 786 Agana, Guam 96932

April 28, 2005

Speaker Mark Forbes
Chairman Committee on General
and Omnibus Matters
28th Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Mr. Chairman and members of the Committee, Buena's and a warm Hafa Adai. As Mayor of the Municipality of Agana Heights and President of the Mayor's Council of Guam.

I wish to submit my testimony in favor of Bill No: 66 (E.C.) now before the Committee. For too long, our roads have become a major obstacle course detrimental to safety and the cause of vehicle damages. If I may, perhaps the bill can be amended to include "sidewalks, curbs and gutters damaged and or destroyed by road construction and that the contractor shall give a 120 days warranty on the work performed to insure that the work performed are completely or properly repaired." The proposed amendment will address damaged government properties, which includes sidewalk, curbs and gutters that would otherwise be left untouched.

Our job as village Mayor's embraces a rout of services to our community. While certifying the proper completion or resurfacing of the roadway or highway may come as an added responsibility, we do accept this necessary task. No one is more concern about the roads condition in our villages then the Mayor's after all we get complaints by our constituents almost on a daily bases.

I look forward to the speedy enactment of this Bill into law.

PAUL M. MCDONALD
Mayor, Municipality of Agana Heights
President of the Mayor Council of Guam



OFFICE OF THE MAYOR

Office: (671) 472-8285/8286/6393 Fax: (671) 472-6124



MUNICIPALITY OF SINAJANA
MAYORS' COUNCIL OF GUAM
Konshelon Mahot Guahan

Roke B. Blas
Mayor

Robert R.C. Hofmann
Vice Mayor

P.O. Box 786 Hagatna, Guam 96932

April 26, 2005

The Honorable Mark Forbes
Speaker
28th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

Buenas yan Hafa Adai! We are writing to show our support for Bill No. 66. The 2,853 residents of Sinajana applaud Sen. Aguon's efforts in this regard as well as the 28th Guam Legislatures efforts to repair the potholes on roadways. We are however concerned of the financial capability of our already cash strapped utility agencies to repair the potholes. Will this bill hinder the response time and be faced with the choice repair or repair can wait due to lack of funding for cover material? As long as we both can remember, these utility agencies have found it difficult to find funds to pay for the repairs to the roadways.

In general though, this measure is a step in the right direction and has our support. We stand ready to support any measure that will ensure that the safety of residents and passers by. We especially want to thank the legislative branch for including the mayor's in the process of certification. Many times the mayor's offices get inundated with requests to repair potholes created by this government and with a lack of funding, we cannot repair them ourselves so by allowing us to provide some answers to future projects, this will certainly stop the guessing and passing of blame of when it will get done. *Si Yu'os Ma'ase!*

Senseramente,


ROKE B. BLAS
MAYOR


ROBERT HOFMANN
VICE MAYOR