



# OFFICE OF THE SPEAKER JUDITH T. WON PAT, ED.D.

KUMITEN IDUKASION TINAKHELO', KOTTURA, LAIBIRIHAN PUPBLEKO SIHA YAN ASUNTON FAMILAO'AN  
COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY, AND WOMEN'S AFFAIRS

FEB 12 2016

COMMISSIONER

GUAM COMMISSION  
ON DECOLONIZATION

GUAM FIRST  
COMMISSION

ADVISOR TO THE  
PRESIDENT

ASSOCIATION OF  
PACIFIC ISLAND  
LEGISLATURES  
(APIL)

BOARD MEMBER

PACIFIC RESOURCES  
FOR EDUCATION  
AND LEARNING  
(PREL)


BOARD OF  
GOVERNORS MEMBER

PACIFIC ISLAND  
DEVELOPMENT BANK  
(PIDB)

MEMBER

FESTIVAL OF THE  
PACIFIC ARTS  
(FESTPAC)

The Honorable Rory J. Respicio  
Chairperson  
Committee on Rules  
*I Mina' Trentai Tres Na Liheslatuaran Guahan*  
33<sup>rd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

RE:  Bill No. 213-33 (COR): As Amended by the Committee

Dear Chairperson Respicio:

Transmitted herewith is the Committee Report on the Bill No. 213-33 (COR) As Amended by the Committee: "An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits" which was referred to the Committee on Higher Education, Culture, Public Library, and Women's Affairs.

Committee votes are as follows:

<u>2</u>	TO DO PASS
<u>1</u>	TO NOT PASS
<u>3</u>	TO REPORT OUT ONLY
_____	TO ABSTAIN
_____	TO PLACE IN INACTIVE FILE

*Senseramente.*

Judith T. Won Pat, Ed.D.  
Speaker, 33<sup>rd</sup> Guam Legislature

2016 FEB 12 10 00 AM





# OFFICE OF THE SPEAKER JUDITH T. WON PAT, ED.D.

KUMITEN IDUKASION TINAKHELO', KOTTURA, LAIBIRIHAN PUPBLEKO SIHA YAN ASUNTON FAMALAO'AN  
*COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY, AND WOMEN'S AFFAIRS*

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## COMMITTEE REPORT

ON

**Bill No. 213-33 (COR):  
As Amended by the Committee**

**“An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits.”**



# OFFICE OF THE SPEAKER JUDITH T. WON PAT, ED.D.

KUMITEN IDUKASION TINAKHELO', KOTTURA, LAIBIRIHAN PUPBLEKO SIHA YAN ASUNTON FAMILAO'AN  
COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY, AND WOMEN'S AFFAIRS

COMMISSIONER February 9, 2016

GUAM COMMISSION  
ON DECOLONIZATION

## MEMORANDUM

GUAM FIRST  
COMMISSION

TO: All Members  
Committee on Higher Education, Culture, Public Library and Women's  
Affairs

ADVISOR TO THE  
PRESIDENT

ASSOCIATION OF  
PACIFIC ISLAND  
LEGISLATURES  
(APIL)

FROM: Speaker Judith T. Won Pat, Ed.D.  
Committee Chairperson

BOARD MEMBER

PACIFIC RESOURCES  
FOR EDUCATION  
AND LEARNING  
(PREL)

SUBJECT: Bill No. 213-33 (COR), As Amended by the Committee

Transmitted herewith for your consideration is Bill No. 213-33 (COR), As Amended by the Committee, "An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits."

This report includes the following:

BOARD OF  
GOVERNORS MEMBER

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 213-33 (COR)
- Copy of Bill No. 213-33 (COR), As Amended by the Committee
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 213-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

PACIFIC ISLAND  
DEVELOPMENT BANK  
(PIDB)

MEMBER

FESTIVAL OF THE  
PACIFIC ARTS  
(FESTPAC)

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.





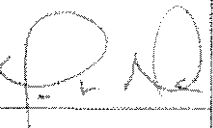

*Sensaramento*

Judith T. Won Pat, Ed.D.  
Speaker, 33<sup>rd</sup> Guam Legislature

**COMMITTEE VOTING SHEET**

**The Committee on Higher Education, Culture, Public Library, and Women's Affairs**

Bill No. 213-33 (COR): As Amended by the Committee, "An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits."

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Speaker Judith T. Won Pat, Ed.D., Chairperson		✓ 2/10/16				
Nerissa Underwood, Ph.D. Vice Chairperson		2/10/16				
Vice Speaker Benjamin J. F. Cruz, Member			✓ 2/10/16			
Tina R. Muna-Barnes, Member				✓		
Rory J. Respicio, Member						
V. Anthony Ada, Member				2/12 ✓		
Mary Camacho Torres, Member				✓		

## Committee Report Digest

### **I. OVERVIEW**

The Committee on Higher Education, Culture, Public Library, and Women's Affairs convened a public hearing on Friday, January 22, 2016 at 10:00 a.m. in *I Liheslatura's* Public Hearing Room. On the agenda was Bill No. 213-33 (COR): "An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits."

#### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators; 5 days notice was sent on January 14, 2016 and the 48 hours notice was sent on January 19, 2016 via email. Copies of the hearing notices are appended to the report.

#### **Senators Present**

Speaker Judith T. Won Pat Ed.D., Chairperson  
Senator Michael F.Q. San Nicolas  
Senator V. Anthony Ada

#### **Appearing before the Committee**

Dr. Robert A. Underwood, President, University of Guam

#### **Written Testimonies**

Dr. Robert A. Underwood, President, University of Guam

### **II. SUMMARY OF TESTIMONY AND DISCUSSION**

**Speaker Won Pat Ed.D.** stated, "Buenas yan Hafa Adai. It is Friday January 22, 2016 and it is now 10:08 in the morning. The Committee on Higher Education, Culture, Public Library, and Women's Affairs is conducting a public hearing on Bill No. 213-33 (COR): 'An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits.' A 5 day notice was sent on January 14, 2016 and the 48 hour notice was sent on January 19, 2016 via email. Testimonies should be addressed to Speaker Won Pat --- it can be delivered to my office; or the Legislature Mail Room at 155 Hesler Place Hagatna Guam, 96910; Or email it to [fborres@judiwonpat.com](mailto:fborres@judiwonpat.com); Or via fax at 472-3589."

**Speaker Won Pat Ed.D.** acknowledged the presence of Senator Michael F.Q. San Nicolas and Senator Anthony V. Ada.

**Speaker Won Pat Ed.D.** mentioned the presence of Dr. Underwood, and that prior to Dr. Underwood's testimony, to first let the author of the bill give a brief explanation.

**Senator M.F.Q. San Nicolas:** stated " Bill 213-33 is a simple piece of legislation amending a piece of law authorizing the University of Guam to detail talents that they have within the University to be able to support the mission of the Research Corporation as it is getting itself off the ground. The reason why this detail authorization is important is because right now the detailed corporation at the university of Guam is not in any way affiliated with the retirement fund at the university of Guam and so if we are going to be having expertise detailed in this research corporation that they're not going to lose out in any benefits as if they were not being detailed. So it is just like creating a similar kind of employment status, with respect to retirement benefits, for these particular employees so that they can support the start up efforts of the research corporation at the University of Guam. We have to give---- a little back drop, the research corporation, it's purpose is to support the University of Guam through research, encouraging, initiating, aiding, developing, and conducting the research and by furnishing the means, methods, training, investigation, and additional research. So this corporation is basically a research arm at the university, but it does have a lot of its own autonomy. But allowing it to maintain its autonomy we want to make sure that these details for the start up efforts at UOG are only going for a maximum period of 5 years. After 5 years, based on the language they are going to have to fully sustain itself with all of their professionals they have in their jurisdiction. So with that we have been in consultation with President at the University who would offer his testimony with respect to Bill No 213-33 (COR).

**Speaker Won Pat Ed.D.** called up Dr. Robert A. Underwood, President, University of Guam.

**President Underwood** is in full support of Bill No. 213-33 (COR); his written testimony is appended to the committee report.

**Speaker Won Pat Ed.D.** mentioned this will definitely have to be done by law, because when you detail individuals for certain extended time then of course there will be some changes naturally given their classifications. **Speaker Won Pat, Ed.D.** asked, "There were 124 personnel actions that have been completed; you have 53 employees --- 20 of them are students, so the remaining 33 are RCUOG employees?"

**President Underwood** replied, "No they are not, we only have one RCUOG employee."

**Speaker Won Pat Ed.D.** asked, "So how many do you intend to have detailed?"

**President Underwood** replied, "Just one, maybe another one."

**Speaker Won Pat Ed.D.** asked, "So we are not talking about a large number of detailed employees?"

**President Underwood** replied, "No just that one."

**Speaker Won Pat Ed.D** asked, "So that won't in any way affect that one UOG employee's duties and responsibilities who would now be working at the Research Corporation at full time?"

**President Underwood** replied, "So it is a full time, so basically, what we've done, this is part of or kind of our subsidy that the university has agreed, to give the initial phase of RCUOG. So in fact most of our initially subsidy is providing personnel and paying for some people to work there."

**Speaker Won Pat Ed.D** asked, "Who will be responsible for taking care of the duties of that one employee that would no longer be doing just UOG?"

**President Underwood** replied, "We are detailing, the employee used to work for the Professional International Programs (PIP), so that is another self sustaining arm at the university, so that has replaced her with a temporary person there so it's going well there. PIP is doing well, so there is no issue there."

**Speaker Won Pat Ed.D** mentioned, "So there is no cause and effect, from one person being detailed and one person taking that place."

**President Underwood** replied, "No not all."

**Speaker Won Pat Ed.D** stated, "Right now we can safely say that one employee is going to be detailed."

**President Underwood** replied, "Just one, and maybe another on a temporary basis; and it also depends on the flow of work."

**Speaker Won Pat Ed.D** mentioned that this is all on record, 1 to 2 employees for 5 years. So currently, there is about 7 Million dollars worth in funds that this individual would be managing?

**President Underwood-** replied, "No there are people who are working at RCUOG who are not detailed employees. So those people are helping her, we hired a business office manager who helps her process documents as well. We only have one detailed employee. Not all of the employees at RCUOG just pertain to individual grants; there are some that are managing the grants that are employees of RCUOG and not the university."

**Speaker Won Pat Ed.D** mentioned that the other question is a personnel matter that we are going to do by law after a period of time, that there may be a cause for reclassification. **Speaker Won Pat Ed.D** asked, "Will the employee have justification or reason to go to say that since I have been going, she would be entitled to step into the position?"

**President Underwood** replied, "That is highly unlikely, because the point of RCUOG was to take them out of that personnel system, so the only people who can technically hire anybody at RCUOG employees that we are talking about, is the board themselves. So they have a great part of the rationale, for having RCUOG, the 55 employees, have we used the normal government of

Guam Civil Service Commission requirements which we follow at the HR Office at the university sometimes the grant expires and we are never able to hire anybody. So this is an entirely separate system, there is no transfer of saying, or even implicit commitment or entitlements to a position. This is all entirely up to the board and it is separate and apart.

**Speaker Won Pat Ed.D** stated, "I was just going to ask if there is entitlement."

**President Underwood** replied, "There is no entitlement; they do so at their risk."

**Speaker** asked, "So the employee is a classified employee?"

**President Underwood** responded, "Not a classified, an academic employee at the university."

**Speaker Won Pat Ed.D** asked, "Will the employee have any rights to return back to the university?"

**President Underwood** replied, "Yes they would have a right to return back to UOG, but if that position opens up at RCUOG they don't automatically have that right to that position."

**Speaker Won Pat Ed.D** asked, "So that position vacated by this individual or another, their position can never be filled later by anybody else, because that person has the right to come back to that position that she had left at UOG?"

**President Underwood** replied, "Yes they would, at UOG."

**Speaker Won Pat Ed.D** Any last closing words?

**Speaker Won Pat, Ed.D.** responded, " This is another oversight on my part, and maybe you may consider it on committee - we have an even number of RCUOG board members. Practice always allows having an odd number, in the highly unlikely event we have a disagreement, and so currently I would like with your indulgence to submit a proposal to add another member to the RCUOG Board of Directors. We want to have the number like the legislature."

**Speaker Won Pat Ed.D** is in full support of the confirmation hearing and concluded the public hearing at 10:23 a.m. and also mentioned if there are additional letters of support to email it to [fbtorres@judiwonpat.com](mailto:fbtorres@judiwonpat.com). Or hand deliver at 155 Hesler Place Hagatna Guam 96910. Or via fax at 472-3589.

### III. Findings and Recommendations

The Committee on Higher Education, Public Library and Women's Affairs to which was referred Bill No. 213-33 (COR): "An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits."



The Committee recommends the following amendments:

Page 4, Line 3 to 5 the following was added:

(8) UOG Endowment Foundation Board of Directors appointee of one UOG Endowment Foundation Board of Director.

Page 5, Line 11 after the word assign, the following was added:

no more than two (2)


The Committee on Higher Education, Culture, Public Library, and Women's Affairs hereby reports out Bill No. 213-33 (COR), As Amended by the Committee, with the recommendation to

TD REPORT OUT ONLY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN  
2015 (FIRST) Regular Session

Bill No. 213-33 (COR)

Introduced by:

Michael F.Q. San Nicolas 

---

AN ACT TO AMEND §2 OF PUBLIC LAW 32-114,  
RELATIVE TO AUTHORIZING THE UNIVERSITY OF  
GUAM TO ASSIGN EMPLOYEES TO RCUOG FOR UP  
TO FIVE (5) YEARS WITH THE RETENTION OF  
UNIVERSITY OF GUAM EMPLOYEE BENEFITS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Amendment of Public Law 32-114. Section 2 of Public Law  
3 32-114 is hereby *amended*, to read:

4 "Section 2. A new Chapter ~~2928~~ is hereby *added* to Division 3 of  
5 Title 17, Guam Code Annotated, to read as follows:

6 'CHAPTER 2928

7 RESEARCH CORPORATION OF THE UNIVERSITY OF  
8 GUAM (RCUOG)

9  
10 § 2912801. Establishment of the Research Corporation.

11 § 2912802. Purpose.

12 § 2912803. Administration.

13 § 2912804. Officers and Employees of the Research Corporation.

14 § 2912805. Authorized Activities.

15 § 2912806. Procurement.

16 § 2912807. Annual Report.

2015 OCT -2 PM 4:08

MA

1           § 2912808. Dissolution.

2           § 2912809. Special Account.

3           § 2912810. RCUOG Excepted From Certain Guam Laws.

4           § 2912811. Severability.

5  
6           **§ 2912801. Establishment of the Research Corporation.**

7           The University of Guam is authorized to establish a body  
8           corporate, the Research Corporation of the University of Guam  
9           (RCUOG, Corporation). The Corporation *shall* be a public  
10          corporation incorporated on Guam, and *shall* operate as an integral  
11          part of the University of Guam (University, UOG) and may apply for  
12          a 501(c)(3) designation.

13          **§ 2912802. Purpose.**

14          The purposes of the Corporation *shall* include, but *not* be  
15          limited to, the promotion of assigned educational, scientific, and  
16          literary pursuits of the University of Guam's grants and contracts by:

17               (a) encouraging, initiating, aiding, developing, and  
18               conducting training, research, and study in the physical, biological,  
19               and social sciences, humanities, and all other branches of learning;

20               (b) encouraging and aiding in the education and training of  
21               persons for the conduct of the training, investigations, research, and  
22               study;

23               (c) furnishing the means, methods, and agencies by which  
24               the training, investigation, research, and study may be conducted, in  
25               support of the mission and best practices of the University of Guam;

1 (d) assisting in the dissemination of knowledge by  
2 establishing, aiding, and maintaining professorships or other staff  
3 positions, fellowships, scholarships, publications, and lectures;

4 (e) engaging in other means of making the benefits of  
5 training, investigations, research, and study available to the public;  
6 and

7 (f) taking any and all other actions reasonably designed to  
8 promote these purposes in the interest of promoting the general  
9 welfare of the people of Guam.

10 **§ 2912803. Administration.**

11 The affairs of the Corporation *shall* be under the general  
12 management and control of the RCUOG Board of Directors.

13 (a) Composition of Board of Directors. The Board of  
14 Directors *shall* consist of up to ten members, as follows:

15 (1) Ex-officio Chief Executive Officer -- University of  
16 Guam President;

17 (2) Ex-officio Member -- Senior Vice President of  
18 Academic and Student Affairs;

19 (3) Ex-officio Member -- Vice President of  
20 Administration and Finance;

21 (4) UOG President appointee of up to four (4)  
22 members (minimum of two representing the community at  
23 large);

24 (5) UOG Research Council appointee of one Member;

25 (6) UOG Faculty Senate appointee of one member;

26 and

1                   (7) UOG Board of Regents appointees of two UOG  
2 Board of Regents members.

3                   (b) All members of the Board of Directors *shall* serve  
4 without pay, but *shall* be entitled to reimbursement for necessary  
5 expenses while attending meetings and while in the discharge of  
6 duties and responsibilities.

7                   (c) The Chairperson of the Board of Directors *shall* be the  
8 President of the University of Guam. The Senior Vice President and  
9 Vice President for Administration and Finance *shall* serve as ex-  
10 officio members of the Board.

11 **§ 2912804. Officers and Employees of the Research Corporation.**

12                   (a) RCUOG will follow all the requirements applicable to  
13 each major grant program and maintain internal control over  
14 compliance in accordance with OMB Circulars A-133 and A-21, and  
15 appropriate Federal Acquisition Requirements.

16                   (b) RCUOG employees *shall* be governed by the RCUOG  
17 Board of Directors. Rules and regulations governing the selection,  
18 compensation, promotion, performance evaluation, disciplinary  
19 action, and other terms and conditions of employment, affecting  
20 RCUOG personnel *shall* be adopted by the Board. The Board may  
21 establish or abolish positions as necessary for the purposes herein.

22                   (c) The Board of Directors *shall* appoint the Executive  
23 Director of RCUOG.

24                   (d) The RCUOG Board of Directors *shall* establish an  
25 employment policy for the Research Corporation, as necessary, in  
26 administering the affairs of the RCUOG.

1 (e) Notwithstanding any other provision of law, rule, or  
2 regulation, employees of the Research Corporation *shall* be  
3 unclassified public employees. The Board of Directors *shall* set the  
4 employees' duties, responsibilities, salaries, holidays, leaves, hours of  
5 work, and working conditions. The Board of Directors may grant  
6 such other benefits to its employees as it deems necessary, and in  
7 accordance with RCUOG's employment policy and federal  
8 employment laws. The University of Guam may assign University  
9 employees to the RCUOG, with the approval of the RCUOG Board of  
10 Directors, for a maximum start-up period of five (5) years. These  
11 employees shall retain their status as University employees during this  
12 assignment period and shall continue to receive all University benefits  
13 available to them as University employees.

14 (f) The RCUOG Board of Directors *shall* promulgate rules  
15 and regulations for hiring, employment, procurement and property set  
16 forth by RCUOG Policy, and the requirements applicable to each  
17 major grant program and on internal control over compliance in  
18 accordance with OMB Circulars A-133 and A-21, and Federal  
19 Acquisition Requirements.

20 (g) Employees of the Research Corporation *shall not* be  
21 entitled to any benefits conferred under Title 4, GCA - Public Officers  
22 and Employees: Chapter 4 - Personnel Policy and the Civil Service  
23 Commission, relating to civil service and public service; and Chapter  
24 8 - Retirement of Public Employees, relating to pension and  
25 retirement systems, and the appropriate collective bargaining  
26 agreement, executive order, executive directive, or rule.

27 **§ 2912805. Authorized Activities.**

1           Notwithstanding any other provision of law, rule, or regulation,  
2 the RCUOG is authorized to conduct the following activities:

3           (a) to create, adopt, amend, and repeal by-laws governing the  
4 conduct of its business and the exercise of the powers and  
5 performance of duties granted to it or imposed upon it by law;

6           (b) to enter into and perform such contracts, leases,  
7 cooperative agreements, grants or other transactions on behalf of the  
8 University, as may be necessary to facilitate the conduct of the  
9 authorized activities described herein;

10          (c) to buy, sell, lease, rent, hold, maintain, use, and operate  
11 any property, real, personal, or mixed, tangible or intangible, in  
12 accordance with the conditions under which it was received and under  
13 the purposes of the RCUOG;

14          (d) to submit each year for the approval of the Board of  
15 Directors an annual budget; such budget will include projected  
16 income, including indirect/facilities and administrative revenue, and a  
17 cost of operating expenses of the Corporation, as well as the  
18 distribution plan of the net proceeds for the University's use, which  
19 *shall* include a reasonable corporate reserve; the allocation of  
20 indirect/facilities and administrative cost will be determined by the  
21 Board of Directors, and following UOG-BOR Resolution 08-40;

22          (e) to receive through University policies and procedures, by  
23 gifts, grants, devises, bequests, or otherwise from private or public  
24 sources, any property, real, personal, or mixed, intangible or tangible,  
25 absolutely or in trust, to be used and disposed of, either the principal  
26 or the income therefrom, in accordance with the conditions under  
27 which it was received; *except*, that no gift to the Corporation shall be

1 accepted *unless* approved or confirmed by the RCUOG Board of  
2 Directors;

3 (f) to facilitate multi-year contracts;

4 (g) to have a corporate seal;

5 (h) to sue and to be sued in its own name and to indemnify  
6 the University against losses incurred specific to that activity;

7 (i) to serve as trustee or beneficiary under terms of any gift,  
8 indenture, or will;

9 (j) to apply for, take out, receive by purchase or gift, hold,  
10 administer, and dispose of copyrights, patent rights, licenses,  
11 assignments of inventions, discoveries, processes, and other property,  
12 rights or interests therein, the income thereof, absolutely or subject to  
13 such conditions or trusts as may be attached thereto or be imposed  
14 thereon, and to obligate itself to perform and execute any and all such  
15 conditions or trusts in coordination with UOG's Intellectual Property  
16 Policy;

17 (k) to conduct research, studies, experiments, investigations,  
18 and tests in all fields of knowledge; to promote and develop the  
19 scientific and commercial value of inventions, discoveries, and  
20 processes; and to make published, and distribute the results thereof;

21 (l) to do any and all other acts reasonably necessary to carry  
22 out the objectives and purposes of the Corporation and the University,  
23 as approved by the University and the RCUOG Board of Directors;

24 (m) to coordinate and correlate activities and projects of the  
25 Corporation with the work of government of Guam agencies for the  
26 purpose of relating research work to the economic development of  
27 Guam whenever practical or desirable;



1 (n) to stimulate and promote cooperative research projects  
2 and activities;

3 (o) to establish and maintain, or to assist in establishing and  
4 maintaining, scholarships, fellowships, and professorships, and other  
5 staff positions for the purpose of aiding in the acquisition and  
6 dissemination of knowledge; and to enter into agreements or contracts  
7 with other corporations, organizations, institutions, or persons for this  
8 purpose and to pay the necessary and appropriate expenses therefor;

9 (p) to prepare, print, or publish any manuscript, research  
10 article, report, study, discussion, reference, collection, or any pictorial  
11 or schematic representation or group or collection thereof, whether it  
12 belongs to or is the work of any government of Guam agency or its  
13 employees, or the University or one of its faculty members or  
14 employees, or the Corporation or its employees, or a contractor of  
15 RCUOG. The printing or publication may be accomplished through  
16 whatever person, company, or agency is deemed most appropriate by  
17 the Board of Directors.

18 **§ 2912806. Procurement.**

19 RCUOG *shall* adopt a procurement policy approved by the  
20 RCUOG Board that is aligned with sound business practices and  
21 consistent with federal program rules and regulations as applicable to  
22 grants, and contracts, such as, but *not* limited to, OMB Circular A-21.

23 **§ 2912807. Annual Report.**

24 The Corporation *shall* submit an annual report to the University  
25 of Guam Board of Regents, *I Maga'lahañ Guåhan* (the Governor of  
26 Guam), and *I Liheslaturan Guåhan* (the Guam Legislature).

1           The report *shall* include, but *not* be limited to, the  
2 Corporation's audited financial statements, including its balance  
3 sheet, statement of income and expenses, a synopsis of all ongoing  
4 research projects and a summary of funding for each such project by  
5 the source of such funding, whether local government, federal  
6 government or other sources, and statement of cash flows; and  
7 progress and accomplishments during the year.

8           **§ 2912808. Dissolution.**

9           In the event of the dissolution of the Corporation, all of its  
10 property, real, personal, and mixed, and wheresoever situated, *shall*  
11 vest immediately and absolutely in the University of Guam.

12           **§ 2912809. Special Account.**

13           The Corporation *shall* be authorized to set up a special account  
14 for depositing moneys received from either public or private contracts,  
15 or from private or public grants, awards, or gifts. All disbursements  
16 *shall* be drawn on the special account upon checks prepared and  
17 signed, as approved by the Executive Director of the RCUOG and *at*  
18 *least* one other RCUOG officer or employee authorized by the  
19 RCUOG Board of Directors.

20           **§ 2912810. RCUOG Excepted From Certain Guam Laws.**

21           Unless otherwise specifically stated in law, RCUOG is  
22 excepted from the following Guam laws:

23           (a) Title 5 GCA - Government Operations; Chapter 22 -  
24 General Fiscal Policies and Controls, relating to the management and  
25 regulation of expenditures with the use of public funds;

1 (b) Title 4 GCA - Public Officers and Employees: Chapter 4  
2 - Personnel Policy and the Civil Service Commission, relating to  
3 public employment and the Civil Service Commission;

4 (c) Title 4 GCA - Public Officers and Employees: Chapter 8  
5 - Retirement of Public Employees, relating to pension and retirement  
6 systems;

7 (d) Title 5 GCA - Government Operations: Chapter 5 -  
8 Guam Procurement Law, relating to the procurement of goods and  
9 services with public funds.

10 **§ ~~29128~~11. Severability.**

11 *If any provision of this Act, or the application thereof to any*  
12 *person or circumstances is held invalid, the invalidity does not affect*  
13 *other provisions or applications of the Act that can be given effect*  
14 *without the invalid provisions or application, and to this end the*  
15 *provisions of this Act are severable.”*

16 **Section 2. References to Provisions of Public Law 32-114 Amended by**  
17 **this Act.** Any reference to provisions enacted by Public Law 32-114 and amended  
18 by this Act in any rule, regulation, procedure, agreement, or other legal document  
19 *shall* be construed to refer to the amended provisions of this Act, as appropriate.

*I MINA'TRENTAITRES NA LIHESLATURAN GUÁHAN*  
2015 (FIRST) Regular Session

**Bill No. 213-33 (COR)**

As Amended by the Committee on Higher Education,  
Culture, Public Libraries and Women's Affairs

Introduced by:

Michael F.Q. San Nicolas

---

**AN ACT TO AMEND §2 OF PUBLIC LAW 32-114,  
RELATIVE TO AUTHORIZING THE UNIVERSITY OF  
GUAM TO ASSIGN EMPLOYEES TO RCUOG FOR UP  
TO FIVE (5) YEARS WITH THE RETENTION OF  
UNIVERSITY OF GUAM EMPLOYEE BENEFITS.**

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

2 **Section 1. Amendment of Public Law 32-114.**Section 2 of Public Law 32-  
3 114 is hereby *amended*, to read:

4 **“Section 2.**A *new* Chapter 2928 is hereby *added* to Division 3 of Title  
5 17, Guam Code Annotated, to read as follows:

6 **‘CHAPTER 2928**

7 **RESEARCH CORPORATION OF THE UNIVERSITY OF**  
8 **GUAM (RCUOG)**

9  
10 § 2912801. Establishment of the Research Corporation.

11 § 2912802. Purpose.

12 § 2912803. Administration.

13 § 2912804. Officers and Employees of the Research Corporation.

14 § 2912805. Authorized Activities.

15 § 2912806. Procurement.

1           § 2912807. Annual Report.

2           § 2912808. Dissolution.

3           § 2912809. Special Account.

4           § 2912810. RCUOG Excepted From Certain Guam Laws.

5           § 2912811. Severability.

6  
7           **§ 2912801. Establishment of the Research Corporation.**

8           The University of Guam is authorized to establish a body  
9 corporate, the Research Corporation of the University of Guam  
10 (RCUOG, Corporation). The Corporation *shall* be a public  
11 corporation incorporated on Guam, and *shall* operate as an integral  
12 part of the University of Guam (University, UOG) and may apply for  
13 a 501(c)(3) designation.

14           **§2912802. Purpose.**

15           The purposes of the Corporation *shall* include, but *not* be  
16 limited to, the promotion of assigned educational, scientific, and  
17 literary pursuits of the University of Guam's grants and contracts by:

18           (a) encouraging, initiating, aiding, developing, and  
19 conducting training, research, and study in the physical, biological,  
20 and social sciences, humanities, and all other branches of learning;

21           (b) encouraging and aiding in the education and training of  
22 persons for the conduct of the training, investigations, research, and  
23 study;

24           (c) furnishing the means, methods, and agencies by which  
25 the training, investigation, research, and study may be conducted, in  
26 support of the mission and best practices of the University of Guam;

1 (d) assisting in the dissemination of knowledge by  
2 establishing, aiding, and maintaining professorships or other staff  
3 positions, fellowships, scholarships, publications, and lectures;

4 (e) engaging in other means of making the benefits of  
5 training, investigations, research, and study available to the public;  
6 and

7 (f) taking any and all other actions reasonably designed to  
8 promote these purposes in the interest of promoting the general  
9 welfare of the people of Guam.

10 **§2912803. Administration.**

11 The affairs of the Corporation *shall* be under the general  
12 management and control of the RCUOG Board of Directors.

13 (a) Composition of Board of Directors. The Board of  
14 Directors *shall* consist of up to ten members, as follows:

15 (1) Ex-officio Chief Executive Officer – University of  
16 Guam President;

17 (2) Ex-officio Member – Senior Vice President of  
18 Academic and Student Affairs;

19 (3) Ex-officio Member – Vice President of  
20 Administration and Finance;

21 (4) UOG President appointee of up to four (4)  
22 members (minimum of two representing the community at  
23 large);

24 (5) UOG Research Council appointee of one Member;

25 (6) UOG Faculty Senate appointee of one member;

26 ~~and;~~

1 (7) UOG Board of Regents appointees of two UOG  
2 Board of Regents members; and

3 (8) UOG Endowment Foundation Board of Directors  
4 appointee of one UOG Endowment Foundation Board of  
5 Director.

6 (b) All members of the Board of Directors *shall* serve  
7 without pay, but *shall* be entitled to reimbursement for necessary  
8 expenses while attending meetings and while in the discharge of  
9 duties and responsibilities.

10 (c) The Chairperson of the Board of Directors *shall* be the  
11 President of the University of Guam. The Senior Vice President and  
12 Vice President for Administration and Finance *shall* serve as ex-  
13 officio members of the Board.

14 **§2912804. Officers and Employees of the Research Corporation.**

15 (a) RCUOG will follow all the requirements applicable to  
16 each major grant program and maintain internal control over  
17 compliance in accordance with OMB Circulars A-133 and A-21, and  
18 appropriate Federal Acquisition Requirements.

19 (b) RCUOG employees *shall* be governed by the RCUOG  
20 Board of Directors. Rules and regulations governing the selection,  
21 compensation, promotion, performance evaluation, disciplinary  
22 action, and other terms and conditions of employment, affecting  
23 RCUOG personnel *shall* be adopted by the Board. The Board may  
24 establish or abolish positions as necessary for the purposes herein.

25 (c) The Board of Directors *shall* appoint the Executive  
26 Director of RCUOG.

1 (d) The RCUOG Board of Directors *shall* establish an  
2 employment policy for the Research Corporation, as necessary, in  
3 administering the affairs of the RCUOG.

4 (e) Notwithstanding any other provision of law, rule, or  
5 regulation, employees of the Research Corporation *shall* be  
6 unclassified public employees. The Board of Directors *shall* set the  
7 employees' duties, responsibilities, salaries, holidays, leaves, hours of  
8 work, and working conditions. The Board of Directors may grant  
9 such other benefits to its employees as it deems necessary, and in  
10 accordance with RCUOG's employment policy and federal  
11 employment laws. The University of Guam *may* assign no more than  
12 two (2) University employees to the RCUOG, with the approval of the  
13 RCUOG Board of Directors, for a maximum start-up period of five  
14 (5) years. These employees *shall* retain their status as University  
15 employees during this assignment period and *shall* continue to receive  
16 all University benefits available to them as University employees.

17 (f) The RCUOG Board of Directors *shall* promulgate rules  
18 and regulations for hiring, employment, procurement and property set  
19 forth by RCUOG Policy, and the requirements applicable to each  
20 major grant program and on internal control over compliance in  
21 accordance with OMB Circulars A-133 and A-21, and Federal  
22 Acquisition Requirements.

23 (g) Employees of the Research Corporation *shall not* be  
24 entitled to any benefits conferred under Title 4, GCA - Public Officers  
25 and Employees: Chapter 4 - Personnel Policy and the Civil Service  
26 Commission, relating to civil service and public service; and Chapter 8  
27 - Retirement of Public Employees, relating to pension and retirement



1 systems, and the appropriate collective bargaining agreement,  
2 executive order, executive directive, or rule.

3 **§2912805. Authorized Activities.**

4 Notwithstanding any other provision of law, rule, or regulation,  
5 the RCUOG is authorized to conduct the following activities:

6 (a) to create, adopt, amend, and repeal by-laws governing the  
7 conduct of its business and the exercise of the powers and  
8 performance of duties granted to it or imposed upon it by law;

9 (b) to enter into and perform such contracts, leases,  
10 cooperative agreements, grants or other transactions on behalf of the  
11 University, as maybe necessary to facilitate the conduct of the  
12 authorized activities described herein;

13 (c) to buy, sell, lease, rent, hold, maintain, use, and operate  
14 any property, real, personal, or mixed, tangible or intangible, in  
15 accordance with the conditions under which it was received and under  
16 the purposes of the RCUOG;

17 (d) to submit each year for the approval of the Board of  
18 Directors an annual budget; such budget will include projected  
19 income, including indirect/facilities and administrative revenue, and a  
20 cost of operating expenses of the Corporation, as well as the  
21 distribution plan of the net proceeds for the University's use, which  
22 *shall* include a reasonable corporate reserve; the allocation of  
23 indirect/facilities and administrative cost will be determined by the  
24 Board of Directors, and following UOG-BOR Resolution 08-40;

25 (e) to receive through University policies and procedures, by  
26 gifts, grants, devises, bequests, or otherwise from private or public  
27 sources, any property, real, personal, or mixed, intangible or tangible,

1 absolutely or in trust, to be used and disposed of, either the principal  
2 or the income there from, in accordance with the conditions under  
3 which it was received; *except*, that no gift to the Corporation shall be  
4 accepted *unless* approved or confirmed by the RCUOG Board of  
5 Directors;

6 (f) to facilitate multi-year contracts;

7 (g) to have a corporate seal;

8 (h) to sue and to be sued in its own name and to indemnify  
9 the University against losses incurred specific to that activity;

10 (i) to serve as trustee or beneficiary under terms of any gift,  
11 indenture, or will;

12 (j) to apply for, take out, receive by purchase or gift, hold,  
13 administer, and dispose of copyrights, patent rights, licenses,  
14 assignments of inventions, discoveries, processes, and other property,  
15 rights or interests therein, the income thereof, absolutely or subject to  
16 such conditions or trusts as maybe attached thereto or be imposed  
17 thereon, and to obligate itself to perform and execute any and all such  
18 conditions or trusts in coordination with UOG's Intellectual Property  
19 Policy;

20 (k) to conduct research, studies, experiments, investigations,  
21 and tests in all fields of knowledge; to promote and develop the  
22 scientific and commercial value of inventions, discoveries, and  
23 processes; and to make published, and distribute the results thereof;

24 (l) to do any and all other acts reasonably necessary to carry  
25 out the objectives and purposes of the Corporation and the University,  
26 as approved by the University and the RCUOG Board of Directors;

1 (m) to coordinate and correlate activities and projects of the  
2 Corporation with the work of government of Guam agencies for the  
3 purpose of relating research work to the economic development of  
4 Guam whenever practical or desirable;

5 (n) to stimulate and promote cooperative research projects  
6 and activities;

7 (o) to establish and maintain, or to assist in establishing and  
8 maintaining, scholarships, fellowships, and professorships, and other  
9 staff positions for the purpose of aiding in the acquisition and  
10 dissemination of knowledge; and to enter into agreements or contracts  
11 with other corporations, organizations, institutions, or persons for this  
12 purpose and to pay the necessary and appropriate expenses therefor;

13 (p) to prepare, print, or publish any manuscript, research  
14 article, report, study, discussion, reference, collection, or any pictorial  
15 or schematic representation or group or collection thereof, whether it  
16 belongs to or is the work of any government of Guam agency or its  
17 employees, or the University or one of its faculty members or  
18 employees, or the Corporation or its employees, or a contractor of  
19 RCUOG. The printing or publication maybe accomplished through  
20 whatever person, company, or agency is deemed most appropriate by  
21 the Board of Directors.

22 **§2912806. Procurement.**

23 RCUOG *shall* adopt a procurement policy approved by the  
24 RCUOG Board that is aligned with sound business practices and  
25 consistent with federal program rules and regulations as applicable to  
26 grants, and contracts, such as, but *not* limited to, OMB Circular A-21.

27 **§2912807. Annual Report.**

1           The Corporation *shall* submit an annual report to the University  
2 of Guam Board of Regents, *I Maga'lahen Guåhan* (the Governor of  
3 Guam), and *I LiheslaturanGuåhan* (the Guam Legislature).

4           The report *shall* include, but *not* be limited to, the  
5 Corporation's audited financial statements, including its balance  
6 sheet, statement of income and expenses, a synopsis of all ongoing  
7 research projects and a summary of funding for each such project by  
8 the source of such funding, whether local government, federal  
9 government or other sources, and statement of cash flows; and  
10 progress and accomplishments during the year.

11 **§2912808. Dissolution.**

12           In the event of the dissolution of the Corporation, all of its  
13 property, real, personal, and mixed, and wheresoever situated, *shall*  
14 vest immediately and absolutely in the University of Guam.

15 **§2912809. Special Account.**

16           The Corporation *shall* be authorized to set up a special account  
17 for depositing moneys received from either public or private contracts,  
18 or from private or public grants, awards, or gifts. All disbursements  
19 *shall* be drawn on the special account upon checks prepared and  
20 signed, as approved by the Executive Director of the RCUOG and *at*  
21 *least* one other RCUOG officer or employee authorized by the  
22 RCUOG Board of Directors.

23 **§2912810. RCUOG Excepted From Certain Guam Laws.**

24           Unless otherwise specifically stated in law, RCUOG is  
25 excepted from the following Guam laws:

1 (a) Title 5GCA - Government Operations: Chapter 22 -  
2 General Fiscal Policies and Controls, relating to the management and  
3 regulation of expenditures with the use of public funds;

4 (b) Title 4GCA - Public Officers and Employees: Chapter 4 -  
5 Personnel Policy and the Civil Service Commission, relating to public  
6 employment and the Civil Service Commission;

7 (c) Title 4GCA - Public Officers and Employees: Chapter 8 -  
8 Retirement of Public Employees, relating to pension and retirement  
9 systems;

10 (d) Title 5GCA - Government Operations: Chapter 5 -  
11 Guam Procurement Law, relating to the procurement of goods and  
12 services with public funds.

13 **§2912811. Severability.**

14 *If any provision of this Act, or the application thereof to any*  
15 *person or circumstances is held invalid, the invalidity does not affect*  
16 *other provisions or applications of the Act that can be given effect*  
17 *without the invalid provisions or application, and to this end the*  
18 *provisions of this Act are severable.”*

19 **Section 2. References to Provisions of Public Law 32-114 Amended by**  
20 **this Act.** Any reference to provisions enacted by Public Law 32-114 and amended  
21 by this Act in any rule, regulation, procedure, agreement, or other legal document  
22 *shall* be construed to refer to the amended provisions of this Act, as appropriate.

**COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC LIBRARY & WOMEN'S AFFAIRS**  
**SIGN-IN SHEET**  
**PUBLIC HEARING**

January 22, 2016  
 10:00 a.m

Bill No. 213-33 (COR): "An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits."

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Robert Underwood	UOG	support	X	X	7277715	



UNIVERSITY OF GUAM  
UNIBETSEDAT GUAHAN

OFFICE OF THE PRESIDENT  
UOG Station, Mangilao, Guam 96923  
Telephone: (671) 735-2990 • Fax: (671) 734-2296

January 22, 2016

The Honorable Michael F.Q San Nicolas  
Chairperson, Committee on Finance & Taxation, General Government  
Operations, and Youth Development  
Senator, 33<sup>rd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, GU 96910

Dear Senator San Nicolas and Members of the Committee,

Thank you for the opportunity to testify on behalf of Bill No. 213-33. This is a relatively simple measure that allows the University to utilize personnel for five years in the initial implementation phase of the Research Corporation of the University of Guam (RCUOG).

The RCUOG was established in February 2014 pursuant to P.L. 32-114. Because of the complexity of the start-up processes, we initially used three UOG personnel to begin the work of RCUOG. Today, we have one UOG employee performing RCUOG duties while another UOG employee performed RCUOG duties for one year. There is some concern that the UOG benefits they receive are in jeopardy. In order to clarify the intent of the UOG and the work plan, we have a phase in-phase out plan for financing and providing services for RCUOG. We anticipate that RCUOG will be finally self-sustaining within three years and that by the end of 2019 we will no longer assign any UOG personnel to the operation and management of RCUOG.

RCUOG was launched Sept. 2014. Since that time, we completed 124 personnel actions and currently manage over \$7M worth of funds. We currently have 53 RCUOG employees of which 20 are UOG students. Other employees are recent UOG graduates working in a variety of research areas under principal investigators who are experts in their fields.

As mentioned, RCUOG will phase out utilizing UOG employees by the end of 2019. From that point on, managers hired by the RCUOG Board of Directors will contribute to Social Security.

I am very pleased with the progress RCUOG has made in the last year and a half. The Research Corporation, which was championed by the Legislature, is proving successful. We expect future growth which, ultimately, will contribute to the intellectual, social, environmental empowerment of the people of Guam.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Underwood".

Robert A. Underwood  
President

cc: Senators, 33<sup>rd</sup> Guam Legislature



## COMMITTEE ON RULES

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

December 24, 2015

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 Notes

Senator  
Dennis G. Rodriguez, Jr.  
Member

*Hafa Adai!*

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

Senator  
Frank Blas Aguon, Jr.  
Member

### FISCAL NOTES:

Bill No. 213-33(COR)

Bill No. 214-33(COR)

Bill No. 215-33(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. 213-33 (COR)**

**AN ACT TO AMEND §2 OF PUBLIC LAW 32-114, RELATIVE TO AUTHORIZING THE UNIVERSITY OF GUAM TO ASSIGN EMPLOYEES TO RCUOG FOR UP TO FIVE (5) YEARS WITH THE RETENTION OF UNIVERSITY OF GUAM EMPLOYEE BENEFITS.**

Department/Agency Appropriation Information	
Dept./Agency Affected: University of Guam	Dept./Agency Head: Robert A. Underwood
Department's General Fund (GF) appropriation(s) to date:	35,222,328
Department's Other Fund (Specify) appropriation(s) to date: Guam/Territorial Highway Fund (\$500,000); Tourist Attraction Fund (\$200,000); Healthy Futures Fund (\$2,867,255); Territorial Education Facilities Fund (\$1,158,283)	4,725,538
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$39,947,866</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund (specify)	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appra. (P.L. 33-66 thru _____)	\$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 2016 (if applicable) /	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund (specify)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>

- 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? / / Yes /X/ No  
 Is there a federal mandate to establish the program/agency? / / Yes / / No
- Will the enactment of this Bill require new physical facilities? / / Yes / / 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: <u>Angela S. Flores, BMA IV</u>	Date: <u>12/18/15</u>	Director: <u>Jose S. Calvo, Director</u>	Date: <u>DEC 21 2015</u>
------------------------------------------	-----------------------	------------------------------------------	--------------------------

**Footnotes: 1/**  
 Enactment of the proposed legislation would allow the University of Guam (UOG or University) to assign University employees to the Research Corporation of the University of Guam (RCUOG), with the approval of the RCUOG Board of Directors, for a maximum start-up period of 5 years, while retaining their status as University employees during the assignment period, and shall continue to receive all University benefits available to them as University employees. Information from UOG are as follows: Currently the core staff funded in the RCUOG operations budget in FY16 include Interim Executive Director (full-time, annual salary \$101,867), and Chief Business Officer (part-time, \$28.98 per hour). To date, UOG has funded operational costs totalling \$516,924: FY14 - \$54,675; FY15 - \$349,520; FY16 as of Dec. 14, 2015 - \$112,729. Additionally, RCUOG employs about another 50 employees (full and part-time) paid directly from federal grants and contracts. There are 50 grants running through RCUOG totaling about \$6.9 M on an annual basis. When considering the multi-year awards the amount is \$16,400,195. A such there is a potential for additional financial impact should UOG continue subsidizing the Research Corporation until it could be self-sustaining, which is estimated by or around FY17. The RCUOG was authorized under P.L. 32-114 (enacted on February 10, 2014).



# COMMITTEE ON RULES

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

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E-mail: [roryfor Guam@gmail.com](mailto:roryfor Guam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
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MAJORITY LEADER

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VICE CHAIRPERSON  
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Speaker  
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Member

Vice-Speaker  
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Senator  
Frank Blas Aguon, Jr.  
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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. 213-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 213-33(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'åsel*

Attachment

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	HEARING DATE	COMMITTEE REPORT FILED	FISCAL NOTES
213-33 (COR)	Michael F.Q. San Nicolas	AN ACT TO AMEND §2 OF PUBLIC LAW 32-114, RELATIVE TO AUTHORIZING THE UNIVERSITY OF GUAM TO ASSIGN EMPLOYEES TO RCUOG FOR UP TO FIVE (5) YEARS WITH THE RETENTION OF UNIVERSITY OF GUAM EMPLOYEE BENEFITS.	12/02/15 4:08 p.m.	12/03/15	Committee on Higher Education, Culture, Public Library and Women's Affairs			Fiscal Note Request 12/03/15 Fiscal Note 12/24/15



Carl Sanchez &lt;carlsanchez@judiwonpat.com&gt;

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## Notice of Public Hearing

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Carl Sanchez <carlsanchez@judiwonpat.com>  
To: phnotice@guamlegislature.org

Thu, Jan 14, 2016 at 7:18 PM

January 14, 2016

### MEMORANDUM

To: Members of the 33rd Guam Legislature and  
Media

From: Committee on Higher Education, Culture, Public Library, and Women's Affairs

Subject: Notice of Public Hearing

Buenas yan Hafa Adai! The Committee on Higher Education, Culture, Public Library, and Women's Affairs will conduct a public hearing on **Friday, January 22, 2016 at 10:00 a.m.** in the Public Hearing Room of the Guam Legislature building on the following item:

**Bill No. 213-33 (COR):** Introduced by Senator M.F.Q. San Nicolas

"An act to amend §2 of P.L. 32-114, relative to authorizing the University of Guam to assign employees to RCUOG for up to five (5) years with the retention of University of Guam employee benefits."

Testimonies on Bill No. 213-33 (COR) should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery at the Speaker's office; Speaker's mailbox at the reproduction room of the main Legislature building at 155 Hesler Place, Hagåtña, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. Bill No. 213-33 (COR) is available for review at [www.guamlegislature.org](http://www.guamlegislature.org).

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at [edpocaigue@judiwonpat.com](mailto:edpocaigue@judiwonpat.com).

Carl C. Sanchez, MPA  
Staff Assistant  
Office of Speaker Judith T. Won Pat Ed.D.  
Hagåtña, Guam 96910  
Tel: (671) 472-3586  
Fax: (671) 472-3589

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Carl Sanchez &lt;carlsanchez@judiwonpat.com&gt;

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**Second Notice of Public Hearing---Friday, January 22, 2016 at 10:00 a.m.**

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Carl Sanchez &lt;carlsanchez@judiwonpat.com&gt;

Tue, Jan 19, 2016 at 1:47 PM

To: phnotice@guamlegislature.org, lmtoves@uguam.uog.edu

January 19, 2016

## MEMORANDUM

To: Members of the 33rd Guam Legislature and  
Media

From: Committee on Higher Education, Culture, Public Library, and Women's Affairs

Subject: Second Notice of Public Hearing

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Carl C. Sanchez, MPA  
Staff Assistant  
Office of Speaker Judith T. Won Pat Ed.D.  
Hagåtña, Guam 96910  
Tel: (671) 472-3586  
Fax: (671) 472-3589

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Updated: December 2, 2015

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admin@frankaguonjr.com	cor@guamlegislature.org	joe@toduguan.com
admin@guamrealtors.com	coy@senatorada.org	joesa@guamlegislature.org
admin@weareguahan.com	danireyes@senatorbjcruz.com	john.calvo@noaa.gov
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ann@toduguan.com	editor@saipantribune.com	ken.kelly@gmail.com
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ataligba@gmail.com	efflures@senatorbjcruz.com	kelly.toves@mail.house.gov
av@guamlegislature.org	elena.garcia@senatorbjcruz.com	kennylg@guamlegislature.org
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bernice@tinamunabarnes.com	ewinstoni@yahoo.com	koreatv@kuentos.guam.net
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bnkelman@guampdn.com	fes22744@gmail.com	kstonews@ite.net
brantforguam@gmail.com	flores@senatorada.org	kurtzman.guamlegis@gmail.com
bruce.lloyd.media@gmail.com	frank.blasjr@gmail.com	law@guamag.org
bshringi@moylans.net	frank@judiwonpat.com	legislativecounsel@guamlegislature.org
carlaborja.73@yahoo.com	frank@mvguam.com	leifing@judiwonpat.com
carlo.branch@gmail.com	gerry@mvguam.com	life@guampdn.com
carlo.branch@senatorbjcruz.com	gerrypartido@gmail.com	ljalecairo@gmail.com
carlsanchez@judiwonpat.com	ginaflores2595@gmail.com	lmatthews@guampdn.com
carlsonc@pstripes.osd.mil	gktv23@hotmail.com	loueifa@mvguam.com
ccastro@guamchamber.com.gu	guadalupeignacio@gmail.com	louise@tonyada.com
ccharfauros@guamag.org	guam.avon@gmail.com	m.salaila@yahoo.com
ccolbert@guamlegislature.org	guam@pstripes.osd.mil	managingeditor@glimpsesofiguam.com
cheerfulcatunao@yahoo.com	guamnativesun@yahoo.com	mabuhaynews@yahoo.com
christine.quinata@takecareasia.com	hana@guam-shinbun.com	inahoquinene@guam.net
chucktanner@toduguan.com	hermina.certeza@senatorbjcruz.com	malainse@gmail.com
cipo@guamlegislature.org	hill.bruce@abc.net.au	maria.pangelinan@gcc.guam.gov
clerks@guamlegislature.org	hottips@kuam.com	marycamachoterres@gmail.com
clynt@spbguam.com	info@chinesetimesguam.com	maryfejeran@gmail.com
cmduenas@guamlegislature.org	jason@kuam.com	marym@guamlegislature.org
committee@frankaguonjr.com	jason@senatormorrison.com	marilyntablante@gmail.com
communications@frankaguonjr.com	jennifer.lj.dulla@gmail.com	marvic@mvguam.com

Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: December 2, 2015

matthew.santos@senatorbjcruz.com	jean@tinamunabarnes.com
mcarlson@guamlegislature.org	senatordrodriguez@gmail.com
mcpherson.kathryn@abc.net.au	senatorsannicolas@gmail.com
mcruz@hitradio100.com	jespaldonesq@gmail.com
media@frankaguonjr.com	senatortonyada@guamlegislature.org
menchu@toduguam.com	senatorunderwood@guamlegislature.org
millie@tinamunabarnes.com	sgtarms@guamlegislature.org
mindy@kuam.com	sifarose2@yahoo.com
mis@guamlegislature.org	sixquintanilla@gmail.com
mlwheeler2000@yahoo.com	slimtiaco@guampdn.com
monty.mcdowell@amiguam.com	smendiola@guamlegislature.org
mspeps4873@gmail.com	sonedera-salas@guamlegislature.org
mwatanabe@guampdn.com	speaker@judiwonpat.com
natasha@toduguam.com	staff@frankaguonjr.com
news@guampdn.com	stephaniemendiola@gmail.com
news@spbgusm.com	tasigirl@gmail.com
nick@kuam.com	tcastro@guam.net
norman.aguilar@guamcc.edu	team5andahalfstar@gmail.com
nsantos@guamlegislature.org	telo.taitague@visitguam.org
office@senatorada.org	tessa@senatorbjcruz.com
officeassistant@frankaguonjr.com	tina.alicto@yahoo.com
oliviampafacios@gmail.com	tina@tinamunabarnes.com
onlyonguam@acubedink.com	tjtaitano@cs.com
orleen@senatorbjcruz.com	tom@senatorada.org
oyaol.ngirairiki@gmail.com	tommy@senatormorrison.com
pacificjournalist@gmail.com	tony@senatorada.org
parroyo@k57.com	tony@tonyada.com
pdkprg@gmail.com	tritten@pstripes.osd.mil
pete@tonyada.com	terlaje@guam.net
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rfteehan@yahoo.com	ylec2@guam.gannett.com
rgibson@k57.com	30thguamyouthcongress@gmail.com
ricknauta@hitradio100.com	
rlimtiaco@guampdn.com	
robert@mvguam.com	
rolly@ktkb.com	
rorryforguam@gmail.com	
rowena@senatormorrison.com	
sabrina@kuam.com	
sarah.elmore@senatorbjcruz.com	
senator@senatorbjcruz.com	
senator@tinamunabarnes.com	
senatorbrantmccreadie@gmail.com	



**AGENDA**

**CHAIR, COMMITTEE ON HIGHER EDUCATION, CULTURE, PUBLIC  
LIBRARY & WOMEN'S AFFAIRS**

**Judith T. Won Pat, Ed.D.  
Speaker**

**Public Hearing  
Friday, January 22, 2016 10:00 a.m.**

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