



**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

DEC 23 2016

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

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

**RE: Committee Report on Bill No. 358-33 (COR), As Substituted by the Committee**

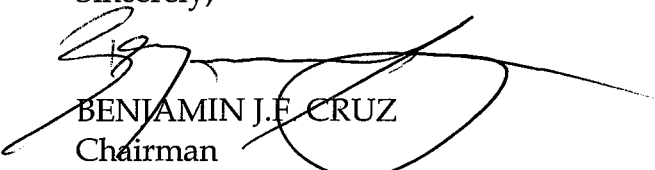
Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on Appropriations and Adjudication on Bill No. 358-33 (COR), As Substituted by the Committee - D. G. Rodriguez, Jr. - "An act to *amend* § 1909(i) and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."

Committee votes are as follows:

  1   TO DO PASS  
      TO NOT PASS  
  6   TO REPORT OUT ONLY  
      TO ABSTAIN  
      TO PLACE IN INACTIVE FILE

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairman

2016 DEC 27 AM 9:56



## COMMITTEE REPORT

### **Bill No. 358-33 (COR), As Substituted by the Committee**

***“An act to amend § 1909(i) and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters.”***

**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

**DEC 23 2016**

**MEMORANDUM**

**TO: All Members**  
**FROM: Vice Speaker Benjamin J.F. Cruz**  
*Chairman, Committee on Appropriations and Adjudication*

**SUBJECT: Committee Report on Bill No. 358-33 (COR), As Substituted by the Committee**

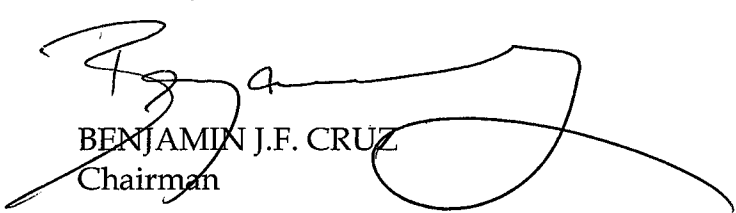
Transmitted herewith for your consideration is the Committee Report on Bill No. 358-33 (COR), As Substituted by the Committee - D. G. Rodriguez, Jr. - "An act to *amend* § 1909(i) and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 358-33 (COR), As Introduced
- Bill No. 358-33 (COR), As Substituted by the Committee
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 358-33 (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

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

**COMMITTEE VOTING SHEET**

**Bill No. 358-33 (COR), As Substituted by the Committee - D. G. Rodriguez, Jr. - "An act to amend § 1909(i) and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."**

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				✓		
AGUON, Jr., FRANK B. Vice Chairperson	12/22/24 			✓		
WON PAT, Ed.D., JUDITH T. Speaker and Ex-Officio Member				✓		
MUÑA BARNES, TINA ROSE Member				✓		
RODRIGUEZ, Jr., DENNIS G. Member		✓ 12/23				
SAN NICOLAS, MICHAEL, F.Q. Member				✓		
UNDERWOOD, Ph.D., NERISSA B. Member						
ADA, V. ANTHONY Member				12/22 ✓		
MORRISON, THOMAS A. Member						
TORRES, MARY C. Member				✓		

---

**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

---

**COMMITTEE REPORT DIGEST**

**Bill No. 358-33 (COR), As Substituted by the Committee - D. G. Rodriguez, Jr. - "An act to amend § 1909(i) and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."**

**I. OVERVIEW**

**Bill No. 358-33 (COR)** was introduced by Vice Speaker Benjamin J.F. Cruz on December 16, 2015, and subsequently referred to the **Committee on Appropriations and Adjudication** on the same day.

The Committee on Appropriations and Adjudication convened a public hearing on Tuesday, December 6, 2016, beginning at 2:00PM in the Guam Legislature Public Hearing Room. The hearing for Bill No. 358-33 (COR) began at 2:00PM and ended at 2:10PM.

**Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on November 29, 2016, and December 2, 2016, via email. Copies of the hearing notices are appended to the report.

**Senators Present**

**Vice Speaker Benjamin J.F. Cruz**, *Chairperson*  
**Speaker Judith T. Won Pat**, *Ex-Officio Member*  
**Senator V. Anthony Ada**, *Member*  
**Senator Dennis G. Rodriguez, Jr.**, *Member*  
**Senator James V. Espaldon**, *Member*  
**Senator Thomas C. Ada**

**Appeared Before the Committee**

**Ms. Yuka Hechanova**, *Deputy Public Auditor, Office of Public Accountability*

**Submitted Written Testimony**

**The Honorable Doris Flores Brooks**, *Public Auditor, Office of Public Accountability*  
**Mr. Peter S. Calvo**, *Executive Director, Civil Service Commission*  
**Senator Adolpho B. Palacios, Sr.**

**II. TESTIMONY & DISCUSSION**

**Chairman Benjamin J.F. Cruz** announced Bill No. 358-33 (COR), and called on Senator Dennis G. Rodriguez Jr. to provide his statement as the main sponsor of the measure:

**Senator Rodriguez:**

“Thank you very much, Mr. Chairman. Bill No. 358 is an act to amend §1909, §1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated. This is relative to granting increased autonomy to the Office of Public Accountability on personnel matters. And since the inception of the Office of Public Accountability (“the Office,” OPA) in 2000, we’ve seen the different struggles and obstacles that the Office has faced and to ensure that we live up to what the intent of that office was to have it be independent and have them function able to operate their autonomy. This legislation grants them similar authority granted to the Office of the Attorney General. And so we’d like to see how we can move this forward and here’s all the testimony from those that are present.”

**Chairman Cruz** thanked Senator Rodriguez and noted for the record that Senator Adolpho Palacios and Mr. Peter S. Calvo of the Civil Service Commission had submitted testimony *in support of* Bill No. 358-33 (COR) (*appended to this report*). The Chairman then called on Deputy Public Auditor Yuka Hechenova to read testimony on behalf of the Public Auditor Doris F. Brooks, who was off island.

**Ms. Hechanova** greeted the Committee and proceeded to read Public Auditor Brook’s written testimony *in support of* Bill No. 358-33 (COR) (*appended to this report*).

On account that there were neither additional questions from the Committee nor other individuals present to testify, the Chairman considered Bill No. 358-33 (COR) as heard.

### III. FINDINGS AND RECOMMENDATIONS

As indicated in testimony submitted to the Committee on Appropriations and Adjudication (Committee), provisions in Bill No. 358-33 (COR) were taken directly from the autonomy provisions relative to the Office of the Attorney General’s financial and personnel matters in Public Law 31-153. Upon review, the Committee made the following amendments:

- Section 2, which designates the powers of the Public Auditor to a deputy or an assistant, was removed as the Office of the Public Auditor already grants such powers and responsibilities administratively when he or she is off-island.

- In Section 4, which authorizes the Public Auditor to procure a private contractor or enter into a Memorandum of Understanding/Agreement with another GovGuam agency to manage its personnel operations, the phrase “subject to the availability of funds” was added.
- The phrase “except those regulations which conflict any of the statutory provisions herein” was removed from subsection (f) of Section 4 to ensure that transition from current rules and regulations under the DOA to the newly adopted rules and regulations by the OPA are properly carried out.
- The effective date was changed from “October 1, 2016” to “upon enactment of this Act” to reflect the date of the filing of this report.

The Committee on Appropriations and Adjudication to which was referred **Bill No. 358-33 (COR) - D. G. Rodriguez, Jr. - “An act to amend § 1909(i) and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters”** hereby submits these findings to *I Mina'trentai Tres na Liheslaturan Guåhan* and reports out **Bill No. 358-33 (COR), As Substituted by the Committee**, with a recommendation TO REPORT OUT.

**MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

Bill No. 358-33 (COR)

Introduced by:

DENNIS G. RODRIGUEZ, Jr. *DR*

**AN ACT TO AMEND § 1909, § 1909(i), AND §1907(c), AND TO  
ADD NEW § 1907(e), (f) AND (g), ALL OF CHAPTER 19 OF  
TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO  
GRANTING INCREASED AUTONOMY TO THE OFFICE OF  
PUBLIC ACCOUNTABILITY ON PERSONNEL MATTERS.**

2016 JUN 27 PM 4:10

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the People of Guam first elected a Public Auditor for the Government of Guam in 2000. The election of the position of the Public Auditor provides for more independence of that office from *I Maga'lahi* and *I Liheslaturan Guåhan*, which is appropriate for the wide-ranging duties of the Public Auditor and as the main, independent auditor of the Government of Guam.

*I Liheslaturan Guåhan* further finds that the Office of Public Accountability experiences difficulties with government bureaucracy, specifically concerning personnel recruitment. These problems have diminished the ability of the Office of Public Accountability to effectively and efficiently execute its duties and responsibilities.

*I Liheslaturan Guåhan* finds that the Attorney General of Guam, as provided for in Chapter 30, Division 3, Title 5, Guam Code Annotated, is authorized to administer matters pertaining to the personnel of the Office of the Attorney General of Guam. This level of autonomy allows the Attorney General of Guam to efficiently



1 recruit in a timely manner and retain personnel critical to supporting the mandates of  
2 the Office of the Attorney General of Guam.

3 *I Liheslaturan Guåhan* further finds that it is manifestly in the interests of the  
4 people of Guam that the Public Auditor shall have more autonomy over the Office of  
5 Public Accountability. It is only appropriate that the Public Auditor have more  
6 control over the administration of the management of the Office of Public  
7 Accountability's personnel, including the recruitment, hiring, and retention process.  
8 This will only enhance the independence of the Office of Accountability.

9 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend and add  
10 provisions in Title 1, Guam Code Annotated, which will grant the Office of Public  
11 Accountability a level of autonomy similar to the Office of the Attorney General of  
12 Guam relative to the recruitment, hiring, and retention of agency personnel.

13 **Section 2.** The first sentence of §1909, Duties of the Public Auditor, of Chapter  
14 19, Title 1, Guam Code Annotated, without amending any subsections which shall  
15 remain unchanged and in effect, is hereby *amended* to read:

16 **“§1909. Duties of Public Auditor.**

17 The Public Auditor, by herself or himself, or through a deputy or assistant, *shall*  
18 have the following powers and duties:”

19 **Section 3.** Subsection (i) of § 1909 of Chapter 19 of Title 1, Guam Code  
20 Annotated, is *amended* to read:

21 “(i) Subject to the availability of funds provided by annual appropriation by the  
22 Legislature, to employ such necessary staff to carry out the functions and  
23 responsibilities of the office, and for such employment:

1       (1) The Public Auditor shall serve as the Office of Public Accountability’s  
2       appointing authority for all personnel employed at the Office of Public  
3       Accountability, hiring employees from an established list of qualified applicants  
4       in accordance with established criteria and assigning, detailing, and transferring  
5       employees as the Public Auditor deems necessary for the effective operation of  
6       the Office of Public Accountability.”

7       **Section 4.** Subsection (c) of Section 1907 of Chapter 19 of Title 1, Guam Code  
8       Annotated, is hereby *amended* to read:

9       “(c) Administration of General Personnel Matters. The Office of Public  
10       Accountability shall be responsible for the conduct of operational matters addressing  
11       its personnel activities, in accordance with and consistent with the provisions  
12       contained herein.

13       ~~Subject to the availability of funds and notwithstanding any other law to the~~  
14       ~~contrary, and consistent with Subsection (b) of this Section and as required by Title 1~~  
15       ~~G.C.A., Chapter 19, §1909(i), the Public Auditor may appoint such full time or part-~~  
16       ~~time employees in the Office of Public Accountability as are necessary to carry out the~~  
17       ~~duties and responsibilities of the Public Auditor and the Office of Public~~  
18       ~~Accountability. Upon appointment by the Public Auditor, such persons shall be~~  
19       ~~probationary employees in the classified service until their qualifications have been~~  
20       ~~verified and confirmed in writing by the Civil Service Commission in accordance with~~  
21       ~~Title 4 GCA, Chapter 4, Article 4, §4403(e), or up to one hundred eighty (180) days~~  
22       ~~upon employment, whichever comes first. Subsequent to the action of the~~  
23       ~~Commission, the public Auditor may continue a person’s probation as provided by~~  
24       ~~Title 4 GCA, Chapter 4, Article 1, §4106.”~~

1           **Section 5.** New Subsections (e), (f), (g), and (h) are hereby *added* to § 1907 of  
2 Title 1, Guam Code Annotated, to read:

3           “(e) Administration of Personnel. The Public Auditor is authorized to hire and  
4 appoint such personnel, and to fix their duties and responsibilities under and in  
5 accordance with Title 4, Guam Code Annotated, as may be necessary for the purposes  
6 of this Chapter. The Public Auditor is also authorized to procure, in accordance with  
7 Guam’s Procurement Laws and Regulations, a private contractor to perform the  
8 Human Resource operations for the Office of Public Accountability or enter into a  
9 Memorandum of Understanding or Memorandum of Agreement with another agency,  
10 public corporation, or instrumentality of the Government of Guam to perform such  
11 operations for the Office of Public Accountability

12           (f) Regulations. Pursuant to the provisions of §4105 of Title 4, Guam Code  
13 Annotated, the Public Auditor may establish rules and regulations governing  
14 selection, promotion, performance evaluation, demotion, suspension, and other  
15 disciplinary action for the employees of the Office of Public Accountability. Until  
16 such time as the Office of Public Accountability adopts its own rules and regulations  
17 as provided herein, the rules and regulations adopted by the Department of  
18 Administration shall continue to apply to the Office of Public Accountability except  
19 those regulations which conflict any of the statutory provisions herein.

20           (g) Contributions to the Government of Guam Retirement Fund and Workers  
21 Compensation Fund. Employees of the Office of Public Accountability shall continue  
22 to be members of the Government of Guam Retirement Fund, subject to the  
23 provisions of §8105 of Title 4. The Office of Public Accountability shall contribute to  
24 the Government of Guam Retirement Fund on the basis of annual billings as

1 determined by *I Liheslaturan Guahan* or the Government of Guam Retirement Fund,  
2 for the government share of the cost of the retirement benefits applicable to the Office  
3 of Public Accountability employees and their beneficiaries. The Office of Public  
4 Accountability shall also contribute to the Workmen's Compensation Fund, on the  
5 basis of annual billings as determined by the Workmen's Compensation  
6 Commissioner, for the benefit payments made from the  
7 Workmen's Compensation Fund on account of the Office of Public Accountability  
8 employees.

9 (h) **Post Audit.** Persons appointed and employed by the Office of Public  
10 Accountability in the classified service shall be subject to Post-Audit Review by the  
11 Civil Service Commission and such review shall be discretionary.”

12 **Section 5. Effective Date.** The provisions contained herein shall be effective  
13 on October 1, 2016.

14 **Section 6. Severability.** If any provisions of this Act or its application to any  
15 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
16 *not* affect other provisions or applications of this Act which can be given effect  
17 without the invalid provisions or applications, and to this end the provisions of this  
18 Act are severable.

**MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

**Bill No. 358-33 (COR)**

As Substituted by the Committee on  
Appropriations and Adjudication

Introduced by:

DENNIS G. RODRIGUEZ, Jr.

**AN ACT TO AMEND ~~§ 1909~~, § 1909(i), AND §1907(c), AND TO ADD NEW § 1907(e), (f) AND (g), ALL OF CHAPTER 19 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF PUBLIC ACCOUNTABILITY ON PERSONNEL MATTERS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the People of Guam first elected a Public Auditor for the Government of Guam in 2000. –The election of the position of the Public Auditor provides for more independence of that office from *I Maga'lahi* and *I Liheslaturan Guåhan*, which is appropriate for the wide-ranging duties of the Public Auditor and as the main, independent auditor of the Government of Guam.

*I Liheslaturan Guåhan* further finds that the Office of Public Accountability experiences difficulties with government bureaucracy, specifically concerning personnel recruitment. –These problems have diminished the ability of the Office of Public Accountability to effectively and efficiently execute its duties and responsibilities.

*I Liheslaturan Guåhan* finds that the Attorney General of Guam, as provided for in Chapter 30, Division 3, Title 5, Guam Code Annotated, is authorized to administer matters pertaining to the personnel of the Office of the Attorney General of

1 Guam. This level of autonomy allows the Attorney General of Guam to efficiently  
2 recruit in a timely manner and retain personnel critical to supporting the mandates of  
3 the Office of the Attorney General of Guam.

4 *I Liheslaturan Guåhan* further finds that it is manifestly in the interests of the  
5 people of Guam that the Public Auditor shall have more autonomy over the Office of  
6 Public Accountability. –It is only appropriate that the Public Auditor have more  
7 control over the administration of the management of the Office of Public  
8 Accountability’s personnel, including the recruitment, hiring, and retention process.  
9 This will only enhance the independence of the Office of Accountability.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend and add  
11 provisions in Title 1, Guam Code Annotated, which will grant the Office of Public  
12 Accountability a level of autonomy similar to the Office of the Attorney General of  
13 Guam relative to the recruitment, hiring, and retention of agency personnel.

14  
15 ~~Section 2. The first sentence of §1909, Duties of the Public Auditor, of Chapter~~  
16 ~~19, Title 1, Guam Code Annotated, without amending any subsections which shall~~  
17 ~~remain unchanged and in effect, is hereby amended to read:~~

18 ~~“§1909. Duties of Public Auditor.~~

19 ~~— The Public Auditor, by herself or himself, or through a deputy or assistant, shall~~  
20 ~~have the following powers and duties:”~~

21 **Section 23.** Subsection (i) of § 1909 of Chapter 19 of Title 1, Guam Code  
22 Annotated, is amended to read:

23 “(i) Subject to the availability of funds provided by annual appropriation by the  
24 Legislature, to employ such necessary staff to carry out the functions and  
25 responsibilities of the office, and for such employment:

1           (1) The Public Auditor shall serve as the Office of Public  
2           Accountability’s appointing authority for all personnel employed at the Office  
3           of Public Accountability, hiring employees from an established list of qualified  
4           applicants in accordance with established criteria and assigning, detailing, and  
5           transferring employees as the Public Auditor deems necessary for the effective  
6           operation of the Office of Public Accountability.”

7           **Section 34.** Subsection (c) of Section 1907 of Chapter 19 of Title 1, Guam  
8 Code Annotated, is hereby *amended* to read:

9           “(c) ~~–Administration of General Personnel Matters. –The Office of Public~~  
10           Accountability shall be responsible for the conduct of operational matters addressing  
11           its personnel activities, in accordance with and consistent with the provisions  
12           contained herein.

13           ~~Subject to the availability of funds and notwithstanding any other law to the~~  
14           ~~contrary, and consistent with Subsection (b) of this Section and as required by Title 1~~  
15           ~~G.C.A., Chapter 19, §1909(i), the Public Auditor may appoint such full-time or part-~~  
16           ~~time employees in the Office of Public Accountability as are necessary to carry out the~~  
17           ~~duties and responsibilities of the Public Auditor and the Office of Public~~  
18           ~~Accountability. Upon appointment by the Public Auditor, such persons shall be~~  
19           ~~probationary employees in the classified service until their qualifications have been~~  
20           ~~verified and confirmed in writing by the Civil Service Commission in accordance with~~  
21           ~~Title 4 GCA, Chapter 4, Article 4, §4403(e), or up to one hundred eighty (180) days~~  
22           ~~upon employment, whichever comes first. Subsequent to the action of the~~  
23           ~~Commission, the public Auditor may continue a person’s probation as provided by~~  
24           ~~Title 4 GCA, Chapter 4, Article 1, §4106.”~~

25           **Section 45.** New Subsections (e), (f), (g), and (h) are hereby *added* to § 1907  
26 of Title 1, Guam Code Annotated, to read:

1           “(e) -Administration of Personnel. The Public Auditor is authorized to hire and  
2 appoint such personnel, and to fix their duties and responsibilities under and in  
3 accordance with Title 4, Guam Code Annotated, as may be necessary for the purposes  
4 of this Chapter. Subject to the availability of funds, The Public Auditor is also  
5 authorized to procure, in accordance with Guam’s Procurement Laws and  
6 Regulations, a private contractor to perform the Human Resource operations for the  
7 Office of Public Accountability or enter into a Memorandum of Understanding or  
8 Memorandum of Agreement with another agency, public corporation, or  
9 instrumentality of the Government of Guam to perform such operations for the Office  
10 of Public Accountability.

11           (f) Regulations. Pursuant to the provisions of §4105 of Title 4, Guam Code  
12 Annotated, the Public Auditor may establish rules and regulations governing  
13 selection, promotion, performance evaluation, demotion, suspension, and other  
14 disciplinary action for the employees of the Office of Public Accountability. Until  
15 such time as the Office of Public Accountability adopts its own rules and regulations  
16 as provided herein, the rules and regulations adopted by the Department of  
17 Administration shall continue to apply to the Office of Public Accountability except  
18 those regulations which conflict any of the statutory provisions herein.

19           (g) Contributions to the Government of Guam Retirement Fund and Workers  
20 Compensation Fund. Employees of the Office of Public Accountability shall continue  
21 to be members of the Government of Guam Retirement Fund, subject to the  
22 provisions of §8105 of Title 4. The Office of Public Accountability shall contribute to  
23 the Government of Guam Retirement Fund on the basis of annual billings as  
24 determined by *I Liheslaturan Guahan* or the Government of Guam Retirement Fund,  
25 for the government share of the cost of the retirement benefits applicable to the Office  
26 of Public Accountability employees and their beneficiaries. The Office of Public



1 Accountability shall also contribute to the Workmen's Compensation Fund, on the  
2 basis— of annual billings as determined by the Workmen's Compensation  
3 Commissioner, for the benefit payments made from the  
4 Workmen's Compensation Fund on account of the Office of Public Accountability  
5 employees.

6 (h) **Post Audit.** Persons appointed and employed by the Office of Public  
7 Accountability in the classified service shall be subject to Post-Audit Review by the  
8 Civil Service Commission and such review shall be discretionary.”

9 **Section 5. Effective Date.** The provisions contained herein shall be effective  
10 upon enactment of this Act on ~~October 1, 2016.~~

11 **Section 6. Severability.** If any provisions of this Act or its application to any  
12 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
13 *not* affect other provisions or applications of this Act which can be given effect  
14 without the invalid provisions or applications, and to this end the provisions of this  
15 Act are severable.



**PUBLIC HEARING SIGN-IN SHEET**

2:00PM, Tuesday, December 06, 2016

Guam Legislature Public Hearing Room • Hagåtña, Guam

**Bill No. 358-33 (COR)** - D.G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters.

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPPOSE	WRITTEN	ORAL		
Yukari Aechanova	OPA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6750390	y.aechanova@guamopa.com
Llewelyn Terlaje	OPA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4750390	lterlaje@guamopa.com
John Nawakowski	CSC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	647-1855	John.Nawakowski@CSC.gum.gov
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



OFFICE OF PUBLIC ACCOUNTABILITY  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

December 6, 2016

Honorable Benjamin J.F. Cruz  
Vice Speaker and Chairman Committee on Appropriations and Adjudication  
The 33<sup>rd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Re: Bill 358-33  
Relative to Granting Increased Autonomy to the Office of Public  
Accountability on Personnel Matters

Dear Vice Speaker Cruz and Committee Members:

Thank you for holding a hearing on Bill 358-33. I am off island and have asked my Deputy Yuka Hechanova and Audit Supervisor Llewelyn Terlaje to be here.

Thank you, also to Senator Dennis Rodriguez for introducing this measure.

Bill 358 is patterned after Bill 286-31, now Public Law 31-153, introduced by Senator Adolpho Palacios in 2011. This law gave the Office of the Attorney General autonomy over financial and personnel matters. Bill 358 proposes to grant the Office of Public Accountability similar autonomy over OPA's personnel matters. As elected offices, the OPA is seeking parity with the Office of the Attorney General in this regard.

P.L. 31-153 is far more reaching than Bill 358. It includes codification removing the Bureau of Budget and Management Research's allotment control over the Office of the Attorney General's annual budget. OPA must continue to ask each budget cycle for this exemption.

The impetus for Bill 358 came about earlier this year when OPA attempted to hire an auditor without going through the Department of Administration. With the passage of the FY 2015 Budget, an amendment was made to Section 1907 of OPA's enabling legislation that we presumed granted OPA hiring autonomy from DOA.

To prepare ourselves for this change, we met with the Civil Service Commission for guidance and drafted an MOU with DOA to begin the transition. However, DOA did not respond and provide comments on the MOU.

We advertised the auditor positions from mid-January to early February 2016. The applications were then evaluated and scored by our HR Consultant, Ms. Karri Perez.

After interviews, we selected a candidate and requested a drug test for this candidate in March. DOA did not administer the drug test and instead requested an Attorney General opinion in April about OPA's hiring authority.

In June 2016, Attorney General Elizabeth Barrett-Anderson verbally indicated to me that OPA did not have the authority to hire without going through DOA. The DOA Director, Christine Baleto, also attended this meeting.

It was from this June meeting that Senator Rodriguez subsequently introduced Bill 358.

Let me add that under Mrs. Baleto's leadership, DOA HR has become more responsive to OPA's recruitment issues. While we appreciate and welcome this change, it is still in OPA's best interest to have personnel autonomy in order to be a robust independent audit office.

In October 2014, OPA assessed its independence as part of the Pacific Association of Supreme Audit Institutions Performance Management Framework. Guam OPA rated low with deficiencies in organizational independence and autonomy while 75% of other audit organizations scored fairly well. To fulfill our mandate effectively, OPA must be able to independently manage our office, including personnel matters.

Bill 358 also provides OPA the option to outsource the Human Resources operations or manage it through a Memorandum of Agreement with another government agency. This is a reasonable provision as the OPA is a small office that only recruits occasionally. It would not be cost effective at this time to hire a full time employee for managing OPA's Human Resource function.

OPA's bi-weekly payroll would still be processed by DOA, similar to the OAG.

A separate personnel issue has been the OPA Compensation Study which will not be affected by this bill. We have been working with DOA since March 2016 on the OPA Compensation Study to create new OPA positions. Currently, DOA is reviewing the positions.

In summary, OPA is seeking personnel autonomy similar to the personnel autonomy that the Office of the Attorney General presently has.

I hope you and the committee members will favorably report out the bill and vote for its passage.

Thank you and *Senseramente*,



*for* Doris Flores Brooks, CPA, CGFM  
Public Auditor



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

**I Gobietnon Guahan  
CIVIL SERVICE COMMISSION  
KUMISION I SETBISION SIBIT**

7<sup>TH</sup> Floor International Trading Center (ITC)  
Marine Corp Drive, Tamuning 96913  
P.O. Box 2950 Hagatna, Guahan 96932  
Tel: 647-1855/57 Fax: 647-1867



Alberto "Tony" Lamorena V  
Executive Director

**CSC NO: 2016-033**

**December 6, 2016**

Honorable Benjamin J.F. Cruz,  
Vice Speaker, 33<sup>rd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

***Buenas Yan Hafa Adai,***

Vice Speaker Cruz and members of the Committee my name is Peter S. Calvo, Executive Director of the Guam Civil Service Commission. I am writing today on behalf of the Commission to testify on Bill 358-33(COR) introduced by Senator Dennis G. Rodriguez, Jr.

I want to thank you for the opportunity for us to provide input on Bill 358-33(COR) which is entitled "AN ACT TO AMEND § 1907(e), (f) AND (g), ALL OF CHAPTER 19 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF PUBLIC ACCOUNTABILITY ON PERSONNEL MATTERS."

I would like to recognize and commend the author for the intent to resolve the current recruitment problems of the Public Auditor. In some ways the Office of Public Accountability and Civil Service Commission are kindred organizations in that we both conduct oversight of other agencies. For the Public Auditor it is matters such as expenditures. For the Civil Service Commission it is ensuring that the hiring, promotion, and discipline of classified employees comports with the Merit System principles mandated by the Organic Act.

To that end, the Commission is particularly supportive of Section 4's removal of the current Title 1 G.C.A., Chapter 19, § 1907(c) which could be read to allow the appointment of classified employees. Unclassified employees generally do not fall under the purview of the Civil Service Commission; however, as custodians of the Merit System we are obligated to ensure that its principles are followed in the recruitment of classified employees. It is our position that classified employees cannot be hired or promoted outside of the competitive process. Thus, we oppose the current form of § 1907(c) and encourage its repeal through Bill 358-33(COR).

If the Public Auditor is required to follow the competitive hiring process, but is able to do so independent of the Department of Administration ("DOA"), then we have no objection. The Merit System does not require that DOA be the one to implement its principles, only that those principles

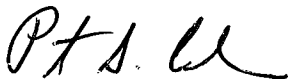
**RECEIVED**  
*[Handwritten signature]*

are followed. If the Office of Public Accountability will recruit and promote individuals in accordance with the Merit System, subject to Post-Audit Review by the Commission, then we are supportive of it receiving that level of autonomy. Yet, that autonomy should always be subject to the review of the Commission to ensure that Merit System principles are followed when a classified employee is recruited, promoted, or disciplined. We would be opposed to any subsequent amendments that run counter to adherence to the Merit System. Also, it would be beneficial to clarify in the proposed § 1907(h) (Page 5, Lines 9 to 11) that the “discretionary” review is not at the discretion of the Public Auditor, but the discretion of the Commission.

The Legislature has always been supportive of the Commission in the past and we hope that you will look kindly at our concerns with Bill 358-33(COR) and for your continued support in the future.

Again, thank you for allowing me to provide testimony and should you have any questions, please feel free to contact me.

*Si Yu'us Ma'ase,*

A handwritten signature in black ink, appearing to read 'P.S. Calvo', written in a cursive style.

Peter S. Calvo

Adolpho B. Palacios Sr.  
P.O. Box 24433  
Barrigada, GU 96921

December 5, 2016

Committee on Appropriation and Adjudication  
33<sup>rd</sup> Guam Legislature  
Hagatna, GU 96932

Vice Speaker Benjamin J.F. Cruz

DEC 05 2016

Time: 2:00 (1 AM) [ ] FILE No. 33-1358  
Received By: Elena

Testimony in Support of Bill 358-33


Buenas yan Saludo

In support of Bill 358-33, I am submitting this testimony. Based on my reading of the Bill, it is my understanding that it proposes to amend the current provision of a law or process that requires the authorization of the Department of Administration before a funded position may be filled by the Office of Public Accountability (OPA). I understand that Bill 358-33 proposes to transfer the process to OPA to allow for a more timely filling of a vacancy. Currently, the wait time to fill a funded vacant position is from 3 months to six months, from submission of request to D.O.A. to receipt of authorization to fill the vacancy.

Bill 358-33 brings to mind a Bill which I introduced in the 31<sup>st</sup> GL, which became PL 31-153. This PL 31-153 is the product of collaborations between the Office of the Attorney General (OAG) and my office, at the time. At that time, the OAG was faced with the same challenge and lengthy process when they were filling a vacancy position for an attorney, as currently existing in the OPA.

The passage of Bill 358-33 would be consistent with the autonomy nature of the OPA, and would share the same autonomy level as the OAG, both elected offices.

Thank you for your kind attention and consideration.

  
Adolpho B. Palacios  
Former Senator



# 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

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

## Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 358-33 (COR) - "AN ACT TO AMEND § 1909(i) AND §1907(c), AND TO ADD NEW § 1907(e), (f) AND (g), ALL OF CHAPTER 19 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF PUBLIC ACCOUNTABILITY ON PERSONNEL MATTERS."** by **Dennis G. Rodriguez, Jr.** on July 28, 2016. COR hereby certifies that BBMR confirmed receipt of this request July 28, 2016 at 4:36 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 358-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**

*Chairperson of the Committee on Rules*

December 27, 2016

**Date**





# 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

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

July 28, 2016

## MEMORANDUM

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

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

**From:** **Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 358-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 358-33(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**

<b>BILL NO.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>FISCAL NOTES</b>
<b>358-33 (COR)</b>	Dennis G. Rodriguez, Jr.	AN ACT TO AMEND § 1909, § 1909(i), AND §1907(c), AND TO ADD NEW § 1907(e), (f) AND (g), ALL OF CHAPTER 19 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF PUBLIC ACCOUNTABILITY ON PERSONNEL MATTERS.	07/27/16 4:10 p.m.	07/28/16	Committee on Appropriations and Adjudication			



Sarah Elmore &lt;sarah.elmore@senatorbjcruz.com&gt;

## FIRST NOTICE of Public Hearing – December 06, 2016

1 message

Hermina Certeza &lt;hermina.certeza@senatorbjcruz.com&gt;

Tue, Nov 29, 2016 at 11:45 AM

To: PH Notice &lt;phnotice@guamlegislature.org&gt;

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

November 29, 2016

### MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz

Re: **FIRST NOTICE of Public Hearing – December 06, 2016**

*Håfa Adai!* The **Committee on Appropriations and Adjudication** will conduct a Public Hearing beginning at **2:00 PM** on **Tuesday, December 06, 2016**, in the **Liheslatura Public Hearing Room** with the following schedule:

- **Bill No. 358-33 (COR) - D. G. Rodriguez, Jr.** - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."
- **Bill No. 389-33 (COR) - B. J.F. Cruz** - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."
- **Bill No. 391-33 (COR) - B. J.F. Cruz** - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."
- **Bill No. 397-33 (COR) - J.T. Won Pat, Ed.D. / T. R. Muña Barnes** - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."

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 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.

cc: COR  
Sgt-at-Arms  
MIS  
Clerks  
Media

--  
*Si Yu'os ma'åse'*

*Hermina R.B. Certeza*

**Legislative Assistant**

**Office of Vice Speaker Benjamin J.F. Cruz  
Committee on Appropriations & Adjudication  
155 Hesler Place, Suite 107  
Hagatna, GU 96910  
Phone: 477-2520 /1**

---

**2 attachments**

 **FIRST NOTICE PH MEMO 120616.pdf**  
207K

 **FIRST NOTICE PH PR 120616.pdf**  
191K

---

**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

---

November 29, 2016

**MEMORANDUM**

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

**Re: FIRST NOTICE of Public Hearing - December 06, 2016**

---

*Håfa Adai!* The Committee on Appropriations and Adjudication will conduct a Public Hearing beginning at 2:00 PM on Tuesday, December 06, 2016, in the *I Liheslatura Public Hearing Room* with the following schedule:

**2:00 PM - PUBLIC HEARING**

- **Bill No. 358-33 (COR)** - D.G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."
- **Bill No. 389-33 (COR)** - B.J.F. Cruz - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."
- **Bill No. 391-33 (COR)** - B. J.F. Cruz - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."
- **Bill No. 397-33 (COR)** - J.T. Won Pat, Ed. D. / T. R. Muña Barnes - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."

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; 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@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

November 29, 2016

## FIRST NOTICE OF PUBLIC HEARING

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 a Public Hearing by the **Committee on Appropriations and Adjudication** scheduled on **Tuesday, December 06, 2016**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

### 2:00 PM - PUBLIC HEARING

- **Bill No. 358-33 (COR)** - D.G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."
- **Bill No. 389-33 (COR)** - B.J.F. Cruz - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."
- **Bill No. 391-33 (COR)** - B.J.F. Cruz - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."
- **Bill No. 397-33 (COR)** - J.T. Won Pat, Ed.D. / T.R. Muña Barnes - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."

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; by facsimile to 477-2522; 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.

###



Sarah Elmore &lt;sarah.elmore@senatorbjcruz.com&gt;

---

**SECOND NOTICE of Public Hearing - December 06, 2016**

1 message

---

**Hermína Certeza** <hermina.certeza@senatorbjcruz.com>

Sun, Dec 4, 2016 at 3:34 PM

To: PH Notice &lt;phnotice@guamlegislature.org&gt;

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

December 04, 2016

## MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz

Re: SECOND NOTICE of Public Hearing – December 06, 2016

Håfa Adai! The Committee on Appropriations and Adjudication will conduct a Public Hearing beginning at 2:00 P M on Tuesday, December 06, 2016, in the I Liheslatura Public Hearing Room with the following schedule:

Bill No. 358-33 (COR) - D. G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."

Bill No. 389-33 (COR) - B. J.F. Cruz - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."

Bill No. 391-33 (COR)-B. J.F. Cruz - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."

Bill No. 397-33 (COR) -J.T. Won Pat, Ed.D. / T. R. Muña Barnes - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."

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 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.

cc: COR  
Sgt-at-Arms  
MIS  
Clerks  
Media

--

*Si Yu'os ma'ãse'*

*Hermina R.B. Certeza*

**Legislative Assistant**

**Office of Vice Speaker Benjamin J.F. Cruz**  
**Committee on Appropriations & Adjudication**  
**155 Hesler Place, Suite 107**  
**Hagatna, GU 96910**  
**Phone: 477-2520 /1**

---

**2 attachments**

 **SECOND NOTICE PH MEMO 120616.pdf**  
223K

 **SECOND NOTICE PH PR 120616.pdf**  
206K



---

**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 04, 2016

**MEMORANDUM**

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

Re: **SECOND NOTICE of Public Hearing - December 06, 2016**

---

*Håfa Adai!* The **Committee on Appropriations and Adjudication** will conduct a Public Hearing beginning at 2:00 PM on Tuesday, December 06, 2016, in the *I Liheslatura Public Hearing Room*, on the following:

**2:00 PM - PUBLIC HEARING**

**Bill No. 358-33 (COR)** - D.G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."

**Bill No. 389-33 (COR)** - B.J.F. Cruz - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."

**Bill No. 391-33 (COR)** - B. J.F. Cruz - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."

**Bill No. 397-33 (COR)** - J.T. Won Pat, Ed. D. / T. R. Muña Barnes - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."

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; or via e-mail to [senator@senatorbjcruz.com](mailto: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](mailto: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 04, 2016

## SECOND NOTICE OF PUBLIC HEARING

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 a Public Hearing by the **Committee on Appropriations and Adjudication** scheduled on **Tuesday, December 06, 2016**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

### 2:00 PM - PUBLIC HEARING

**Bill No. 358-33 (COR)** - D.G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."

**Bill No. 389-33 (COR)** - B.J.F. Cruz - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."

**Bill No. 391-33 (COR)** - B. J.F. Cruz - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."

**Bill No. 397-33 (COR)** - J.T. Won Pat, Ed. D. / T. R. Muña Barnes - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."

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.

###

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

Updated: October 27, 2016

30thguamyouthcongress@gmail.com	committee@frankaguonjr.com	jason@kuam.com
action@weareguahan.com	communications@frankaguonjr.com	jason@senatormorrison.com
admin@bbmr.guam.gov	communications@guam.gov	jborja@senatorada.org
admin2@guamrealtors.com	cor@guamlegislature.org	jean@tinamunabarnes.com
admin@frankaguonjr.com	coy@senatorada.org	jennifer.lj.dulla@gmail.com
admin@guamrealtors.com	cridgell@guamcourts.org	joan@kuam.com
admin@weareguahan.com	cyrus@senatorada.org	joe@toduguam.com
aguon4guam@gmail.com	danireyes@senatorbjcruz.com	joesa@guamlegislature.org
agusto.aflague@gmail.com	dcrisost@guam.gannett.com	john.calvo@noaa.gov
ahernandez@guamlegislature.org	debberetuyan@judiwonpat.com	john@postguam.com
alan@tinamunabarnes.com	desori623@hotmail.com	johnluces@toduguam.com
alerta.jermaine@gmail.com	divider_j_jimenez@hotmail.com	johntaoconnor@gmail.com
aline4families@gmail.com	dledy@guamchamber.com.gu	jon.calvo@mail.house.gov
am800guam@gmail.com	dmgeorge@guampdn.com	jontalk@gmail.com
amandalee.shelton@mail.house.gov	duenasenator@gmail.com	jpmanuel@gmail.com
amcborja@gmail.com	ed@tonyada.com	jstedtaotao@gmail.com
anitaataligmani@gmail.com	edelynn1130@hotmail.com	jtenorio@guamcourts.org
ann@toduguam.com	editor@postguam.com	julian.c.janssen@gmail.com
ataligba@gmail.com	editor@saipantribune.com	juliette@senatorada.org
assist_editor@glimpsesofguam.com	edpocaigne@judiwonpat.com	kai@spbguam.com
av@guamlegislature.org	elena.garcia@senatorbjcruz.com	kcharfauros74@gmail.com
avillaverde@guamlegislature.org	emanaloto@guamlegislature.org	kcn.kelly@gmail.com
avon.guam@gmail.com	emqcho@gmail.com	keepinginformed.671@gmail.com
baza.matthew@gmail.com	eo@guamrealtors.com	kelly.toves@mail.house.gov
bdydasco@senatorada.org	etajalle@guamlegislature.org	kennylg@guamlegislature.org
bernice@tinamunabarnes.com	ewinstoni@yahoo.com	kenq@kuam.com
berthaduenas@guamlegislature.org	fbtorres@judiwonpat.com	khmg@hbcguam.net
bmkelman@guampdn.com	fes22744@gmail.com	koreannews@guam.net
brantforguam@gmail.com	flores@senatorada.org	koreatv@kuentos.guam.net
bruce.lloyd.media@gmail.com	frank.blasjr@gmail.com	kstokish@gmail.com
bshringi@moylans.net	frank@judiwonpat.com	kstonews@ite.net
caquino@tinamunabarnes.com	gerry@postguam.com	kurtzman.guamlegis@gmail.com
carlaborja.73@yahoo.com	gerrypartido@gmail.com	kyle_brian@live.com
carlo.branch@gmail.com	gktv23@hotmail.com	law@guamag.org
carlo.branch@senatorbjcruz.com	guadalupeignacio@gmail.com	legislativecounsel@guamlegislature.org
carlsanchez@judiwonpat.com	guam.avon@gmail.com	leling@judiwonpat.com
carlsonc@pstripes.osd.mil	guam@pstripes.osd.mil	life@guampdn.com
ccastro@guamchamber.com.gu	guamnativesun@yahoo.com	ljalcairo@gmail.com
ccharfauros@guamag.org	hana@guam-shinbun.com	llmatthews@guampdn.com
cgogue@guampdsc.net	hermina.certeza@senatorbjcruz.com	louise@tonyada.com
cheerfulcatunao@yahoo.com	hill.bruce@abc.net.au	m.salaila@yahoo.com
christine.quinata@takecareasia.com	hottips@kuam.com	managingeditor@glimpsesofguam.com
chucktanner@toduguam.com	ihernandez@guamlegislature.org	mabuhaynews@yahoo.com
cipo@guamlegislature.org	info@chinesetimesguam.com	mahoquinene@guam.net
clerks@guamlegislature.org	james.servino@guamlegislature.org	malainse@gmail.com
cmduenas@guamlegislature.org	rliantiaco@guampdn.com	maria.pangelinan@gec.guam.gov

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

Updated: October 27, 2016

martavictoriapalmertree@gmail.com	roryforguam@gmail.com
marycamachotorres@gmail.com	rowena@senatormorrison.com
maryfejeran@gmail.com	sabrina@kuam.com
marym@guamlegislature.org	sarah.elmore@senatorbjcruz.com
matthew.santos@senatorbjcruz.com	senator@senatorbjcruz.com
mcarlson@guamlegislature.org	senator@tinamunabarnes.com
mcperson.kathryn@abc.net.au	senatorbrantmccreadie@gmail.com
mcruz@hitradiol00.com	senatordrodriguez@gmail.com
media@frankaguonjr.com	senatorsannicolas@gmail.com
menchu@toduguam.com	senatortonyada@guamlegislature.org
millie@tinamunabarnes.com	senatorunderwood@guamlegislature.org
mindy@kuam.com	senjvespaldon@gmail.com
mis@guamlegislature.org	sgtarms@guamlegislature.org
mlwheeler2000@yahoo.com	sitarose2@yahoo.com
mohernande@guampdn.com	sixquintanilla@gmail.com
monty.mcdowell@amiguam.com	slimtiaco@guampdn.com
mspeps4873@gmail.com	smendiola@guamlegislature.org
mwatanabe@guampdn.com	sonedera-salas@guamlegislature.org
natasha@toduguam.com	speaker@judiwonpat.com
nb.underwood@yahoo.com	staff@frankaguonjr.com
news@guampdn.com	stephaniemendiola@gmail.com
news@spbgum.com	tasigirl@gmail.com
nick@kuam.com	tcastro@guam.net
norman.aguilar@guamcc.edu	tcruznelson@gmail.com
office@senatorada.org	team5andahalfstar@gmail.com
officeassistant@frankaguonjr.com	telo.taitague@visitguam.org
oliviampalacios@gmail.com	thebigshow@k57.com
onlyonguam@acubedink.com	tina.alicto@yahoo.com
orleen@senatorbjcruz.com	tina@tinamunabarnes.com
orsini.rikki@gmail.com	tjtaitano@cs.com
oyaol.ngirairikl@gmail.com	tom@senatorada.org
pacificjournalist@gmail.com	tommy@senatormorrison.com
parroyo@k57.com	tony@senatorada.org
pdkprg@gmail.com	tony@tonyada.com
pete@tonyada.com	tritten@pstripes.osd.mil
peter@senatorada.org	tterlaje@guam.net
phill@spbgum.com	vparriola1@gmail.com
procurement@guamlegislature.org	vpaulino@guamlegislature.org
policy@frankaguonjr.com	xiosormd@gmail.com
publisher@glimpsesofiguam.com	xiosormd@yahoo.com
rennae@guamlegislature.org	ylee2@guam.gannett.com
responsibleguam@gmail.com	
rfeehan@yahoo.com	
rsalas@senatorada.org	
ricknauta@hitradiol00.com	
rolly@ktkb.com	

---

**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

---

## **PUBLIC HEARING AGENDA**

Tuesday, December 06, 2016

Guam Legislature Public Hearing Room • Hagåtña, Guam

**2:00 PM**

**Bill No. 358-33 (COR)** - D.G. Rodriguez, Jr. - "An act to amend § 1909, § 1909(i), and §1907(c), and to add new § 1907(e), (f) and (g), all of chapter 19 of title 1, Guam Code Annotated, relative to granting increased autonomy to the Office of Public Accountability on personnel matters."

**Bill No. 389-33 (COR)** - B.J.F. Cruz - "An act to appropriate fiscal year 2016 General Fund Revenues to the Government of Guam Retirement Fund, to amend section 6 of chapter xi and section 8, chapter i of Public Law 33-66 relative to the payment of Fiscal Year 2016 retiree medical, dental, and life insurance expenses and to provide a cash contingency for anticipated fiscal year 2017 retiree medical, dental, and life insurance expenses."

**Bill No. 391-33 (COR)** - B.J.F. Cruz - "An act to add a new section 20 to part i, chapter ii, sections 15 and 16 to part ii, chapter iii, sections 4 and 5 to part iii, chapter iii, and sections 1(m)(7), 1(n)(7), and 1(aa)(5) to chapter v all of public law 33-185 relative to prioritizing and maintaining the funding levels appropriated toward safety, health, and education agencies in fiscal year 2017."

**Bill No. 397-33 (COR)** - J.T. Won Pat, Ed. D. / T. R. Muña Barnes - "An act to add new §§ 127115 and 127116, both of chapter 127, title 11, Guam code annotated, and to add a new § 41003(b) to article 10, chapter 4, title 12, Guam code annotated, relative to authorizing the Guam Housing Corporation to establish a pilot housing first program and utilize escheated funds in the housing trust fund to fund the same."