

VICE SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication
senator@senatorbjcruz.com | www.senatorbjcruz.com



I Mina'trentai Tres na Liheslaturan Guåhan

THE 33RD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910
T: (671) 477-2520/1 | F: (671) 477-2522

The Honorable Judith T. Won Pat
Speaker
I Mina'trentai Tres na Liheslaturan Guåhan
33rd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 212-33 (COR), As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on Appropriations and Adjudication on Bill No. 212-33 (COR), As Introduced - B. J.F. Cruz - "An act to authorize the Attorney General the use of funds for experts in federal litigation case."

Committee votes are as follows:

- 5 TO DO PASS
- ~~0~~ TO NOT PASS
- 4 TO REPORT OUT ONLY
- ~~0~~ TO ABSTAIN
- ~~0~~ TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairman

2016 JAN - 8 PM 3: 21

VICE SPEAKER BENJAMIN J.F. CRUZ
Committee on Appropriations and Adjudication
senator@senatorbjcruz.com | www.senatorbjcruz.com



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THE 33RD GUAM LEGISLATURE
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COMMITTEE REPORT

**Bill No. 212-33 (COR),
As Introduced**

**“An act to authorize the Attorney General
the use of funds for experts in federal
litigation case.”**

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Committee on Appropriations and Adjudication
 senator@senatorbjcruz.com | www.senatorbjcruz.com



I Mina'trentai Tres na Liheslaturan Guåhan
THE THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910
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COMMITTEE VOTING SHEET

Bill No. 212-33 (COR), As Introduced - B. J.F. Cruz - "An act to authorize the Attorney General the use of funds for experts in federal litigation case."

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 1/6/16				
AGUON, Jr., FRANK B. Vice Chairperson		✓ 1/9/16				
WON PAT, Ed.D., JUDITH T. Speaker and Ex-Officio Member		✓				
MUÑA BARNES, TINA ROSE Member		✓				
RODRIGUEZ, Jr., DENNIS G. Member				✓ 1/7/16		
SAN NICOLAS, MICHAEL, F.Q. Member				✓		
UNDERWOOD, Ph.D., NERISSA B. Member		✓ 1/8/16				
ADA, V. ANTHONY Member				✓ 1/7/16		
MORRISON, THOMAS A. Member				✓ 1/7/16		
TORRES, MARY C. Member		✓ 1/9/16				

VICE SPEAKER BENJAMIN J.F. CRUZ
Committee on Appropriations and Adjudication
senator@senatorbjcruz.com | www.senatorbjcruz.com



I Mina'trentai Tres na Liheslaturan Guåhan
THE 33RD GUAM LEGISLATURE
155 Hesler Place, Suite 107, Hagåtña, Guam 96910
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MEMORANDUM

TO: All Members
FROM: Vice Speaker Benjamin J.F. Cruz
Chairman, Committee on Appropriations and Adjudication
SUBJECT: Committee Report on Bill No. 212-33 (COR), As Introduced

Transmitted herewith for your consideration is the Committee Report on Bill No. 212-33 (COR), As Introduced – B. J.F. Cruz – “An act to authorize the Attorney General the use of funds for experts in federal litigation case.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 212-33 (COR), As Introduced
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 212-33 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

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

Sincerely,


BENJAMIN J.F. CRUZ
Chairman



COMMITTEE REPORT DIGEST

Bill No. 212-33 (COR), As Introduced – B. J.F. Cruz – “An act to authorize the Attorney General the use of funds for experts in federal litigation case.”

I. OVERVIEW

Bill No. 212-33 (COR) was introduced by Vice Speaker Benjamin J.F. Cruz on December 2, 2015, and subsequently referred to the **Committee on Appropriations and Adjudication** on December 3, 2015.

The Committee on Appropriations and Adjudication convened a public hearing on Monday, December 28, 2015, beginning at 4:00PM in the Guam Legislature Public Hearing Room. The hearing for Bill No. 212-33 (COR) began at 4:01PM and ended at 4:18PM.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on December 18, 2015, and December 26, 2015, via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, *Chairperson*
Senator Frank B. Aguon, Jr., *Vice Chairperson*
Senator Michael F.Q. San Nicolas, *Member*
Senator V. Anthony Ada, *Member*
Senator James V. Espaldon, *Member*
Senator Thomas C. Ada

Appeared Before the Committee

Mr. Fred S. Nishihira, *Deputy Attorney General, Consumer Counsel Division, Office of the Attorney General*
Mr. Kenneth D. Orcutt, *Deputy Attorney General, Civil Litigation Division, Office of the Attorney General*
Ms. Jacqueline Z. Cruz, *Chief of Staff, Office of the Attorney General*

Submitted Written Testimony

Attorney General Elizabeth Barrett-Anderson, *Attorney General of Guam*

II. TESTIMONY & DISCUSSION

Chairman Benjamin J.F. Cruz announced Bill No. 212-33 (COR), recognized the members of the Committee on Appropriations and Adjudication (Committee) in attendance, and acknowledged the Deputy Attorney Generals from the Office of the Attorney General (OAG), Mr. Fred S. Nishihira and Mr. Kenneth D. Orcutt, as the individuals present to testify.

Deputy Attorney General Fred S. Nishihira, Consumer Counsel Division, OAG, greeted the members of the Committee and apologized on behalf of Attorney General Elizabeth Barrett-Anderson for her absence. He noted he and Deputy AG Orcutt were requested to provide testimony on the measure due to their involvement with the implementation of Guam Public Law No. 33-01, which, in part, authorizes the Attorney General to procure consultants and experts to comply with the January 16, 2015 United States District Court of Guam Order relevant to the 1991 Settlement Agreement in Civil Case No. 91-00020. He further remarked that the success of P.L. 33-01 is evidenced by the improvements to inmate access to services within the Guam corrections system, and expressed that the OAG is confident the government of Guam will be in full compliance with the Consent Decree by 2016. He proceeded to read written testimony (*appended to this report*) wherein Attorney General Barrett-Anderson expressed full support of the passage and enactment of Bill No. 212-33 (COR), noting that only \$79,155 of the funding authorized in P.L. 33-01 has been expended for the two expert witnesses contracted for the Consent Decree case. The letter adds that consequently the OAG is contemplating spending \$75,000 to contract a third expert for a separate federal case. The letter also requests to further amend the language in Section 3 of the measure to encumber remaining funding for technological infrastructure improvements for OAG.

Chairman Cruz thanked Deputy AG Nishihira and opened the floor for questions.

Senator James V. Espaldon, in reference to the OAG written testimony, asked Deputy AG Nishihira for clarification on the encumbrance of the \$435,000, specifically on whether the OAG anticipates the necessity of bringing in additional witnesses for compliance with the Consent Decree.

Deputy AG Nishihira replied:

“So we anticipated using the expert witnesses [and consultant] that we have. We have a psychologist on board, Dr. Jason Perez, as well as the University of Connecticut. And [OAG Chief of Staff Ms. Jacqueline Z. Cruz] has the exact numbers. But of those funds that we had anticipated [to spend], we realized that we would not need all of it. So the contract may be, for example, two hundred and fifty thousand dollars (\$250,000) but maybe we’ve used only eighty thousand [dollars] (\$80,000) of that.”

Senator Espaldon pointed out, using the scenario Deputy AG Nishihira presented, that the OAG has \$170,000 to expend.

Deputy AG Nishihira responded:

“Correct. We’re requesting if we could use it elsewhere because the parameters in [P.L.] 33-01 were rather limited. So this [bill] will allow us to expend it elsewhere. And the reason why we didn’t spend as much money as we anticipated was because it took a lot of work upfront and as we went along we needed the experts less and less. So it worked out well. You look at the Consent Decree, where we are now, and within less than a year, we plan to file motions to get out of it—if not this month, next month [or] very soon. So the experts have worked well but we’re keeping them on board to make sure that as we implement, they can monitor and ensure that we’re able to sustain these new implemented policies and procedures.”

Senator Espaldon asked for further clarification, reiterating that with only \$79,000 of the funds actually expended out of \$435,000 that has been obligated, OAG has about \$300,000 left to use to continue with the case.

Deputy AG Nishihira replied:

“We still anticipate using some of the funds but not exhausting all of it. For example, if we plan to bring the University of Connecticut out five (5) times, now it’s only three (3) times. So the contract has decreased. The need for the experts has decreased. We could do a lot more via Facetime (a general reference to videotelephony products and technology).”

Senator Espaldon remarked that he wanted to ascertain that the use of the word “obligated” does not mean “encumbered”, which would mean that the funds must be spent on specific items and will not be available for any other expense.

Deputy AG Nishihira suggested that the OAG Chief of Staff would be better suited to explain the matter to the Committee.

Ms. Jacqueline Z. Cruz, Chief of Staff, OAG, introduced herself and stated to Senator Espaldon that the term “obligated” did in fact mean “encumbered”. She pointed out that the low level of expenditure has not even amounted to even half of the amount of money actually encumbered.

Senator Espaldon continued his inquiry, beginning with a calculation of deducting \$435,000 from the \$700,000 that P.L. 33-01 authorized.

Ms. Cruz interjected, noting that the OAG received only \$580,000 of the authorized funding of \$700,000 pursuant to P.L. 33-01.

Senator Espaldon stated that based on the OAG officials' statements before the Committee, the agency has about \$200,000 remaining after the obligation of \$435,000, and reiterated his interpretation of the intent of the bill as a request for permission to encumber those funds for other uses, including improvements to the agency's technological equipment.

Ms. Cruz confirmed Senator Espaldon's appraisal, adding that the OAG currently has \$174,000 available from its P.L. 33-01 appropriation.

Deputy AG Kenneth D. Orcutt added that the OAG has an additional estimated expenditure of \$75,000 for contracting another expert for a separate case.

Chairman Cruz offered clarification:

"Just to make things clear, we thought there was seven hundred thousand [dollars] (\$700,000) that had been unexpended from [fiscal year] 2014. In [P.L.] 33-01, we gave the Attorney General the authority to expend any of those funds for expert witnesses in the [Guam Department of Corrections] (DOC) case (Civil Case No. 91-00020). The funds have not been completely expended. Four hundred [thousand dollars] (\$400,000) of it has been obligated, but not all of it may be necessary to complete the solution of the Consent Decree. So [Attorney General Barrett-Anderson] has asked for authorization to get further, additional expert witnesses to assist in other cases that she's contemplating taking in the federal court and that was written into Bill No. 212-33 (COR).

"[Attorney General Barrett-Anderson] is asking for some technological equipment [but] that's not in [the measure as introduced]. That's an amendment she is asking for that may not necessarily be granted. We may just be giving authorization as per [the bill as introduced] only for expert witnesses. If there's any money left over then we might think about doing the technological equipment that she's requesting. But right now, as written, Bill No. 212-33 (COR) is only for expert witnesses for other federal cases—both the Layon case (Civil Case No. 02-00022 relative to the closure of the Ordot Dump and construction of the Layon Landfill) and the Davis case (*Davis v. Guam*, No. 13-15199, 9th Cir. 2015)—to assist in those two cases. If there is anything left over after that, we may have a third bill to complete all the seven hundred thousand [dollar] (\$700,000) expenditure."

Senator Michael F.Q. San Nicolas, addressing Chairman Cruz, also requested clarification, stating that he was under the impression that Bill No. 212-33 (COR) is a measure to free up resources for the potential need for a special prosecutor to independently investigate the illegal retroactive payment in December 2014 of salary adjustments to Adelup employees.

Chairman Cruz responded:

“That has not been discussed with the Attorney General as to whether or not [the unexpended funds from the P.L. 33-01 appropriation] is going to be used [for that purpose]. It was not contemplated in the introduction of Bill No. 212-33 (COR). If she wants to send testimony to say that she would like to have money from the unexpended funds for the special prosecutor, she can do that. It wasn’t in [this measure] and it’s not in her testimony today. The only thing she’s adding is equipment, which we had not discussed before. So no, [the bill is not for the purpose of hiring a special prosecutor in the investigation of the illegal retroactive payment to Adelup employees].

“What she was hoping to do was to get expert witnesses to assist her in the Davis Case and in the Layon Case – whatever was going to be necessary to complete both of those cases. That’s all that was contemplated by [Bill] 212. If she sends a letter that she’d like to expand [her spending authority] to include something else, then we might do that before the hearing but it’s not in any of the testimony either.”

Senator San Nicholas again sought the Chairman’s answer, rephrasing his original inquiry:

“Just to clarify, Bill No. 212-33 (COR) does not in any way authorize a special prosecutor for that purpose?”

Chairman Cruz shook his head no.

Senator San Nicholas addressed the OAG representatives and continued his line of questioning regarding the funding for a special prosecutor for the Adelup retro pay matter:

“If the Attorney General did want to utilize the services of a special prosecutor for that case, would [that] require an addition appropriation or does the OAG have the resources and the authorization already to take that course?”

Ms. Cruz responded that she would have to look at the agency’s finances on the account to answer the question.

Senator San Nicholas continued:

“The reason why I’m asking, Mr. Chair, is because there [have] been public statements that those are the directions that the OAG may be taking. I was under the assumption that the availability of this resource was to authorize her to go ahead and use these funds for that purpose. But now that it’s clarified that that’s not what this bill is going to do. I’m just curious if she was stating that she is going to be using a special prosecutor, where would the funds be coming from for that?”

Deputy AG Nishihira stated that he would consult the Attorney General regarding these speculations, specifically the utility funds from the P.L. 33-01 appropriation for the recruitment of a special prosecutor, and provide the Committee an answer.

Senator San Nicolas continued:

“The only reason I’m asking is because it looks like what we have here is kind of like a side account for the OAG to be able to utilize for expert witnesses that [are] not needed on a regular basis. So if we’re going to be making funds available for those special circumstances to which the Attorney General needs to have an additional resource to be able to tap into—that’s kind of uncommon but necessary—then perhaps just adding authorization language so that she doesn’t come back and say ‘I never got the money for that.’ We don’t want to have to keep constantly jumping through those same hoops. That was the reason I wanted to make the inquiry, Mr. Chair.”

Chairman Cruz replied:

“I appreciate the question. I wanted to make it very clear that when I introduced [Bill] 212, [the funding of a special prosecutor for the investigation of the illegal Adelup retro pay] was not the intent. And I was not going to say it was when I knew that it wasn’t. So I want that very clear. But if the Attorney General feels that she may need authorization for that, I would have no objection to adding that amendment between now and [the next legislative session].

“Hopefully, we’ll get an answer from the Attorney General as to whether or not she—with all the public pressure the papers are putting, I’m sure that at some time she’s going to need to say whether she does or does not have the requisite funds to address an independent prosecutor so she can send us a note. But I just want to make sure that people are clear that even if [Adelup’s illegal retro payment of salary raises] was an issue that I had raised, I was not going to hijack a bill that I had introduced well before I had raised that issue and try to make it look like I’m bootstrapping it in. If that’s the Attorney General’s request, we will deal with it.”

Chairman Cruz, on account that there were neither additional questions from the Committee nor other individuals present to testify, considered Bill No. 212-33 (COR) as heard.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Appropriations and Adjudication to which was referred **Bill No. 212-33 (COR) - B. J.F. Cruz - “An act to authorize the Attorney General the use of funds for experts in federal litigation case”** hereby submits these findings to *I Mina’trentai Tres na Liheslaturan Guåhan* and reports out **Bill No. 212-33 (COR), As Introduced**, with a recommendation TO Do Pass.

I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) REGULAR SESSION

Bill No. 212-33 (con)

Introduced by:

B.J.F. Cruz 

AN ACT TO AUTHORIZE THE ATTORNEY
GENERAL THE USE OF FUNDS FOR EXPERTS
IN FEDERAL LITIGATION CASES

2015 DEC -2 PM 3:35

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Sections 2 and 3 of P.L. 33-01 is amended to read as follows:

1 **Section 2. Carryover of FY 2014 Appropriations for the Office of**
2 **the Attorney General.** Notwithstanding any provision of law, the
3 unexpended balance of appropriations from the General Fund to the Office
4 of the Attorney General for its operations in Fiscal Year 2014 shall not lapse
5 and shall carry over into Fiscal Year 2015~~6~~. Such funds shall only be
6 expended up to Seven Hundred Thousand Dollars (\$700,000) for the
7 purposes described in Section 3 of this Act.”

8 **Section 3. Authority of the Attorney General to Procure Experts.**
9 Notwithstanding any other provision of law, the Attorney General is
10 authorized to ~~procure consultants and/or expert witnesses, on a sole source~~
11 ~~basis, as necessary, procure litigation experts, on a sole source basis, to~~
12 ~~comply with the United States District Court of Guam Order dated January~~
13 ~~16, 2015~~ bring closure to in Civil Case No. 91-00020, and other United
14 States District Court of Guam cases in which the government of Guam is
15

1 involved. No government funds except those appropriations described in
2 Section 2 of this Act may be expended for this purpose.

3 **Section 2.** This Act shall be read consistently with P.L. 33-66 to achieve the
4 purposes stated herein.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Committee on Appropriations and Adjudication
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I Mina'trentai Tres na Liheslaturan Guåhan
THE THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910
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PUBLIC HEARING SIGN-IN SHEET

4:00 PM, Monday, December 28, 2015

Guam Legislature Public Hearing Room • Hagåtña, Guam

Bill No. 212-33 (COR) - B.J.F. Cruz - "An act to authorize the Attorney General the use of funds for experts in federal litigation case."

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPPOSE	WRITTEN	ORAL		
JACKIE CRUZ	AGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	475-3324	
Fred Nishihira	AG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	475-3324	
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Office of the Attorney General of Guam

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December 24, 2015

Honorable Benjamin J.F. Cruz
Chairman, Committee of Appropriations & Adjudication
33rd Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Subj: **Testimony for Bill 212-33 (COR)**

Dear Vice Speaker Cruz:

Hafa adai. I fully support Bill 212-33 (COR), an act to amend P.L. 33-1 to authorize the Attorney General to use funds for experts in federal litigation cases. In addition, I am hereby requesting to further amend the language in Section 3 as contained in the attachment.

Public Law 33-1 gave our Office the funding mechanism to secure expert witnesses for the DOC Consent Decree case. The use of expert witnesses was a game changer. The case has been open for almost 25 years and now with outside expert guidance, I am glad to report that we are in the final stages of completion and exiting the consent decree. We are supporting the amendment in hopes of duplicating similar results with other federal cases.

As for cost, of the 2 experts we have contracted, approximately \$435,000 has been obligated and only \$79,155 has been expended. We plan on extending these contracts, and are contemplating a third expert in a separate case which we anticipate will cost about \$75,000. However, we still anticipate a minimum of \$200,000 may be unobligated, which will provide the resources we need to significantly improve our current network and technological investment.

Letter to Vice Speaker Benjamin J.F. Cruz
Testimony for Bill 212-33 (COR)
December 24, 2015
Page 2 of 2 Pages

Thank you in advance for your continued support. Your consideration is greatly appreciated.
Please give me a call if you have any questions at 475-3324 extension 5015.

Sincerely,



ELIZABETH BARRETT-ANDERSON

Attachment

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) REGULAR SESSION

Bill No.

Introduced by: _____

**AN ACT TO AUTHORIZE THE ATTORNEY
GENERAL THE USE OF FUNDS FOR CONSULTANTS
AND/OR EXPERTS IN FEDERAL LITIGATION CASES**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 3 of P.L. 33-1 is amended to read as follows:

“Section 3. Authority of the Attorney General to Procure Experts.

Notwithstanding any other provision of law, the Attorney General is authorized to procure consultants and/or expert witnesses, on a sole source basis, as necessary to comply with the United States District Court of Guam Order dated January 16, 2015 in Civil Case No. 91-00020, and other Guam Federal District Court cases in which the government of Guam is involved. No government funds except those appropriations described in Section 2 of this Act may be expended for this purpose. Furthermore, unexpended funds may be used toward improvements to the Office of the Attorney General’s information technology infrastructure.

Section 2. This Act shall be read consistently with all carryover authorization authorized in P.L. 33-66 to achieve the purposes stated herein.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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Senator

Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator

Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker

Judith T.P. Won Pat, Ed.D.
Member

Vice-Speaker

Benjamin J.F. Cruz
Member

Legislative Secretary

Tina Rose Muna Barnes
Member

Senator

Dennis G. Rodriguez, Jr.
Member

Senator

Frank Blas Aguon, Jr.
Member

Senator

Michael F.Q. San Nicolas
Member

Senator

Nerissa Bretania Underwood
Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

December 3, 2015

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 212-33(COR) and 213-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Vice Speaker Benjamin J.F. Cruz

Acting Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

January 4, 2016

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Speaker
Judith T.P. Won Pat, Ed.D.
Member

To: **Rennae Meno**
Clerk of the Legislature

Vice-Speaker
Benjamin J.F. Cruz
Member

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Legislative Secretary
Tina Rose Muna Barnes
Member

Subject: **Fiscal Note**

Senator
Dennis G. Rodriguez, Jr.
Member

Hafa Adai!

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

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTES:
Bill No. 212-33(COR)

Senator
Michael F.Q. San Nicolas
Member

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

Senator
Nerissa Bretania Underwood
Member

Si Yu'os ma'åse'!

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 212-33 (COR)**

AN ACT TO AUTHORIZE THE ATTORNEY GENERAL THE USE OF FUNDS FOR EXPERTS IN FEDERAL LITIGATION CASES.

Department/Agency Appropriation Information

Dept./Agency Affected: Office of the Attorney General	Dept./Agency Head: Atty. Gen. Elizabeth Barrett-Anderson
Department's General Fund (GF) appropriation(s) to date:	16,165,153
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$16,165,153

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- 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? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- 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: /X/ Yes / / No
/ / Requested agency comments not received by due date / / Other:

Analyst: Joseph Guerrero Date: 12/29/15 Director: Jose S. Calvo Date: JAN 04 2016
Joseph Guerrero, BMA I Jose S. Calvo, Director

Notes:

The proposed legislation intends to amend Sections 2 and 3 of Public Law 33-01 in seeking continuing authorization of the Attorney General in Fiscal Year 2016 for the utilization of unexpended local appropriation funds of up to \$700,000 from the Office of the Attorney General's FY 2014 approved budget for securing experts in federal litigation cases in the United States District Court of Guam. The unexpended/unobligated balance of FY 2014 appropriations of the Attorney General's Office as of 9/30/2014 is approximately \$720,953 (excluding local matching funds). The fiscal impact in continuing to procure litigation experts for such cases is currently estimated at \$500,000 by the Attorney General's Office.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator

Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator

Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker

Judith T.P. Won Pat, Ed.D.
Member

Vice-Speaker

Benjamin J.F. Cruz
Member

Legislative Secretary

Tina Rose Muna Barnes
Member

Senator

Dennis G. Rodriguez, Jr.
Member

Senator

Frank Blas Aguon, Jr.
Member

Senator

Michael F.Q. San Nicolas
Member

Senator

Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER


Mary C. Torres
MINORITY MEMBER

December 3, 2015

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Vice Speaker Benjamin J.F. Cruz** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 212-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 212-33(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 Tres Na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
212-33 (COR)	B. J.F. Cruz	AN ACT TO AUTHORIZE THE ATTORNEY GENERAL THE USE OF FUNDS FOR EXPERTS IN FEDERAL LITIGATION CASE.	12/02/15 3:35 p.m.	12/03/15	Committee on Appropriations and Adjudication			

VICE SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication
senator@senatorbjcruz.com | www.senatorbjcruz.com



I Mina'trentai Tres na Liheslaturan Guåhan

THE 33RD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910

T: (671) 477-2520/1 | F: (671) 477-2522

December 18, 2015

MEMORANDUM

To: All Members/ All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: FIRST NOTICE of Public Hearings - December 28, 2015

Håfa Adai! The **Committee on Appropriations and Adjudication** will conduct a Public Hearing of Bills beginning at **10:00 AM** and at **4:00 PM** on **Monday, December 28, 2015**, in the **I Liheslatura Public Hearing Room** with the following schedule:

10:00 AM - PUBLIC HEARING

- **Bill No. 217-33 (COR)** - B.T. McCreddie - "An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn."

4:00 PM - PUBLIC HEARING OF BILLS

- **Bill No. 212-33 (COR)** - B.J.F. Cruz - "An act to authorize the Attorney General the use of funds for experts in federal litigation case."
- **Bill No. 222-33 (COR)** - B.J.F. Cruz - "An act to amend sections 6207 and 6207.1 of and to add new sections 6218.2 and 6218.3 to chapter 6, title 4 of the Guam Code Annotated, relative to prohibiting bonus pay and mandating proper pay and pay adjustment processing for unclassified employees."

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to senator@senatorbjcruz.com. Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521 or via e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.

VICE SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication
senator@senatorbicruz.com | www.senatorbicruz.com



I Mina'trentai Tres na Liheslaturan Guåhan

THE 33RD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910

T: (671) 477-2520/1 | F: (671) 477-2522

FOR IMMEDIATE RELEASE

December 18, 2015

FIRST NOTICE OF PUBLIC HEARINGS

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as five (5) days' notice for Public Hearings by the **Committee on Appropriations and Adjudication** scheduled on **Monday, December 28, 2015**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

10:00 AM - PUBLIC HEARING

- **Bill No. 217-33 (COR)** - B.T. McCreadie - "An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn."

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Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at carlo.branch@senatorbjcruz.com.

###



Dani Reyes <danireyes@senatorbjcruz.com>

FIRST NOTICE of Public Hearings – December 28, 2015

Dani Reyes <danireyes@senatorbjcruz.com>

Fri, Dec 18, 2015 at 10:04 AM

To: PH Notice <phnotice@guamlegislature.org>

Cc: "Senator Rory J. Respicio" <cor@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>, Management Information System <mis@guamlegislature.org>, Clerks <clerks@guamlegislature.org>

Bcc: reporters@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Krystal Paco <krystal@kuam.com>, Joan Aguon Charfauros <joan@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Isa Baza <isa@kuam.com>, slimtiaco@guampdn.com, kjdaly@guampdn.com, sraymundo@guampdn.com, lcmartinez@guampdn.com, jsantotoma@guampdn.com, editor@postguam.com, gerry@postguam.com, Gerry Partido <gerrypartido@gmail.com>, jackie@postguam.com, john@postguam.com, robert@postguam.com, marvic@postguam.com, jasmine@postguam.com, K57 <news@k57.com>, clynt@spbguam.com, janela@spbguam.com, roselle@spbguam.com, brittany@spbguam.com, joanna@spbguam.com, Blake Watson <blake@spbguam.com>, tim@spbguam.com, Ray Gibson <rgibson@k57.com>, Patti Arroyo <parroyo@k57.com>, phill@k57.com, Maureen Maratita <publisher@glimpsesofiguam.com>, Bruce Lloyd <managingeditor@glimpsesofiguam.com>, assist_editor@glimpsesofiguam.com, reporter1@glimpsesofiguam.com, Joy White <reporter4@glimpsesofiguam.com>

December 18, 2015

MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **FIRST NOTICE of Public Hearings – December 28, 2015**

Håfa Adai! The **Committee on Appropriations and Adjudication** will conduct a Public Hearing of Bills beginning at **10:00 AM** and at **4:00 PM** on **Monday, December 28, 2015**, in the ***I Liheslatura* Public Hearing Room** with the following schedule:

10:00 AM - PUBLIC HEARING

- **Bill No. 217-33 (COR)** – B.T. McCreddie – “An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn.”

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(The links provided above, as shown in the boldfaced and underlined text, direct to the respective PDF documents posted on the Guam Legislature website. For direct access, go to <http://www.guamlegislature.com>; bills are found under Bills > Introduced > 33rd).

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to senator@senatorbjcruz.com. Please submit testimonies at least one day prior to the date of the hearing.

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CC: MIS
COR
Sgt-At-Arms
Media

—
Dani Reyes
Policy Analyst

Vice Speaker Benjamin J.F. Cruz
I Mina'trentai Tres na Liheslaturan Guáhan
T 671-477-2520 | F 671-477-2522
<http://www.senatorbjcruz.com>

2 attachments

 **FIRST NOTICE MEMO PH 12282015.pdf**
197K

 **FIRST NOTICE PR PH 12282015.pdf**
182K

VICE SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication
senator@senatorbicruz.com | www.senatorbicruz.com



I Mina'trentai Tres na Liheslaturan Guåhan

THE 33RD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910
T: (671) 477-2520/1 | F: (671) 477-2522

December 26, 2015

MEMORANDUM

To: All Members/ All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **SECOND NOTICE of Public Hearings - December 28, 2015**

Håfa Adai! The **Committee on Appropriations and Adjudication** will conduct Public Hearings beginning at 10:00 AM and at 4:00 PM on **Monday, December 28, 2015**, in the *I Liheslatura Public Hearing Room* with the following schedule:

10:00 AM - PUBLIC HEARING

- **Bill No. 217-33 (COR)** - B.T. McCreadie - "An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn."

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We look forward to your attendance and participation.

VICE SPEAKER BENJAMIN J.F. CRUZ

Committee on Appropriations and Adjudication
senator@senatorbjcruz.com | www.senatorbjcruz.com



I Mina'trentai Tres na Liheslaturan Guåhan

THE 33RD GUAM LEGISLATURE

155 Hesler Place, Suite 107, Hagåtña, Guam 96910

T: (671) 477-2520/1 | F: (671) 477-2522

FOR IMMEDIATE RELEASE

December 26, 2015

SECOND NOTICE OF PUBLIC HEARINGS

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as forty-eight (48) hours' notice for Public Hearings of Bills by the **Committee on Appropriations and Adjudication** scheduled on **Monday, December 28, 2015**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

10:00 AM - PUBLIC HEARING

- **Bill No. 217-33 (COR)** - B.T. McCreadie - "An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn."

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- **Bill No. 212-33 (COR)** - B.J.F. Cruz - "An act to authorize the Attorney General the use of funds for experts in federal litigation case."
- **Bill No. 222-33 (COR)** - B.J.F. Cruz - "An act to amend sections 6207 and 6207.1 of and to add new sections 6218.2 and 6218.3 to chapter 6, title 4 of the Guam Code Annotated, relative to prohibiting bonus pay and mandating proper pay and pay adjustment processing for unclassified employees."

Testimonies may be submitted in person to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; by postal mail to 155 Hesler Place, Hagåtña Guam 96910 or by e-mail to senator@senatorbjcruz.com. Copies of written testimonies received at least one day before the scheduled date will be available at the hearing.

Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at carlo.branch@senatorbjcruz.com.

###



Dani Reyes <danireyes@senatorbjcruz.com>

SECOND NOTICE of Public Hearings – December 28, 2015

Dani Reyes <danireyes@senatorbjcruz.com>

Sat, Dec 26, 2015 at 8:30 AM

To: PH Notice <phnotice@guamlegislature.org>

Cc: "Senator Rory J. Respicio" <cor@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>, Management Information System <mis@guamlegislature.org>, Clerks <clerks@guamlegislature.org>

Bcc: reporters@kuam.com, sabrina@kuam.com, jason@kuam.com, krystal@kuam.com, joan@kuam.com, kenq@kuam.com, isa@kuam.com, slimtiaco@guampdn.com, kjdaly@guampdn.com, sraymundo@guampdn.com, lcmartinez@guampdn.com, jsantotoma@guampdn.com, editor@postguam.com, gerry@postguam.com, gerrypartido@gmail.com, jackie@postguam.com, john@postguam.com, robert@postguam.com, marvic@postguam.com, jasmine@postguam.com, news@k57.com, clynt@spbguam.com, janela@spbguam.com, roselle@spbguam.com, joanna@spbguam.com, blake@spbguam.com, tim@spbguam.com, rgibson@k57.com, parroyo@k57.com, phill@k57.com, publisher@glimpsesofofguam.com, managingeditor@glimpsesofofguam.com, assist_editor@glimpsesofofguam.com, reporter1@glimpsesofofguam.com, reporter4@glimpsesofofguam.com

December 26, 2015

MEMORANDUM

To: All Members / All Senators**From: Vice Speaker Benjamin J.F. Cruz, Chairman****Re: SECOND NOTICE of Public Hearings – December 28, 2015**

Håfa Adai! The **Committee on Appropriations and Adjudication** will conduct Public Hearings beginning at **10:00 AM** and at **4:00 PM** on **Monday, December 28, 2015**, in the ***I Liheslatura* Public Hearing Room** with the following schedule:

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- **Bill No. 217-33 (COR)** – B.T. McCreadie – “An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn.”

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Office of the Vice Speaker at 477-2521 or via e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.

CC: MIS
COR
Sgt-At-Arms
Media

—
Dani Reyes
Policy Analyst

Vice Speaker Benjamin J.F. Cruz
I Mina'trentai Tres na Liheslaturan Guahan
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2 attachments

 **SECOND NOTICE MEMO PH 12282015.pdf**
196K

 **SECOND NOTICE PR PH 12282015.pdf**
182K

Listserv: phnotice@guamlegislature.org

Updated as of July 7, 2015

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Updated as of July 7, 2015

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PUBLIC HEARING AGENDA

Monday, December 28, 2015

Guam Legislature Public Hearing Room • Hagåtña, Guam

10:00 AM

Bill No. 217-33 (COR) – B.T. McCreddie – “An act to appropriate the sum of two hundred thousand dollars (\$200,000.00) pursuant to the specified fishing agreement made by Guam, Quota Management, Inc., and the Hawaii Longline Association to the Department of Agriculture for the completion of the Paseo De Susana Fishing Platform, Department of Agriculture project no. 350-5-1058-f-agn.”

4:00 PM

Bill No. 212-33 (COR) – B.J.F. Cruz – “An act to authorize the Attorney General the use of funds for experts in federal litigation case.”

Bill No. 222-33 (COR) – B.J.F. Cruz – “An act to amend sections 6207 and 6207.1 of and to add new sections 6218.2 and 6218.3 to chapter 6, title 4 of the Guam Code Annotated, relative to prohibiting bonus pay and mandating proper pay and pay adjustment processing for unclassified employees.”