



## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

July 8, 2011

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

Speaker

I Mina'trentai Unu Na Liheslaturan Guahan

155 Hesler Place

Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 196-31 (COR) As Substituted**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 196-31 (COR) – An act to add a new §54106 to Article 1, Chapter 54, Title 5, Guam Code Annotated requiring the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

Committee votes are as follows:

- 7   TO DO PASS  
  0   TO NOT PASS  
  0   TO REPORT OUT ONLY  
  0   TO ABSTAIN  
  0   TO PLACE IN INACTIVE FILE

*Si Yu'os ma'åse!*

Thomas C. Ada



**Senator Thomas C. Ada**

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

**COMMITTEE REPORT  
ON**

**BILL No. 196-31 (COR)**

**AN ACT TO ADD A NEW §54106 TO ARTICLE 1,  
CHAPTER 54, TITLE 5, GUAM CODE ANNOTATED  
REQUIRING THE DEPARTMENT OF PUBLIC WORKS  
(DPW) TO CONSIDER AND PERFORM, WHEN  
DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION  
WORK ON GUAM'S ROADS; AND TO REQUIRE THE  
INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR  
THE COST OF NIGHT TIME CONSTRUCTION, WHEN  
SOLICITING FOR CONTRACTS ON ROAD  
CONSTRUCTION PROJECTS**

**As Substituted by the  
Committee on Public Works,  
Transportation, Utilities and  
Veteran Affairs**




## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

July 8, 2011

### MEMORANDUM

To: **All Members**  
Committee on Public Works, Transportation, Utilities and Veterans Affairs

From: **Senator Thomas C. Ada**   
Committee Chairperson

Subject: **Committee Report on Bill No. 196-31 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 196-31 (COR) – An act to add a new §54106 to Article 1, Chapter 54, Title 5, Guam Code Annotated requiring the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 196-31 (COR)
- Copy of Bill No. 196-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 196-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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

*Si Yu'os ma'åse'!*



## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
 31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

### COMMITTEE VOTE SHEET

Bill 196-31 (COR) – An act to add a new §54106 to Article 1, Chapter 54, Title 5, Guam Code Annotated requiring the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson		✓ 7/8/11				
<b>SENATOR ADOLPHO B. PALACIOS, SR.</b> Vice Chairperson		✓ 7/8/11				
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member						
<b>SENATOR RORY J. RESPICIO</b> Member		✓ 7/8/11				
<b>SENATOR TINA ROSE MUÑA BARNES</b> Member						
<b>SENATOR DENNIS G. RODRIGUEZ, JR.</b> Member						
<b>SENATOR V. ANTHONY ADA</b> Minority Member		✓ 7/8/11				
<b>SENATOR ALINE A. YAMASHITA, PH.D.</b> Minority Member		✓ 7/8/11				
<b>SENATOR MANA SILVA TAIJERON</b> Minority Member		✓ 7/8/11				
<b>SENATOR CHRISTOPHER M. DUEÑAS</b> Minority Member		✓ 7/8/11				

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill 196-31 (COR) was introduced on May 12, 2011 by Senator Mana Silva Taijeron, and was subsequently referred by the Committee on Rules to the Committee on Public Works, Transportation, Utilities and Veterans Affairs on May 13, 2011.

The Committee on Public Works, Transportation, Utilities and Veterans Affairs convened a public hearing on Bill 196-31 (COR) on June 24, 2011 at 2:03 pm in *I Liheslatura's* Public Hearing Room, during which the subject of the feasibility of the Department of Public Works (DPW) to consider and perform, night time construction work on Guam's roads was discussed.

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on Friday, June 17, 2011 (5-Day Notice), and again on Wednesday, June 22, 2011 (48-Hour Notice).

#### Senators Present

Senator Thomas C. Ada	Committee Chairperson
Senator Adolpho B. Palacios, Sr.	Committee Vice-Chairperson
Vice Speaker Benjamin J. Cruz	Committee Member
Senator Mana Silva Taijeron	Committee Member
Senator Aline A. Yamashita, Ph.D.	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Dennis G. Rodriguez, Jr.	Committee Member
Senator Sam Mabini, Ph.D.	

#### Individuals Present

Ms. Joanne Brown, Director, Department of Public Works (*written testimony*)  
Mr. Carl Dominguez, Deputy Director, Department of Public Works (*oral testimony*)

### II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 2:03 pm.

**Senator Silva Taijeron:** Provides overview of Bill 196-31. States that the intent of the bill is to require the Department of Public Works to consider and perform, when deemed feasible, nighttime construction on Guam's roads and to include quotations or estimates for the cost of nighttime construction when soliciting for contracts on road construction projects. She also

states that the people of Guam are growing frustrated with the delays caused by the number of construction projects and offers the idea to have DPW consider nighttime road construction to speed up the process.

**Mr. Dominguez:** Mr. Dominguez is the Deputy Director at the Department of Public Works. Reads testimony on behalf of DPW Director Joanne Brown. He states that nighttime work is not as safe as daytime work because workers have reduced visibility and construction lights that are set up may blind motorists passing through. He goes on to state that workers, drivers, and pedestrians are less alert at night. Mr. Dominguez also states that nighttime work reduces the quality of construction. He further states that nighttime work would have an impact on the quality of life of residents and local businesses that are open through the night. Mr. Dominguez states that cost implications are difficult to estimate because of the lack of comparative data on Guam. Lastly, he states that the Department believes that it is not necessary to mandate something that it is already doing.

### **Question & Answer**

**Senator Silva Taijeron:** Informs DPW that this bill does not mandate nighttime road construction, but mandates an additional bid proposal to be submitted along with a quotation.

**Ms. Brown:** States that DPW is already taking these things into consideration. Ms. Brown further states that DPW does not appreciate the Legislature telling them to consider options that they are already considering.

**Senator Tony Ada:** Mentions that GPA works on underground power lines during the night, and asks if DPW was a part of that project.

**Ms. Brown:** States that if the autonomous agencies are doing those things independently, DPW would just need to require an approved encroachment permit.

**Senator Tony Ada:** Asks if DPW had the capability to do so, would they be able to find the same type of contractors that are able to carry out nighttime or 24-hour construction.

**Ms. Brown:** States that it depends on cost not capacity, and that laying a power line is different from excavating an entire roadway. Ms. Brown further states that Federal Highway will ultimately determine how much money per project it will grant DPW and that DPW does not have the unlimited funds to begin with.

**Senator Mabini:** Asks if DPW sees any potential projects that could be looked at for nighttime construction.

**Ms. Brown:** States that one potential project is the Hagåtña Bridge Project. States, however, that this would be a luxury and DPW does not have the unlimited funds to carry this out.

To conclude, she states that DPW is making sure that its contractors are doing the job. If they are not meeting the timelines they will be paying DPW damages for not beginning the projects. Ms. Brown further states that if DPW was not doing things right, then the Legislature can by all means call them in. Lastly, Ms. Brown states that these are things DPW takes in to consideration already.

**Senator Tom Ada:** The public hearing is deemed publicly heard and is adjourned at 4:40 pm.

### **III. FINDINGS AND RECOMMENDATIONS**

The Committee on Public Works, Transportation, Utilities and Veterans Affairs has substituted Bill No. 196-31 (COR) with the following change:

- Adds language “§54106 to Article 1, Chapter 54, Title 5, Guam Code Annotated”


The Committee on Public Works, Transportation, Utilities and Veterans Affairs hereby reports out Bill 196-31 (COR), As Substituted by the Committee, with the recommendation  
TO PASS.

2011 MAY 12 AM 11:06  
MUSA

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

Bill No. 196-31(COV)

Introduced by:

M. Silva Taijeron 

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**AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS (DPW) TO CONSIDER AND PERFORM, WHEN DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION WORK ON GUAM'S ROADS; AND TO REQUIRE THE INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR THE COST OF NIGHT TIME CONSTRUCTION, WHEN SOLICITING FOR CONTRACTS ON ROAD CONSTRUCTION PROJECTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 Guam is seeing an increase in major road construction projects. Many of these  
4 construction projects are a result of various factors including the impending  
5 population increase and the need to address and repair long-standing issues with our  
6 island infrastructure. Consequently, the road construction projects have led to traffic  
7 congestion and delays which have become a daily burden to drivers who traverse  
8 Guam's roads. These projects have affected our island's economy and has impeded  
9 the ability of drivers to travel to and from work.

10 *I Liheslaturan Guåhan* further finds that night time construction is a viable  
11 alternative to the current practice of daytime construction. If done correctly, night



1 time construction is efficient for roads and reduces heavy traffic volumes. It further  
2 reduces congestion and may allow for the quicker completion of projects.

3 It is the intent of *I Liheslaturan Guåhan* to require the Department of Public  
4 Works to consider the option of night time construction for road projects in Guam,  
5 and to further require the inclusion of quotes or estimates for the cost of night time  
6 construction when soliciting for road project contracts.

7 **Section 2. Consideration of Night Time Work on Major Road**  
8 **Construction Projects.** For every major road construction project initiated by the  
9 Department of Public Works (DPW) on and after October 1, 2011, DPW shall  
10 consider and, where feasible in its judgment, ensure that such construction work is  
11 performed no earlier than eight o'clock *post meridiem* (8:00 p.m.) and no later than  
12 six o'clock *anti meridiem* (6:00 a.m.). For the purposes of determining whether to  
13 engage in night time construction, DPW shall review the following: existing traffic  
14 volumes, congestion, traffic control measures and motorist safety; project cost,  
15 project quality, inspection obligations, highway user costs, workforce availability and  
16 availability of materials; work area lighting and worker safety; and other factors that  
17 DPW may deem necessary in the consideration of night time construction.

18 When soliciting formal competition on public contracts for road construction  
19 projects, DPW shall require that any quotation or estimation for service be inclusive  
20 of the cost of night time construction. DPW may also consider any recommendations  
21 and comments submitted from *I Liheslaturan Guåhan*, other government of Guam  
22 entities and the general public regarding night time construction. DPW shall prepare  
23 a written report of its analysis of each project setting forth such decisions and the  
24 reasons therefore, and such report shall be available to the public.

1           Beginning January 31, 2012, and every two (2) years thereafter, DPW shall  
2 submit a status report of the night time construction projects to *I Maga'låhen Guåhan*  
3 and the Speaker of *I Liheslaturan Guåhan*. Such report shall include, but not be  
4 limited to, a description of each project in which night time construction was  
5 authorized; the success or failure, as determined by DPW, of the efforts to reduce  
6 traffic congestion using night time construction; a general comparison of project  
7 quality and overall costs against similar daytime construction projects; and the safety  
8 record for night time construction projects.

9           **Section 3. Severability.** *If* any provision of this Law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this  
13 Law are severable.

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

**Bill No. 196-31 (COR)**

As Substituted by the Committee on Public Works,  
Transportation, Utilities and Veterans Affairs

Introduced by:

M. Silva Taijeron

---

**AN ACT TO REQUIRE ADD A NEW §54106 TO ARTICLE 1, CHAPTER 54, TITLE 5, GUAM CODE ANNOTATED REQUIRING THE DEPARTMENT OF PUBLIC WORKS (DPW) TO CONSIDER AND PERFORM, WHEN DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION WORK ON GUAM'S ROADS; AND TO REQUIRE THE INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR THE COST OF NIGHT TIME CONSTRUCTION, WHEN SOLICITING FOR CONTRACTS ON ROAD CONSTRUCTION PROJECTS.**

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

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3 that Guam is seeing an increase in major road construction projects. Many of these  
4 construction projects are a result of various factors including the impending  
5 population increase and the need to address and repair long-standing issues with  
6 our island infrastructure. Consequently, the road construction projects have led to  
7 traffic congestion and delays which have become a daily burden to drivers who  
8 traverse Guam's roads. These projects have affected our island's economy and has  
9 impeded the ability of drivers to travel to and from work.

1            *I Liheslaturan Guåhan* further finds that night time construction is a viable  
2 alternative to the current practice of daytime construction. If done correctly, night  
3 time construction is efficient for roads and reduces heavy traffic volumes. It  
4 further reduces congestion and may allow for the quicker completion of projects.

5            It is the intent of *I Liheslaturan Guåhan* to require the Department of Public  
6 Works to consider the option of night time construction for road projects in Guam,  
7 and to further require the inclusion of quotes or estimates for the cost of night time  
8 construction when soliciting for road project contracts.

9            **Section 2.** A new §54106 is hereby added to Article 1, Chapter 54 of Title 5  
10 Guam Code Annotated to read as follows:

11            **“§54106. Consideration of Night Time Work on Major Road**  
12 **Construction Projects.**

13            For every major road construction project initiated by the Department  
14 of Public Works (DPW) on and after October 1, 2011, DPW shall consider  
15 and, where feasible in its judgment, ensure that such construction work is  
16 performed no earlier than eight o’clock *post meridiem* (8:00 p.m.) and no  
17 later than six o’clock *anti meridiem* (6:00 a.m.). For the purposes of  
18 determining whether to engage in night time construction, DPW shall review  
19 the following: existing traffic volumes, congestion, traffic control measures  
20 and motorist safety; project cost, project quality, inspection obligations,  
21 highway user costs, workforce availability and availability of materials;  
22 work area lighting and worker safety; and other factors that DPW may deem  
23 necessary in the consideration of night time construction.

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25 construction projects, DPW shall require that any quotation or estimation for  
26 service be inclusive of the cost of night time construction. DPW may also  
27 consider any recommendations and comments submitted from *I Liheslaturan*

1 *Guåhan*, other government of Guam entities and the general public  
2 regarding night time construction. DPW shall prepare a written report of its  
3 analysis of each project setting forth such decisions and the reasons  
4 therefore, and such report shall be available to the public.

5 Beginning January 31, 2012, and every two (2) years thereafter, DPW  
6 shall submit a status report of the night time construction projects to *I*  
7 *Maga'låhen Guåhan* and the Speaker of *I Liheslaturan Guåhan*. Such  
8 report shall include, but not be limited to, a description of each project in  
9 which night time construction was authorized; the success or failure, as  
10 determined by DPW, of the efforts to reduce traffic congestion using night  
11 time construction; a general comparison of project quality and overall costs  
12 against similar daytime construction projects; and the safety record for night  
13 time construction projects.”

14 **Section 3. Severability.** *If* any provision of this Law or its application to  
15 any person or circumstance is found to be invalid or contrary to law, such  
16 invalidity shall *not* affect other provisions or applications of this Law which can be  
17 given effect without the invalid provisions or application, and to this end the  
18 provisions of this Law are severable.

Committee on Public Works, Utilities, Transportation and Veterans Affairs

Public Hearing

June 24, 2011

2:00 pm

*I Liheslaturan Guåhan, Hagåtña*

**Bill 196-31 (COR) – M.S. Taijeron**

An act to require the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
CHARL DOMINGUEZ JOHN CROWN	DPW	✓	✓		✓	646-3232 11



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



**JOANNE M.S. BROWN**  
*Director*  
**CARL V. DOMINGUEZ**  
*Deputy Director*

June 24, 2011

The Honorable Thomas C. Ada, Chairperson  
Committee on Utilities, Transportation, Public Works and Veterans Affairs  
I Mina'trentai Unu Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**Re: Bill 196-31 (COR), AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS (DPW) TO CONSIDER AND PERFORM, WHEN DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION WORK ON GUAM'S ROAD; AND TO REQUIRE THE INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR THE COST OF NIGHT TIME CONSTRUCTION, WHEN SOLICITING FOR CONTRACTS ON ROAD CONSTRUCTION PROJECTS.**

Buenas yan Hafa Adai Mr. Chairman and Members of the Committee:

Thank you for the opportunity to submit our testimony on the above referenced bill. The Department of Public Works acknowledges that there are significant traffic impacts with any road construction project. This, of course is unavoidable as safe work zones must be set up to complete the project, which often includes excavation, paving, or other work directly within one or more travel lanes.

While I appreciate the intent of the Bill, there are a number of factors that must be taken into consideration when considering night time work including:

- 1. Reduced visibility in and around the work site:** Studies have shown that night-time work is not as safe as day-time work even for well planned and maintained work zones for one main reason – motorists and workers simply cannot see as well as in the daytime. There are two types of artificial lighting: stationery – a light array connected to a generator; and equipment mounted – lights mounted on motor graders, steam rollers and other equipment. These lights are extremely bright and can be difficult to position or control on a linear project, such as a roadway, in a way that they are not a distraction or blinding to a motorist's eyes traveling in one direction or the other. Furthermore,

workers and inspectors often cross the open travel lanes in the work area and may not be seen as well by motorists at night. The lights and construction activity is more distracting at night, focusing the driver's attention away from the road. These studies further indicate that reduced lighting not only makes driving and work tasks more difficult, but drivers, pedestrians and workers are generally all less alert.

- 2. *Impacts to Construction Quality:*** Productivity and quality are two of the areas that are apt to be compromised with night-time work. Even with multiple lighting units, shadows are a significant problem and quality construction work is more difficult to achieve, even with experienced night time workers. Night work is also dependent on where the lights are located, so workflows are different than daytime operations, and the construction duration can be typically longer for projects that specify night time work. Moreover, there is the additional requirement of set up and take down of times for increased and enhanced traffic controls as well as lighting equipment.

There are numerous incidental considerations beyond the contractor simply working at night. Pavement and concrete suppliers must create a second shift to deliver materials at night. Utility companies, subcontractors, DPW inspectors, material testing firms and other supporting vendors must be willing and able to support the night-time work.

Most of Guam's contractors have more than one project on-going at a particular time. They are generally able to shift workers from one project to another to handle the peaks and valleys of production on multiple projects. With some day time and some night time projects, shifting workers between projects on short notice would be more difficult and require sophisticated planning and execution to deliver all projects on time.

The type of work is also an important consideration. Most roadway work elements require multiple days to complete. Concrete paving and curbs require form work, pouring and cure time before the road can be opened to traffic. Any excavation greater than two feet deep requires a concrete barrier for safety. Pavement is done in a linear fashion and built up from the bottom base layer – compacted in lifts. A pavement section is typically about 2-3 feet deep, including base and sub-base materials. As such, road projects that include pavement replacement or excavations deeper than two feet will have entire lanes closed for multiple days or weeks at a time. The cones and barriers cannot simply be removed and the lane opened to traffic at the end of a shift.



3. ***Quality of life and environmental concerns:*** Much of our road improvements occur on roadways and intersections that are directly adjacent to or within close proximity to residences and businesses that are open beyond 8:00 PM. Jack hammering and pavement milling machines ripping up the roadway, excavators, pile driving activities, paving operations, large equipment including dump trucks hauling material to and from the site, concrete trucks delivering concrete, back-up alarms and gasoline powered generators to power the lighting arrays are all very loud. In the daytime hours, this noise is somewhat drowned out by life's general activity, but at night it all seems magnified because general background noise drops. Residents within a half-mile will most likely hear night time construction activity; within a quarter-mile the noise will be uncomfortable for sleeping, and within an eighth of a mile sleep could be next to impossible for some. Of course, the noise level will vary depending on the particular operations being performed at any given time. Construction noise generated by heavy equipment and the artificial lighting required for night time construction activities will cause disruption and could negatively affect the quality of life for residents in and around the construction areas.
  
4. ***Cost implications:*** Cost implications are difficult to estimate at this time mainly because of the lack of comparative data on Guam. However, it is anticipated that requiring a project to be completed at night would add about 15-25% to the total cost of a project. As you know, our roadway needs are much larger than our ability to fund improvements, and this would mean that fewer projects get constructed.

Lastly, because all of our federal funding flows through FHWA all premium costs, including night work, is subject to FHWA concurrence. FHWA recognizes that all construction projects are disruptive. It would have to be demonstrated that the additional cost to require night work on a particular project offered significant relief in mitigating traffic or some other impact directly caused by the project. And frankly, we would be irresponsible if we weren't doing this to begin with.

Currently, the DPW has two projects - Route 1 and 8 intersection improvements and replacement of Agana Bridges project and the Route 11 projects; both projects are in the procurement stage as Best-Value Design-Build projects. The DPW intends to award these contracts to the best-value proposer, not simply the lowest bidder. Both projects include very specific traffic control requirements for lane closures, workflows, property access and public outreach.

Due to the critical nature of the Route 1 and 8 intersection and Agana Bridges project and the Route 11 project, both these projects promote night-work as an option to the contractor to increase productivity when possible and when safety factors can be adequately addressed as both projects will require traffic shifts and/or lane closures that will last more than one night. Both projects have short design/construction durations to put pressure on the contractor to complete the project as quickly as possible, which will likely lead to night and weekend work during different phases. All these issues were taken into consideration by DPW, including the increased cost that will be incurred to meet the desired timelines. However, DPW does not have unlimited funding resources for this type of additional cost for all other road projects. With this in mind, we more than welcome funding appropriations from the Guam Legislature to pay for additional mandated cost that is imposed upon us.

In conclusion, although we certainly appreciate and commend the author of this bill and it's consideration by the committee, we do not believe that it is necessary to mandate something that we are already doing – analyzing the feasibility of night work where appropriate, engaging in a more rigorous program of traffic management on every project, ensuring the safety of our motoring public, pedestrians and construction workers, and maximizing the use of our precious federal funding resources to accomplish as many road improvements as is possible for the benefit of the people of Guam.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joanne M.S. Brown', with a long, sweeping flourish extending to the right.

JOANNE M.S. BROWN  
Director



# COMMITTEE ON RULES

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

Senator  
**Rory J. Respicio**  
CHAIRPERSON  
MAJORITY LEADER

June 21, 2011

## Memorandum

Senator  
**Judith P. Guthertz**  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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

MAJORITY  
MEMBERS:

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

Speaker  
**Judith T. Won Pat**

**Subject: Fiscal Notes**

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

*Hafa Adai!*

Senator  
**Tina Rose Muña Barnes**  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

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

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

Bill Nos.:

Senator  
**Thomas C. Ada**

138-31 (LS)    196-31 (COR)    211-31 (COR)    220-31 (COR)

143-31 (COR)    200-31 (COR)    214-31 (COR)    221-31 (COR)

Senator  
**Adolpho B. Palacios, Sr.**

148-31 (COR)    203-31 (COR)    215-31 (COR)    225-31 (COR)

176-31 (LS)    206-31 (COR)    216-31 (COR)    229-31 (COR)

Senator  
**vicente c. pangelinan**

181-31 (LS)    207-31 (COR)    217-31 (COR)

189-31 (LS)    208-31 (COR)    218-31 (COR)

192-31 (COR)    210-31 (COR)    219-31 (COR)

MINORITY  
MEMBERS:

Senator  
**Aline A. Yamashita**  
ASST. MINORITY LEADER

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

Senator  
**Christopher M. Duenas**

*Si Yu'os ma'åse'!*

*Handwritten notes and signature on the right margin.*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORRAY TENORIO  
LIEUTENANT GOVERNORBENITA A. MANGLONA  
DIRECTORSTEPHEN J. GUERRERO  
DEPUTY DIRECTOR**JUN 17 2011**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 138-31(LS), 143-31(COR), 148-31(COR), 176-31(LS), 181-31(LS), 189-31(LS), 192-31(COR), 196-31(COR), 200-31(COR), 206-31(COR), 207-31(COR), 208-31(COR), 210-31(COR), 211-31(COR), 214-31(COR), 215-31(COR), 216-31(COR), 217-31(COR), 218-31(COR), 220-31(COR), 221-31(COR), 225-31(COR), 229-31(COR) and Fiscal Note Waivers on Bill Nos.: 203-31(COR), 219-31(COR).

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

  
BENITA A. MANGLONA  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 196-31 (COR)**

**AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS (DPW) TO CONSIDER AND PERFORM, WHEN DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION WORK ON GUAM'S ROADS; AND TO REQUIRE THE INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR THE COST OF NIGHT TIME CONSTRUCTION, WHEN SOLICITING FOR CONTRACTS ON ROAD CONSTRUCTION PROJECTS.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Joanne M.S. Brown
Department's General Fund (GF) appropriation(s) to date:	8,781,513
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund \$562,012; Solid Waste Operations Fund \$6,446,626; Territorial Highway Fund \$8,564,123; Unreserved Balance of the Limited Obligation Highway Bonds, 1985 Series A (as authorized in P.L. 19-2) \$2,254,413; Balances of the Appropriations contained in 1513 of Article 5, Chapter 1 of Title 5 GCA \$1,050,000.	18,877,174
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$27,658,687</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund): Guam Highway Fund 1/	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund): Guam Highway Fund	1/	1/	1/	1/	1/	1/
<b>Total</b>	1/	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
If Yes, see attachment
- 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
- Does the Bill establish a new program/agency? / / Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No  
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No  
/ / Requested agency comments not received by due date /X/ Other: Fiscal impact is not quantified at this time

Analyst: Angela Flores Date: 6/19/11 Director: BENITA A. MANGLONA Date: 6/16/11

**Footnotes:**  
1/ It is noted that major highway construction work is typically funded through the U.S. Department of Transportation, Federal Highway Administration (FHWA), and as such the proposed night time construction work to be performed is subject to FHWA approval. Any additional funding impact will be absorbed under the Guam Highway Fund, being the fund source for construction of highways. However, in its present form that impact cannot be determined at this time. The Guam Highway Fund Unreserved Fund Balance is based on FY 2009 Financial Statements (Audited).



**COMMITTEE ON RULES**

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>ST</sup> Guam Legislature  
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CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
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**MAJORITY MEMBERS:**

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Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

July 11, 2011

**MEMORANDUM**

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

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

**From:** Senator Judith P. Guthertz, DPA  
*Acting Chairperson, Committee on Rules*

**Subject:** Revised Referral of Bill No. 196-31

As the Acting Chairperson of the Committee on Rules, I am forwarding my revised referral of Bill No. 196-31 (COR).

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

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

*Si Yu'os Ma'åse!*

(1) Attachment

2011 JUL 12 AM 11:40

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**May 12, 2011**

Page 1 of 1

Bill No.	Sponsor(s)	Title	Revised Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
196-31 (COR)	M. Silva Taijeron	AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS (DPW) TO CONSIDER AND PERFORM, WHEN DEEMED FEASIBLE, NIGHT TIME CONSTRUCTION WORK ON GUAM'S ROADS; AND TO REQUIRE THE INCLUSION OF QUOTATIONS OR ESTIMATIONS FOR THE COST OF NIGHT TIME CONSTRUCTION, WHEN SOLICITING FOR CONTRACTS ON ROAD CONSTRUCTION PROJECTS.	<del>05/11/11</del> <del>11:06 p.m.</del>  5/12/11 11:06 a.m.	5/11/11 11:06 p.m.		Committee on Utilities, Transportation, Public Works and Veterans Affairs.			



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature

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VICE CHAIRPERSON  
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Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

May 13, 2011

**MEMORANDUM**

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

Attorney Therese M. Terlaje  
Legislative Legal Counsel

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

**Subject:** Referral of Bills No. 196-31 (COR) through 199-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 196-31(COR) through 199-31 (COR).

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 Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

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

*Si Yu'os ma'åse!*

(3) Attachments

2011 MAY 13 PM 3:59



*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**May 12, 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?
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197-31 (COR)	M. Silva Taijeron, A. B. Palacios, Sr.	AN ACT TO APPROPRIATE THE SUM OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM THE ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND TO THE GUAM FIRE DEPARTMENT CAPITAL REVOLVING FUND FOR THE PURPOSE OF PURCHASING AMBULANCES.	05/11/11 11:06 p.m.			Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			




## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

June 17, 2011

### MEMORANDUM

To: All Senators

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **June 24, 2011**. This meeting will take place in the Public Hearing Room of *Liheslatura*. The agenda is as follows:

#### 9:00 am

**Informational Briefing: Port Authority of Guam Modernization Program**

#### 2:00 pm

**Bill 233-31 (COR):** An act relative to the power service rate schedule for Guam Power Authority customers. **(Sponsor: M.S. Taijeron)**

**Bill 234-31 (COR):** An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item "A", relative to including the Guam Department of Agriculture as an approving agency and to be included on the application to the Department of Public Works for the "Clearing, Grading and Construction." **(Sponsor: Sam Mabini, Ph.D.)**

**Bill 217-31 (COR):** An act to establish a project plan of action for the construction of the Tiyan Roadway Project. **(Sponsor: T.C. Ada)**

**Bill 196-31 (COR):** An act to require the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects. **(Sponsor: M.S. Taijeron)**

**Bill 230-31 (COR):** An act mandating new government of Guam buildings integrate sustainable design solutions and systems and to require that retrofits, renovates and alterations to existing government buildings include energy efficient and sustainable design methods by adding a new §66104.1 to Article 1, Chapter 66, Title 21, Guam Code Annotated, and a new §5011 and §5012 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated [Guam Procurement Law]. **(Sponsor: D.G. Rodriguez, Jr.)**

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **July 1, 2011, 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

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## First Notice: Informational Briefing and Public Hearing - June 24, 2011, 9:00 am

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Nicole Santos <nsantos@senatorada.org>

Fri, Jun 17, 2011 at 12:08 PM

To: phnotice@guamlegislature.org

Hafa adai Senators,

Please see attached memo from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

—  
Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301



**Public Hearing - 1st Notc - June 24 - senators.pdf**

781K

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## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

June 17, 2011

### MEMORANDUM

To: All Media

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

---

## First Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

Nicole Santos <nsantos@senatorada.org>

Fri, Jun 17, 2011 at 12:08 PM

To: Media <media@senatorada.org>

Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Chris Borja <chris@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo (pdf & word file) from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

--

Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301

### 2 attachments

 **Public Hearing - 1st Notc - June 24 - media.pdf**  
775K

 **Public Hearing - 1st Notc - June 24 - media.doc**  
198K

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<input type="checkbox"/>	<a href="#">therese.hart.writer@gmail.com</a>	<a href="#">therese.hart.writer@gmail.com</a>	Member
<input type="checkbox"/>	<a href="#">therese@mvguam.com</a>	<a href="#">therese@mvguam.com</a>	Member
<input type="checkbox"/>	<a href="#">tina@marianasmedia.com</a>	<a href="#">tina@marianasmedia.com</a>	Member
<input type="checkbox"/>	<a href="#">zita@mvguam.com</a>	<a href="#">zita@mvguam.com</a>	Member

1 - 28




## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

June 17, 2011

### MEMORANDUM

To: All Stakeholders

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **June 24, 2011**. This meeting will take place in the Public Hearing Room of *Liheslatura*. The agenda is as follows:

#### 9:00 am

**Informational Briefing: Port Authority of Guam Modernization Program**

#### 2:00 pm

**Bill 233-31 (COR):** An act relative to the power service rate schedule for Guam Power Authority customers. **(Sponsor: M.S. Taijeron)**

**Bill 234-31 (COR):** An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item "A", relative to including the Guam Department of Agriculture as an approving agency and to be included on the application to the Department of Public Works for the "Clearing, Grading and Construction." **(Sponsor: Sam Mabini, Ph.D.)**

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**Bill 196-31 (COR):** An act to require the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects. **(Sponsor: M.S. Taijeron)**

**Bill 230-31 (COR):** An act mandating new government of Guam buildings integrate sustainable design solutions and systems and to require that retrofits, renovations and alterations to existing government buildings include energy efficient and sustainable design methods by adding a new §66104.1 to Article 1, Chapter 66, Title 21, Guam Code Annotated, and a new §5011 and §5012 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated [Guam Procurement Law]. **(Sponsor: D.G. Rodriguez, Jr.)**

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **July 1, 2011, 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.





## First Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

Nicole Santos <nsantos@senatorada.org>

Fri, Jun 17, 2011 at 12:09 PM

To: Pedro Leon Guerrero <paleonguerrero@portguam.com>, "Margret D. Katsuren" <mdkatsuren@portguam.com>, Daniel Tydingco <djtydingco@gta.net>, sblas@gpagwa.com, Kin Flores <jflores@gpagwa.com>, simon sanchez <gdcmgr@ite.net>, Lou Palomo <lpalomo@guampuc.com>, Peggy Araullo Llagas <eo@realtors.com>, doagridir@yahoo.com, beverlydavis@live.ca, Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, Eduardo Ordonez <eduardo.ordonez@clb.guam.gov>, Frances Cepeda <frances.cepeda@clb.guam.gov>, "Maria D. Perez" <maria.perez@clb.guam.gov>, Charlie Onedera <staff03@guamchamber.com.gu>, Liza Provideo <ljprovideo@guam-peals.org>, sylvia@guam-peals.org, "Mary C. Torres, GIAA Executive Manager" <marytorres@guamairport.net>, Peter Roy Martinez <peterroy@guamairport.net>, michael ysrael <michael@tanota.com>, rosieb@guamairport.net, Jean Arriola - GIAA ASM <jeana@guamairport.net>, Frank Santos <franks@guamairport.net>, dlmdir@dlim.guam.gov, James Martinez <gca@teleguam.net>, desiree.lizama@guamcontractors.org, Ivan Quinata <ivan.quinata@epa.guam.gov>, Lorilee Crisostomo <lorilee.crisostomo@epa.guam.gov>, UOG Center for Island Sustainability <cis@uguam.uog.edu>, Mary Okada <mary.okada@guamcc.edu>, NewVisionGuam@gmail.com, allison@guamsustainability.com, Mike Makio <mmakio@traguam.com>, arch@traguam.com  
Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Chris Borja <chris@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

[Quoted text hidden]



Public Hearing - 1st Notc - June 24 - stakeholders.pdf

781K




## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

June 22, 2011

### MEMORANDUM

To: All Senators

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **June 24, 2011**. This meeting will take place in the Public Hearing Room of *Liheslatura*. The agenda is as follows:

#### 9:00 am

**Informational Briefing: Port Authority of Guam Modernization Program**

#### 2:00 pm

**Bill 233-31 (COR):** An act relative to the power service rate schedule for Guam Power Authority customers. **(Sponsor: M.S. Taijeron)**

**Bill 234-31 (COR):** An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item "A", relative to including the Guam Department of Agriculture as an approving agency and to be included on the application to the Department of Public Works for the "Clearing, Grading and Construction." **(Sponsor: Sam Mabini, Ph.D.)**

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Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **July 1, 2011, 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

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## Second Notice: Informational Briefing and Public Hearing - June 24, 2011, 9:00 am

Nicole Santos <nsantos@senatorada.org>  
To: phnotice@guamlegislature.org

Wed, Jun 22, 2011 at 9:12 AM

Hafa adai Senators,

Please see attached memo from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

--

Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301

 **Public Hearing - 2nd Notc - June 24 - senators.pdf**  
780K



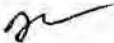
## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

June 22, 2011

### MEMORANDUM

To: All Media

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **June 24, 2011**. This meeting will take place in the Public Hearing Room of *Liheslatura*. The agenda is as follows:

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#### 2:00 pm

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

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## Second Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

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Nicole Santos <nsantos@senatorada.org>

Wed, Jun 22, 2011 at 9:12 AM

To: Media <media@senatorada.org>

Cc: Jimmy Camacho <jcamacho@senatorada.org>, Chris Borja <chris@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

Hafa adai,

Please see attached memo (pdf & word file) from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

--

Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301

### 2 attachments

 **Public Hearing - 2nd Notic - June 24 - media.pdf**  
779K

 **Public Hearing - 2nd Notc - June 24 - media.doc**  
198K

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## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

June 22, 2011

### MEMORANDUM

To: All Stakeholders

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

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## Second Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

Nicole Santos <nsantos@senatorada.org>

Wed, Jun 22, 2011 at 9:12 AM

To: Pedro Leon Guerrero <paleonguerrero@portguam.com>, "Margret D. Katsuren" <mdkatsuren@portguam.com>, Daniel Tydingco <djtydingco@gta.net>, sblas@gpagwa.com, Kin Flores <jflores@gpagwa.com>, simon sanchez <gdcmgr@ite.net>, Lou Palomo <lpalomo@guampuc.com>, Peggy Araullo Llagas <eo@guamrealtors.com>, doagridir@yahoo.com, beverlydavis@live.ca, Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, Eduardo Ordonez <eduardo.ordonez@clb.guam.gov>, Frances Cepeda <frances.cepeda@clb.guam.gov>, "Maria D. Perez" <maria.perez@clb.guam.gov>, Charlie Onedera <staff03@guamchamber.com.gu>, Liza Provideo <ljprovideo@guam-peals.org>, sylvia@guam-peals.org, "Mary C. Torres, GIAA Executive Manager" <marytorres@guamairport.net>, Peter Roy Martinez <peterroy@guamairport.net>, michael ysrael <michael@tanota.com>, rosieb@guamairport.net, Jean Arriola - GIAA ASM <jeana@guamairport.net>, Frank Santos <franks@guamairport.net>, dlmdir@dlim.guam.gov, James Martinez <gca@teleguam.net>, desiree.lizama@guamcontractors.org, Ivan Quinata <ivan.quinata@epa.guam.gov>, Lorilee Crisostomo <lorilee.crisostomo@epa.guam.gov>, UOG Center for Island Sustainability <cis@uguam.uog.edu>, Mary Okada <mary.okada@guamcc.edu>, NewVisionGuam@gmail.com, allison@guamsustainability.com, Mike Makio <mmakio@traguam.com>, arch@traguam.com  
Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Chris Borja <chris@senatorada.org>, Nicole Santos <nsantos@senatorada.org>, Telo Taitague <senatortelo@gmail.com>

Hafa adai,

Please see attached memo from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

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[Quoted text hidden]



Public Hearing - 2nd Notc - June 24 - stakeholders.pdf

778K



# osing arguments in Anthony Flores re-trial

Zita Y. Taltano  
@mvguam.com  
iety News Staff

testimony of David Pocaigue who said he went to the hotel on two occasions but did not provide any evidence for the jury.

The autopsy of Medical Examiner Dr. Aurelio Espinola was raised in Cunliffe's closing arguments, wherein the defense attorney said there were different opinions on how Taylor died. Up to six doctors indicated Taylor died a natural death, but Espinola testified that Taylor died from the injuries she sustained several days earlier.

Meanwhile, Chief Prosecutor Basil O'Mallan said Taylor was "savagely beaten." With regard to her drinking, he said people drink when they're in pain and that Taylor's pain was "caused by Anthony Flores."

Following the closing arguments, jurors were given their instructions before being excused to deliberate and come up with a verdict on the case.

ERATIONS began day afternoon in the 1 trial of Anthony C. , who is charged with the g of Sherri Lea Taylor on 12, 1999 at the Hamilton in Anigua. lor died several days later y Hospital Nov. 20 what one said was failure due r being an lic. terday ng, closing ents were ted by efense and ution.

orney Randy Cunliffe, represents Flores, told the hat key witness Kimberly r's credibility on what happened the night Taylor eaten can be questionable. liffie also brought up the



Anthony Flores

# OA director seeks parity on Bill 212

Janela Buhain  
anela@mvguam.com  
riety News Staff

OUGH generally support- i measure that seeks to id protection from sexual sment to all government uam employees, Depart- of Administration acting

tor Benita glona said g yesterday's c hearing that wanted more eation on the

roduced by or Tony Ada, :12, if enacted, expand sexual sment protections to all ified, unclassified and actual employees, and re that DOA and the Civil ice Commission routinely the handling of such laints by government nistrators.

nglona also raised several s of clarification, including her the bill alleviates the

Manglona also said that under the bill, the supervisor of an employee who fails to submit a report to the Attorney General's Office could be held criminally liable. However, she said a supervisor may not be aware of such sexual harassment events but still be held criminally liable if it is not reported.

Federal equal employment opportunity law defines what sexual harassment is; however, Guam law does not protect unclassified and contractual employees from sexual harassment complaints.

Current Guam law also does not provide a means to effectively audit the handling of such complaints.

Deputy Attorney General Phil Tydingco said he supports the measure but also wants to ensure that technical adjustments are made to the policy and procedures that DOA has in place for classified employees, and how to apply them to non-classified



Benita Manglona

# Won Pat eyeing more doctors through medical student loans

By Janela Buhain  
anela@mvguam.com  
Variety News Staff

SPEAKER Judi Won Pat is proposing a measure that would help recruit and retain more physicians on-island through a debt repayment program.

Bill 236, or the Physician Recruitment and Retention Act, seeks to offer a medical school debt repayment to eligible physicians to attract them to practice or continue practicing on Guam. The bill states that while there is a need for medical specialists on Guam, the island's current economic shortfall hampers the ability to attract and recruit medical specialists to the island.

"The government cannot afford to pay close to the national average of medical specialists. American College of Emergency Physicians reports that physician incomes are higher than most occupations in order to allow for the repayment of high levels of debt," the bill states.

The bill cites a steady increase in medical school expenses, climbing 6 percent annually in school

tuition and other expenses. This has resulted in medical students seeking high paying medical jobs elsewhere to help repay educational losses.

By offering a debt repayment program for eligible medical specialists, Won Pat hopes to entice residents and former residents of Guam who have left the island to pursue a medical degree to come back home and serve the community.

### Loan

Eligible specialists accepted into the program will receive up to \$300,000 to pay for expenses and loan indebtedness incurred during medical education and training.

The physician must agree to a contract of practicing for two years on Guam for every \$50,000 awarded to the physician and must begin practicing within three months of being accepted into the program.

Won Pat seeks to fund the program through the Healthy Futures Fund (HFF) by transferring \$2 million annually from

HFF to a separate account, entitled the "Physician Education Debt Repayment Fund."

In addition, the Guam Economic Development Authority board of directors will be required to administer the program, while an evaluation committee will determine areas of medical specialty the island needs due to shortages.

The committee will be comprised of the directors of Department of Public Health and Social Services and the Department of Mental Health and Substance Abuse; the Guam Memorial Hospital Authority administrator; a doctor selected by the GMHA board; and a member selected through community-at-large by the committee.



Judi Won Pat



Senator Thomas C. Ada

Chairman - Committee on Utilities, Transportation, Public Works and Veteran Affairs  
31<sup>st</sup> Guam Legislature - I Mina Trentai Unu Na Liheslaturan Guahan

## PUBLIC HEARING NOTICE

Friday, June 24, 2011, Public Hearing Room, Guam Legislature

### Agenda:

#### 9:00 am: Informational Briefing: Port Authority of Guam Modernization Program

1. Situational Changes and Their Implications, e.g. Military Buildup Program Re-set and Other Issues?
2. Program Financing Status and Issues
3. Gantry Crane Procurement
4. Stakeholder Alignment Efforts

#### 2:00 pm: Public Hearing

**Bill 233 - 31 (COR):** An Act relative to the power service rate schedule for GPA customers.

**Bill 234 - 31 (COR):** An Act to include Guam DoAg as an approving agency on the application to DPW for "Clearing, Grading and Construction."

**Bill 217 - 31 (COR):** An act to establish a project plan of action for the construction of the Tiyan Roadway Project.

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**Bill 230 - 31 (COR):** An act mandating new government of Guam buildings integrate sustainable design solutions and systems and to require that retrofits, renovates and alterations to existing government buildings include energy efficient and sustainable design methods.

The Committee will continue to accept written or electronic testimonies until July 01, 2011, 5:00pm. Testimonies should be submitted via email to office@senatorada.org, via facsimile to (671) 473-3303 or to the office at 173 Aspinal Avenue, Suite 207 Hagaña, Guam. Individuals requiring special accommodations should contact and submit their request to Mr. Jimmy Camacho at 473-3301.





## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

### AGENDA

#### PUBLIC HEARING

Friday, June 24, 2011

Public Hearing Room, *I Liheslaturan Guåhan*

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