

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 141 (EC)

Introduced by:

L.F. Kasperbauer *Lfk*

**AN ACT TO AMEND SECTION 10 OF CHAPTER V OF
PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4,
GUAM CODE ANNOTATED RELATIVE TO ALLOWING
FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME
AND LIMITED-TERM SCHOOL BUS DRIVERS.**

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

2 **Section 1.** Section 10 of Chapter V of Public Law 27-29 is hereby *amended*
3 read:

4 **“Section 10. Limited Term Appointment Moratorium.** Notwithstanding the
5 provisions of §4103 of Title 4 of the Guam Code Annotated, or any other provision of
6 law, no person may be employed on a temporary or limited-term basis by any
7 instrumentality of the government of Guam during the Fiscal Year, *except* for the
8 following:

- 9 (1) teachers and on-call substitutes (within staffing pattern funding
10 levels);
- 11 (2) attorneys at the Department of Law (within staffing pattern funding
12 levels);
- 13 (3) nurses and doctors (within staffing pattern funding levels);
- 14 (4) temporary survey workers employed by the Department of Labor for
15 the purpose of conducting employment surveys (within staffing pattern funding
16 levels);

1 (5) licensed healthcare professional ancillary service personnel employed
2 at the Guam Memorial Hospital Authority (“GMHA”), the Department of Mental
3 Health and Substance Abuse (“DMHSA”) and the Department of Public Health
4 and Social Services (“DPHSS”) (within staffing pattern funding levels);

5 (6) Academic personnel positions for the University of Guam (“UOG”)
6 and the Guam Community College (“GCC”) within their appropriated funding
7 level;

8 (7) (a) Temporary Solid Waste Technicians employed by the Division of
9 Solid Waste Management of the Department of Public Works (“DPW”) for
10 the purpose of collecting residential solid waste;

11 (b) Such sums as are necessary are hereby appropriated from the
12 Solid Waste Operations Fund to fund the temporary positions contained in
13 this Section; *and*

14 (8) Federally funded positions (matching and One Hundred percent
15 (100%).

16 (9) Substitute, part-time, and limited-term school bus drivers.

17 *No more than* seven (7) days after the hiring of any individual subject to the
18 exceptions contained in this Section, the head of the government instrumentality where
19 such hiring has occurred shall report in writing such hiring to the Speaker of *I*
20 *Liheslaturan Guåhan.*

21 **Section 2.** Section 8121 of Chapter 8 of title 4, Guam Code is hereby *amended*
22 read:

23 **“§8121. Same. Suspension of Annuity Payment.**

24 (a) A retired member who subsequently becomes an employee eligible for
25 membership under § 8106 of this Title prior to January 1, 1999 shall, upon becoming so
26 employed, have that member's right to receive payment of that member's annuity

1 suspended for the duration of that member's employment, but all other rights pertaining
2 to that member's annuity provided by this Article, including automatic increases
3 therein, shall be retained by that member. The provisions of this Section shall not be
4 applicable to any person employed by the Department of Education in Guam schools,
5 such as a substitute teacher; classroom teacher; guidance counselor; health counselor;
6 or certified, registered and/or licensed health professional, including, but not limited to,
7 physical therapists, occupational therapists, speech therapists, audiologists, speech
8 pathologists, speech clinicians, physicians, physician assistants, nurses or
9 psychologists; when such critical need arises; provided, that such person(s) occupies a
10 position for which no other qualified/certified applicant was available, and that such
11 employment shall be on a school-year basis, subject to the provisions of Items (d) and
12 (e) of this Section.

13 The provisions of this Section shall not be applicable to any certified, registered
14 or licensed health care professional, or ancillary service personnel employed by the
15 Guam Memorial Hospital Authority, the Department of Mental Health and Substance
16 Abuse and the Department of Public Health and Social Services; provided, that such
17 person occupies a position for which no other qualified applicants were available, and
18 provided that such employment is procured on an annual basis, subject to the provisions
19 of Item (d) of this Section.

20 The provisions of this Section shall not be applicable to any substitute, part-time
21 or limited term school bus driver employed by the Department of Public Works
22 provided, that such person occupies a position for which no other qualified applicants
23 were available, and provided that such employment is procured on an annual basis,
24 subject to the provisions of Item (d) of this Section.

25 (b) A retired member who subsequently becomes an employee eligible for
26 membership under § 8106 of this Title on or after January 1, 1999 shall, upon becoming

1 so employed, have that member's right to receive payment of that member's annuity
2 suspended for the duration of that member's employment, and shall be ineligible for
3 readmission to the Defined Benefit Plan, but all other rights pertaining to that member's
4 annuity provided by this Article, including automatic increases therein, shall be retained
5 by that member; except, that the retired member shall forfeit any enhanced benefits for
6 which that member was eligible pursuant to the early retirement provisions of § 8121.1.

7 This Subsection shall not be construed to render a member ineligible for
8 participation in the Defined Contribution Retirement System or the Deferred
9 Compensation Program under Articles 2 and 3 of this Chapter, upon a retired member's
10 subsequent employment with the government of Guam.

11 (c) No employee voluntarily purchasing early retirement credit shall be rehired by
12 the government of Guam in any position, whether contractual or otherwise, for at least
13 three (3) years from the effective date of retirement, except for those exemptions listed
14 under Item (a). The Retirement Fund shall make all individuals who voluntarily apply
15 for early retirement credit aware that their purchase of such credit shall be construed as
16 a voluntary waiver of their right to re-employment or reinstatement for a period of at
17 least three (3) years.

18 (d) Any persons hired pursuant to the provisions of Item (a) of this Section who
19 are subsequently rehired for consecutive school years shall be exempt from the
20 requirements expected only of new employees, including, but not limited to, physical
21 examinations with the exception of proof of certification, as a condition of such rehire."



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

August 29, 2005

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Bill 141 (EC) - Committee Report

Mr. Speaker:

The Committee on Judiciary, Governmental Operations, and Reorganization, to which was referred **BILL 141 (EC), AN ACT TO AMEND SECTION 10 OF CHAPTER V OF PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME AND LIMITED-TERM SCHOOL BUS DRIVERS**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Transmitted herewith for your consideration and action is our committee report on the above subject matter. The Committee votes are as follows:

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

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely,

Bob
Senator Robert Klitzkie, Chairman

Committee on Judiciary, Governmental Operations & Reorganization



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

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August 24, 2005

Committee on Judiciary, Governmental Operations,
& Reorganization
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 141 (EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **BILL 141 (EC), AN ACT TO AMEND SECTION 10 OF CHAPTER V OF PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME AND LIMITED-TERM SCHOOL BUS DRIVERS**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Bob
Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations,
& Reorganization

OFFICE OF
SENATOR BENJAMIN J.F. CRUZ

DATE: 8-26-05
TIME: 2:00 PM
REC'D BY: CR



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 141 (EC)

AN ACT TO AMEND SECTION 10 OF CHAPTER V OF PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME AND LIMITED-TERM SCHOOL BUS DRIVERS.

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member						
Senator Jesse Lujan, Member		✓ 8/29/05				
Senator Adolpho Palacios, Member		✓				
Senator Larry Kasperbauer, Ph. D., Member		X				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 141 (EC)
As substituted by the
Committee on Judiciary,
Governmental Operations, &
Reorganization

Introduced by:

L.F. Kasperbauer

**AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF
PUBLIC LAW 27-106 AND §8121 OF CHAPTER 8 OF TITLE 4,
GUAM CODE ANNOTATED RELATIVE TO ALLOWING
FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME
AND LIMITED-TERM SCHOOL BUS DRIVERS.**

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

2 **Section 1.** Section 10 of Chapter VI of Public Law 27-106 is hereby *amended*
3 read:

4 **Section 10. Limited Term Appointment Moratorium.** Notwithstanding the
5 provisions of §4102 of Title 4 of the Guam Code Annotated, or any other provision of
6 law, *no* person may be employed on a temporary or limited-term basis by an
7 instrumentality of the government of Guam during the Fiscal Year, *except* for the
8 following:

- 9 (1) Teachers, school health counselors, and on-call substitutes (within staffing
10 pattern funding levels);
- 11 (2) Attorneys at the Department of Law (within staffing pattern funding levels);
- 12 (3) Nurses and doctors (within staffing pattern funding levels);
- 13 (4) Temporary survey workers employed by the Department of Labor for the
14 purpose of conducting employment surveys (within staffing pattern funding levels);
- 15 (5) Licensed healthcare professionals and ancillary service personnel employed
16 at the Guam Public School System, the Guam Memorial Hospital Authority, the

1 Health and Social Services (all within staffing pattern funding levels);

2 (6) Academic personnel positions at the University of Guam and the Guam
3 Community College (within their appropriated funding levels);

4 (7) (a) Temporary Solid Waste Technicians employed by the Division of
5 Solid Waste Management of the Department of Public Works for the purpose of
6 collecting residential solid waste;

7 Such sums as are necessary are hereby appropriated from the Solid Waste
8 Operations Fund to fund the temporary positions contained in this Section;

9 (8) Federally-funded positions (matching and up to one hundred percent
10 (100%)); and

11 (9) Temporary cafeteria services and facilities maintenance services workers
12 employed by the Guam Public School System *not to exceed* March 30, 2005
13 employment.

14 (10) Substitute, part-time, and limited-term school bus drivers.

15
16 **Section 2.** Section 8121 of Chapter 8 of title 4, Guam Code is hereby *amended*
17 read:

18 **“§8121. Same. Suspension of Annuity Payment.**

19 (a) A retired member who subsequently becomes an employee eligible for
20 membership under § 8106 of this Title prior to January 1, 1999 shall, upon becoming so
21 employed, have that member's right to receive payment of that member's annuity
22 suspended for the duration of that member's employment, but all other rights pertaining
23 to that member's annuity provided by this Article, including automatic increases therein,
24 shall be retained by that member. The provisions of this Section shall not be applicable
25 to any person employed by the Guam Public School System in Guam schools, such as a
26 substitute teacher; classroom teacher; guidance counselor; health counselor; or certified,
27 registered and/or licensed health professional, including, but not limited to, physical

1 such as a substitute teacher; classroom teacher; guidance counselor; health counselor;
2 or certified, registered and/or licensed health professional, including, but not limited to,
3 physical therapists, occupational therapists, speech therapists, audiologists, speech
4 pathologists, speech clinicians, physicians, physician assistants, nurses or
5 psychologists; when such critical need arises; provided, that such person(s) occupies a
6 position for which no other qualified/certified applicant was available, and that such
7 employment shall be on a school-year basis, subject to the provisions of Items (d) and
8 (e) of this Section.

9 The provisions of this Section shall not be applicable to any certified, registered
10 or licensed health care professional, or ancillary service personnel employed by the
11 Guam Memorial Hospital Authority, the Department of Mental Health and Substance
12 Abuse and the Department of Public Health and Social Services; provided, that such
13 person occupies a position for which no other qualified applicants were available, and
14 provided that such employment is procured on an annual basis, subject to the provisions
15 of Item (d) of this Section.

16 The provisions of this Section shall not be applicable to any substitute, part-time
17 or limited term school bus driver employed by the Department of Public Works
18 provided, that such person occupies a position for which no other qualified applicants
19 were available, and provided that such employment is procured on an annual basis,
20 subject to the provisions of Item (d) of this Section.

21 (b) A retired member who subsequently becomes an employee eligible for
22 membership under § 8106 of this Title on or after January 1, 1999 shall, upon becoming
23 so employed, have that member's right to receive payment of that member's annuity
24 suspended for the duration of that member's employment, and shall be ineligible for
25 readmission to the Defined Benefit Plan, but all other rights pertaining to that member's
26 annuity provided by this Article, including automatic increases therein, shall be retained

1 by that member; except, that the retired member shall forfeit any enhanced benefits for
2 which that member was eligible pursuant to the early retirement provisions of § 8121.1.

3 This Subsection shall not be construed to render a member ineligible for
4 participation in the Defined Contribution Retirement System or the Deferred
5 Compensation Program under Articles 2 and 3 of this Chapter, upon a retired member's
6 subsequent employment with the government of Guam.

7 (c) No employee voluntarily purchasing early retirement credit shall be rehired by
8 the government of Guam in any position, whether contractual or otherwise, for at least
9 three (3) years from the effective date of retirement, except for those exemptions listed
10 under Item (a). The Retirement Fund shall make all individuals who voluntarily apply
11 for early retirement credit aware that their purchase of such credit shall be construed as
12 a voluntary waiver of their right to re-employment or reinstatement for a period of at
13 least three (3) years.

14 (d) Any persons hired pursuant to the provisions of Item (a) of this Section who
15 are subsequently rehired for consecutive school years shall be exempt from the
16 requirements expected only of new employees, including, but not limited to, physical
17 examinations with the exception of proof of certification, as a condition of such rehire."

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 141 (EC)

Introduced by:

L.F. Kasperbauer

**AN ACT TO AMEND SECTION 10 OF CHAPTER V OF
PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4,
GUAM CODE ANNOTATED RELATIVE TO ALLOWING
FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME
AND LIMITED-TERM SCHOOL BUS DRIVERS.**

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

2 **Section 1.** Section 10 of Chapter V of Public Law 27-29 is hereby *amended*
3 read:

4 **“Section 10. Limited Term Appointment Moratorium.** Notwithstanding the
5 provisions of §4103 of Title 4 of the Guam Code Annotated, or any other provision of
6 law, no person may be employed on a temporary or limited-term basis by any
7 instrumentality of the government of Guam during the Fiscal Year, *except* for the
8 following:

- 9 (1) teachers and on-call substitutes (within staffing pattern funding
10 levels);
- 11 (2) attorneys at the Department of Law (within staffing pattern funding
12 levels);
- 13 (3) nurses and doctors (within staffing pattern funding levels);
- 14 (4) temporary survey workers employed by the Department of Labor for
15 the purpose of conducting employment surveys (within staffing pattern funding
16 levels);

1 (5) licensed healthcare professional ancillary service personnel employed
2 at the Guam Memorial Hospital Authority (“GMHA”), the Department of Mental
3 Health and Substance Abuse (“DMHSA”) and the Department of Public Health
4 and Social Services (“DPHSS”) (within staffing pattern funding levels);

5 (6) Academic personnel positions for the University of Guam (“UOG”) and the
6 Guam Community College (“GCC”) within their appropriated funding
7 level;

8 (7) (a) Temporary Solid Waste Technicians employed by the Division of
9 Solid Waste Management of the Department of Public Works (“DPW”) for
10 the purpose of collecting residential solid waste;

11 (b) Such sums as are necessary are hereby appropriated from the
12 Solid Waste Operations Fund to fund the temporary positions contained in
13 this Section; *and*

14 (8) Federally funded positions (matching and One Hundred percent
15 (100%).

16 (9) Substitute, part-time, and limited-term school bus drivers.

17 *No more than seven (7) days after the hiring of any individual subject to the*
18 *exceptions contained in this Section, the head of the government instrumentality where*
19 *such hiring has occurred shall report in writing such hiring to the Speaker of* *I*
20 *Liheslaturan Guåhan.*

21 **Section 2.** Section 8121 of Chapter 8 of title 4, Guam Code is hereby *amended*
22 read:

23 **“§8121. Same. Suspension of Annuity Payment.**

24 (a) A retired member who subsequently becomes an employee eligible for
25 membership under § 8106 of this Title prior to January 1, 1999 shall, upon becoming so
26 employed, have that member's right to receive payment of that member's annuity

1 suspended for the duration of that member's employment, but all other rights pertaining
2 to that member's annuity provided by this Article, including automatic increases
3 therein, shall be retained by that member. The provisions of this Section shall not be
4 applicable to any person employed by the Department of Education in Guam schools,
5 such as a substitute teacher; classroom teacher; guidance counselor; health counselor;
6 or certified, registered and/or licensed health professional, including, but not limited to,
7 physical therapists, occupational therapists, speech therapists, audiologists, speech
8 pathologists, speech clinicians, physicians, physician assistants, nurses or
9 psychologists; when such critical need arises; provided, that such person(s) occupies a
10 position for which no other qualified/certified applicant was available, and that such
11 employment shall be on a school-year basis, subject to the provisions of Items (d) ~~and~~
12 ~~(e)~~ of this Section.

13 The provisions of this Section shall not be applicable to any certified, registered
14 or licensed health care professional, or ancillary service personnel employed by the
15 Guam Memorial Hospital Authority, the Department of Mental Health and Substance
16 Abuse and the Department of Public Health and Social Services; provided, that such
17 person occupies a position for which no other qualified applicants were available, and
18 provided that such employment is procured on an annual basis, subject to the provisions
19 of Item (d) of this Section.

20 The provisions of this Section shall not be applicable to any substitute, part-time
21 or limited term school bus driver employed by the Department of Public Works
22 provided, that such person occupies a position for which no other qualified applicants
23 were available, and provided that such employment is procured on an annual basis,
24 subject to the provisions of Item (d) of this Section.

25 (b) A retired member who subsequently becomes an employee eligible for
26 membership under § 8106 of this Title on or after January 1, 1999 shall, upon becoming

1 so employed, have that member's right to receive payment of that member's annuity
2 suspended for the duration of that member's employment, and shall be ineligible for
3 readmission to the Defined Benefit Plan, but all other rights pertaining to that member's
4 annuity provided by this Article, including automatic increases therein, shall be retained
5 by that member; except, that the retired member shall forfeit any enhanced benefits for
6 which that member was eligible pursuant to the early retirement provisions of § 8121.1.

7 This Subsection shall not be construed to render a member ineligible for
8 participation in the Defined Contribution Retirement System or the Deferred
9 Compensation Program under Articles 2 and 3 of this Chapter, upon a retired member's
10 subsequent employment with the government of Guam.

11 (c) No employee voluntarily purchasing early retirement credit shall be rehired by
12 the government of Guam in any position, whether contractual or otherwise, for at least
13 three (3) years from the effective date of retirement, except for those exemptions listed
14 under Item (a). The Retirement Fund shall make all individuals who voluntarily apply
15 for early retirement credit aware that their purchase of such credit shall be construed as
16 a voluntary waiver of their right to re-employment or reinstatement for a period of at
17 least three (3) years.

18 (d) Any persons hired pursuant to the provisions of Item (a) of this Section who
19 are subsequently rehired for consecutive school years shall be exempt from the
20 requirements expected only of new employees, including, but not limited to, physical
21 examinations with the exception of proof of certification, as a condition of such rehire."

II Summary of Testimonies

Bill No. 141 (EC)

Mr. Larry Perez, Acting Director of the Department of Public Works (DPW), testified in support of the Bill. Joining Mr. Perez was **Mr. Frank Taitano**, Superintendent of Bus Operations, to assist in providing information to the Committee. Mr. Perez testified that the passage of the bill would enhance school busing by allowing DPW to obtain the human resources necessary to alleviate driver shortages and to cope with driver absenteeism. Mr. Taitano added that the minimum training to qualify for a bus driver position was a total of 280 hours of classroom, first aid and drivers training along with annual recertification.

Mr. Robert Koss, Director of Field Services for the Guam Federation of Teachers (GFT), testified in opposition of the Bill 141. He stated that the GFT represented bus drivers and that all bus drivers should be full-time classified employees subject to the benefits and protections of the merit system. He expressed concern that the passage of the Bill may lead to unfair hiring practices and violate the provisions of the GFT's collective bargaining agreement.

Remarks by Senators

Senator Robert Klitzkie. Senator Klitzkie asked Mr. Perez if he was familiar with the provisions of the GFT collective bargaining agreement and Mr. Perez acknowledged affirmatively. He took issue with some of the statements made by Mr. Koss to include that (1) he and all his senatorial colleagues were supporters of the merit system and (2) it was not possible for the legislature in passing a law to be guilty of an unfair labor practice

Senator Adolpho Palacios. Senator Palacios pointed out to Mr. Koss that the hiring authorization proposed in the Bill would only apply after DPW had exhausted all means to fully staff the bus operations division with classified employees.

Senator Larry Kasperbauer. Senator Kasperbauer disagreed with Mr. Koss by pointing out that he didn't believe that having a pool of full-time classified bus drivers on staff just to fill in when a regular driver is absent

from work would be the most efficient way of operating the division. He said substitute bus drivers are like substitute teachers, they would only report to work when someone is absent from work.

III Findings and Recommendations.

The Committee on Judiciary, Governmental Operations, & Reorganization finds that the Department of Public Works' (DPW) Bus Operations Division can operate more effectively if they are allowed to hire limited-term substitute bus drivers. Such authorization would give the division that same support that schools enjoy with the ability to use substitute teachers when a regular teacher is absent. The committee does not find that such an authorization would compromise the merit system and that the DPW acting director is aware of the provisions in the GFT contract that govern labor practices.

The Committee further finds that the citation referencing Section 10 of Chapter V Public Law 27-29 (FY2004 budget) is no longer applicable as to the current fiscal year and that such citation should reference the current budget in Public Law 27-107: Section 10 Chapter VI and thus incorporates such recommendation in a substitute Bill.

It is the recommendation of the Committee on Judiciary, Governmental Operations, & Reorganization that Substitute Bill No. 141 (EC) be reported out with the recommendation to DO PASS.



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

MINUTES

[Prepared by: Audrey Punzalan *6/22/2005 @ 1:51pm]

Date: June 21, 2005

Location: Guam Legislature – Public Hearing Room
155 Hesler Street Hagatna, Guam

***1:00pm Hearing**

] Called to order by Senator Robert Klitzkie, Chairman, at 1:00pm

Senators present:

Senator Robert Klitzkie, Chairman
Senator Adolpho Palacios, Member
Senator B.J. Cruz, Member
Senator Larry Kasperbauer, Member
Senator Ray Tenorio, Member

Bills on agenda: Bill 123 (EC); Bill 141 (EC); Bill 138 (EC) – continued from 5/23/2005

Bill 123 (EC) heard at 1:07pm

Testimony:

- **Paul Bassler**, Director of the Department of Agriculture, testified in support of Bill 123 (EC) at 1:07pm.
- **Benny San Nicolas**, Farmer of the Southern District of Inarajan & Chairman of the Southern Salt & Water Conservation District Board, testified in support of Bill 123 (EC) at 1:09pm.
- **Lee Yu din**, Dean of the College of Natural Applied Sciences (former College of Agriculture and Life Sciences) at the University of Guam, testified in support of Bill 123 (EC) at 1:10pm.
- **Ernie Wusstig**, Chairman of the Northern Salt and Water Conservation District Board & the Vice President of the Pacific Basin of Conservation Districts, testified in support of Bill 123 (EC) at 1:13pm.

*Questions and comments were presented to the panel by Senator Larry Kasperbauer, Senator Adolpho Palacios, and Senator Ray Tenorio.

Bill 141 (EC) was heard at 1:27pm

Testimony:

- Larry Perez, Acting Director of the Department of Public Works, testified in support of Bill 141 (EC) at 1:27pm. *Joining Perez was Frank Taitano, Superintendent of Bus Operations, to assist in providing information to the Committee.

- Robert Koss, Director of Field Services for the Guam Federation of Teachers, testified in opposition of Bill 141 (EC) at 1:30pm.

*Questions and comments were presented to the panel by Senator Robert Klitzkie, Senator Adolpho Palacios, and Senator Larry Kasperbauer.

Bill 138 (EC) was heard at 1:46pm

Testimony:

- Carol Buttler, Practitioner at Butler & Telford Butler, testified in opposition of Bill 138 (EC) at 1:46pm.
- Ron Moroni, Attorney of Tarpley & Moroni, testified in opposition of Bill 138 (EC) at 2:04pm.
- Mitch Thompson of Maher & Thompson, testified in support of Bill 138 (EC) at 2:18pm.
- Ted Christopher, Attorney with Cabot Law Office, testified on Bill 138 (EC) at 2:22pm and did not say whether his was in support or opposition of the bill.
- Stacy Cuasito, Secretary for the Law Office of Tarpley & Moroni, testified in opposition of Bill 138 (EC) at 2:25pm.

*Questions and comments were presented to the panel by Senator Robert Klitzkie, Senator B.J. Cruz, Senator Ray Tenorio, and Senator Adolpho Palacios.

***4:00pm Hearing**

Called to order by Senator Robert Klitzkie, Chairman, at 4:00pm

Senators present:

Senator Robert Klitzkie, Chairman
Senator Judith Won Pat
Senator Adolpho Palacios

Bills on agenda: Bill 92 (EC); Bill 102 (LS)

Bill 92 (EC) was heard at 4:00pm

Testimony: No people were present to testify on the bill.

Bill 102 (LS) was heard at 4:00pm

Testimony: No people were present to testify on the bill.

Bureau of Budget & Management Research
Fiscal Note of Bill No. 141 (EC)

Bill Title (Preamble): AN ACT TO AMEND SECTION 10 OF CHAPTER V OF PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME AND LIMITED-TERM SCHOOL BUS DRIVERS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Lawrence Perez, Acting Director
Department's General Fund (GF) appropriation(s) to date:	\$10,697,197
Department's Other Fund (specify): Guam Highway Fund/Solid Waste Fund appropriation(s) to date:	\$10,237,744
Total Department/Agency Appropriation(s) to date:	\$20,934,941

Fund Source Information of Proposed Appropriation			
	General Fund:	Other (specify):	Total:
FY 2005 Adopted Revenues	\$447,441,000	\$0	\$447,441,000
FY Appro. to P.L. _____	(\$448,014,817)	\$0	(\$448,014,817)
Sub-total:	(\$573,817)	\$0	(\$573,817)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$573,817)	\$0	(\$573,817)

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	\$645,000	\$198,462	\$645,000	\$645,000	\$645,000	\$645,000
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$645,000	\$198,462	\$645,000	\$645,000	\$645,000	\$645,000

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? \$ _____
3. Does the Bill establish a new program/agency? / / Yes /X/ No
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? / / Yes / / No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
 / / Requested agency comments not received by due date / / Other: _____

Analyst: _____/s/_____ Date: 6/9/05 Director: _____/s/_____ Date: 6/10/05
Joaquin R. Blaz **Carlos P. Bordallo**

Footnotes: Bill 141(EC) seeks to amend P.L. 27-29 and §8121 of Chapter 8 of Title 4, GCA, relative to the employment of substitute, part-time and limited-term school bus drivers. According to DPW, there are currently 144 full-time bus drivers. This Bill will allow for the continuous employment of 174 bus drivers, which is the minimum number needed. DPW estimates that it will cost approximately \$645,000 (Salaries/Benefits) to hire the additional 30 bus drivers on an annual basis. The hiring of bus drivers on a substitute, part-time or limited-term basis will ensure that there are enough drivers to meet DPW's operational requirements. It will also eliminate the need to fund increments for these positions. Section 2 of the Bill exempts retirees who are hired as substitute, part-time and limited-term school bus drivers from the suspension of annuity payments.



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

AGENDA

Tuesday, June 21, 2005

Guam Legislature: Public Hearing Room

1:00pm

Bill 123 (EC) AN ACT TO TRANSFER THE ADMINISTRATION OF SOIL AND WATER CONSERVATION PROGRAMS CONTAINED IN ARTICLE 5 OF CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED FROM THE DEPARTMENT OF AGRICULTURE TO THE UNIVERSITY OF GUAM.

Bill 141 (EC) AN ACT TO AMEND SECTION 10 OF CHAPTER V OF PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME AND LIMITED-TERM SCHOOL BUS DRIVERS.

Bill 138 (EC) AN ACT TO AMEND SECTION 8319 OF CHAPTER 8, ARTICLE 3 OF TITLE 19 OF THE GUAM CODE ANNOTATED TO COURT FINDINGS AS TO THE RESIDENCY OF ANY PARTY TO A DIVORCE OR DISSOLUTION OF MARRIAGE.

4:00pm

Bill 92 (EC) AN ACT TO RECRUIT AND RETAIN DEPARTMENT OF EDUCATION TEACHERS, BY ADDING A NEW CHAPTER 5C TO DIVISION 1 OF TITLE 17, GUAM CODE ANNOTATED.

BILL 102 (LS) AN ACT TO ADD NEW ARTICLE 3, CHAPTER 3, DIVISION 4, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF SCHOOL COMMUNITY BASED MANAGEMENT.

www.bobsoffice.org/judiciary

*Written testimony can be submitted via e-mail to judiciary@bobsoffice.org

Declaration Under Penalty of Perjury of Audreya Punzalan

- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on June 14, 2005 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on June 16, 2005 & June 20, 2005 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on June 6, 2005, June 14, 2005 & June 20, 2005
- 7.) I e-mailed notice to Speaker Forbes on June 6, 2005, June 14, 2005 & June 20, 2005 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature (www.guamlegislature.com), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on June 14, 2005 and June 20, 2005 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms).
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, Governmental Operations, and Reorganization, on May 31, 2005 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

Declaration Under Penalty of Perjury

6 GCA Section 306

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on June 24, 2005 on Guam by



Audreya "Audi" Punzalan

APPENDIX B: MEDIA E-MAIL LISTING

<p style="text-align: center;">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p style="text-align: center;">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradiio100.com KPRG (89.3 FM) – General Manager, kprg@kprg.org Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News –Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstonews@ite.net KISH (102.9 FM) – Jean Hudson, News Director, kstonews@ite.net</p>

APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman
 Speaker Mark Forbes, Ex-Officio
 Senator Jesse A. Lujan, Member
 Senator Larry Kasperbauer, Ph.D., Member
 Senator Ray Tenorio, Member
 Senator Benjamin J.F. Cruz, Member
 Senator Adolpho B. Palacios, Sr., Member

bob@bobsoffice.org
speakerforbes@yahoo.com
jal@netpci.net
lk4kids@ite.net
ray@raytenorio.com
cjbjcruz@ite.net
patrickcepeda@hotmail.com



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

NOTICE OF PUBLIC HEARING

A public hearing will be held on Tuesday, June 21, 2005 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

1:00pm

Bill 123 (EC) AN ACT TO TRANSFER THE ADMINISTRATION OF SOIL AND WATER CONSERVATION PROGRAMS CONTAINED IN ARTICLE 5 OF CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED FROM THE DEPARTMENT OF AGRICULTURE TO THE UNIVERSITY OF GUAM.

Bill 141 (EC) AN ACT TO AMEND SECTION 10 OF CHAPTER V OF PUBLIC LAW 27-29 AND §8121 OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING FOR THE EMPLOYMENT OF SUBSTITUTE, PART-TIME AND LIMITED-TERM SCHOOL BUS DRIVERS.

Bill 138 (EC) AN ACT TO AMEND SECTION 8319 OF CHAPTER 8, ARTICLE 3 OF TITLE 19 OF THE GUAM CODE ANNOTATED TO COURT FINDINGS AS TO THE RESIDENCY OF ANY PARTY TO A DIVORCE OR DISSOLUTION OF MARRIAGE.

4:00pm

Bill 92 (EC) AN ACT TO RECRUIT AND RETAIN DEPARTMENT OF EDUCATION TEACHERS, BY ADDING A NEW CHAPTER 5C TO DIVISION 1 OF TITLE 17, GUAM CODE ANNOTATED.

BILL 102 (LS) AN ACT TO ADD NEW ARTICLE 3, CHAPTER 3, DIVISION 4, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF SCHOOL COMMUNITY BASED MANAGEMENT.

For more information, please visit www.bobsoffice.org/judiciary.

*Written testimony can be submitted via e-mail to judiciary@bobsoffice.org.

For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.