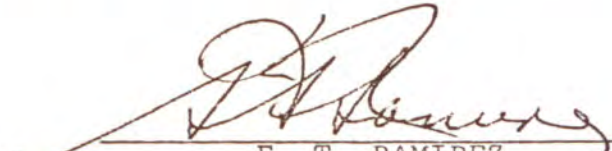


TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session


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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 886, "An Act making amendments to Public Law 12-150 and for other purposes", was on the 20th day of August, 1973, duly and regularly passed.


F. T. RAMIREZ
Speaker


ATTESTED:


RICHARD F. TAITANO
Acting Legislative Secretary


This Act was received by the Governor this 20th day
of August, 1974 at 8:30 o'clock A.M.


KEITH L. ANDREWS
Attorney General of Guam

APPROVED:


CARLOS G. CAMACHO
Governor of Guam

DATED: _____

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GUAM TERRITORY
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TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

Bill No. 886
Substitute

Introduced by Committee on Finance
& Taxation.

AN ACT MAKING AMENDMENTS TO PUBLIC
LAW 12-150 AND FOR OTHER PURPOSES.

1 WHEREAS, in May, 1974, the Governor of Guam and the Manager
2 of the Commercial Port of Guam presented to the Guam Legis-
3 lature a budget request so as to subsidize the operations
4 of the Commercial Port of Guam, which request, among other
5 things, set forth a plan for the elimination of approximately
6 two hundred seventy-six (276) persons employed by the
7 Commercial Port of Guam; and

8 WHEREAS, the Legislature, recognizing the hardship to be
9 imposed upon the above-mentioned employees, enacted Section 2
10 of Part 3 of Public Law 12-150 stating in part, "that as a
11 matter of policy it is opposed to the laying off of public
12 employees without placing said employees in other jobs in
13 either the private or public sectors of the economy"; and

14 WHEREAS, the Legislature made an interim appropriation in
15 the amount of One Hundred Thirty-Five Thousand Dollars
16 (\$135,000) and directed the Manager of the Commercial Port
17 of Guam to appropriately place said employees in other jobs,
18 further directing the Manager of the Commercial Port of Guam
19 to file a report with the Guam Legislature no later than the
20 15th day of each month following the enactment of this section
21 delineating his progress in placing these employees; and

22 WHEREAS, although Public Law 12-150 was signed by the
23 Governor on June 21, 1974 the Governor and the Manager of the
24 Commercial Port of Guam failed to actively place these
25 employees in other meaningful jobs, failed to file with the

1 Legislature written progress reports as required by the
2 above-mentioned law, choosing to ignore the above-mentioned
3 provisions of the law; and

4 WHEREAS, during this critical period both the Governor
5 and the Manager of the Commercial Port of Guam showed their
6 complete disregard for the plight of these employees by being
7 off-island, leaving the implementation of Public Law 12-150,
8 as it relates to the placement of employees of the Commercial
9 Port, to underlings and as a result nothing fruitful was
10 accomplished; and

11 WHEREAS, the Manager of the Commercial Port of Guam, in
12 complete disregard of the provisions of Public Law 12-150, on
13 July 24, 1974, issued notices of separation to the above-
14 mentioned employees effective August 1, 1974, said notices
15 being violative of Section 4010.1 of the Government Code of Guam
16 as this section provides that employees who are terminated
17 for lack of funds should be entitled to written notice of
18 at least sixty (60) days prior to their removal or lay-off; and

19 WHEREAS, to further compound their errors, the Manager of
20 the Commercial Port of Guam and the Governor of Guam, are now
21 attempting to solve the problem by withdrawing the notices
22 of separation; and

23 WHEREAS, the Twelfth Guam Legislature, recognizing the
24 obligation of a government to implement laws in a fair and
25 humane fashion, particularly when dealing with employees of
26 the government of Guam, who have made many sacrifices in order
27 that the territory of Guam will become a better place for all
28 and further recognizing that as a result of the administrative
29 bungling and disregard of human values, the employees of the
30 Commercial Port of Guam have as the direct result of the
31 callous actions of government leaders, suffered enormous mental
32 anguish; now therefore

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

2 Section 1. Section 1 of Part 3 of Public Law 12-150 is
3 hereby amended as follows:

4 "Section 1. The sum of Two Million Three Hundred
5 Eighty-Seven Thousand Dollars (\$2,387,000), which is trans-
6 ferred from the General Fund to subsidize the operations of
7 the Commercial Port of Guam Fund by Subsection VIII.A. of
8 Section 2, Part 1, of this Act, and the anticipated receipts
9 estimated at Seven Million Seven Hundred Twenty-One
10 Thousand Dollars (\$7,721,000) of the Commercial Port
11 of Guam Fund for the fiscal year ending June 30, 1975, are
12 hereby appropriated for the operations of the Commercial
13 Port of Guam pursuant to the provisions of Title XV of
14 the Government Code of Guam for the fiscal year ending
15 June 30, 1975; provided, however, that (a) no more than
16 four hundred sixty-one (461) full-time positions and
17 twenty-eight (28) part-time positions as enumerated in
18 Section 5 of Part Two of this Act shall be maintained
19 during the fiscal year at the Port any one time; (b) no
20 more than Three Million Eight Hundred Eighty-Four Thousand
21 Four Hundred Sixty Dollars (\$3,884,460) shall be expended
22 for the Personal Services listed in Section 5 of Part Two
23 of this Act; (c) no more than the sum of Thirty Thousand
24 Dollars (\$30,000) shall be expended for off-island travel
25 and transportation to which no less than Ten Thousand
26 Dollars (\$10,000) shall be expended for in-service training
27 purposes; and (d) the Manager of the Commercial Port of
28 Guam shall inform in writing the Speaker of the Guam
29 Legislature and the Governor of Guam of (1) any contractual
30 expenditure made by said Port in excess of Fifty Thousand
31 Dollars (\$50,000) and (2) any contractual agreement which
32 includes said Port as a party thereto and which by its

1 terms will remain effective for a period in excess of
2 one (1) year. The information required in (d) above shall
3 be provided within fifteen (15) days of the making of the
4 expenditure or the signing of the contract."

5 Section 2. A new Section 3(a) is hereby added to Part 3
6 of Public Law 12-150 to read as follows:

7 "Section 3(a). The sum of Three Hundred Four Thousand
8 Dollars (\$304,000) transferred to the Commercial Port of
9 Guam Fund by Subsection VIII.A. of Section 2, Part 1 of
10 this Act is hereby appropriated to be used to provide
11 severance pay for those employees of the Commercial Port
12 of Guam not selected for employment by the Commercial
13 Port of Guam as of the date of the enactment of this Law,
14 subject to the following limitations:

15 (1) None of the sums appropriated by this section
16 shall be used for any purpose other than to pay severance
17 pay to employees not selected for employment by the
18 Commercial Port of Guam as of the date of enactment of
19 this Law.

20 (2) Any eligible employee shall be entitled to
21 receive severance pay in the form of a lump sum payment
22 at the regular rate of compensation for three hundred
23 thirty-six (336) hours.

24 (3) Any funds not expended in accordance with this
25 section shall automatically revert to the Unappropriated
26 Surplus of the General Fund.

27 (4) The Manager of the Commercial Port shall file a
28 progress report with the Twelfth Guam Legislature no later
29 than the 15th day of each month in compliance with
30 Section 3 of Part 3 of Public Law 12-150 and it shall
31 be the duty of the Director, Department of Administration,
32 to assist the Manager of the Commercial Port in so placing

1 said employees and to co-author said progress reports.

2 (5) Notwithstanding any other Law, rule or regulation
3 to the contrary the certifying officer of the Department
4 of Administration shall certify that funds appropriated by
5 this section and expenditures thereunder comply in all
6 respect with this Law."

7 Section 3. The sum of Nine Hundred Seventy-Five Thousand
8 Dollars (\$975,000) transferred to the Commercial Port of Guam
9 Fund by Subsection VIII.A. of Section 2, Part 1 of this Act
10 is hereby re-transferred to a special reserve account within
11 the General Fund, and said sum is hereby appropriated to be
12 used to pay all salaries of employees of the Public Utility
13 Agency of Guam should the fund of that agency have insufficient
14 cash to pay said employees. Notwithstanding any law, rule or
15 regulation to the contrary the Director of the Department of
16 Administration shall be the Certifying Officer of this fund
17 and shall certify all or any expenditures of funds from this
18 account only when he is satisfied that the fund of that agency
19 has insufficient cash to pay the employees of that agency. The
20 sum appropriated by this section shall be in the form of an
21 interest-free loan to the Public Utility Agency of Guam for a
22 period not to exceed six (6) months, provided, however, that
23 such loan shall be forgiven upon the enactment by the Legis-
24 lature of appropriate legislation. The Chief Officer of the
25 Public Utility Agency of Guam shall file with the Twelfth Guam
26 Legislature a report no later than the 15th day of each and
27 every month delineating and providing an explanation for the
28 expenditures charged against the appropriation herein provided
29 and it shall be the duty of the Director, Department of
30 Administration, to assist the Chief Officer of the Public Utility
31 Agency of Guam and to co-author said monthly report.

32 Section 4. The sum of Twenty-Five Thousand Dollars

1 (\$25,000) transferred to the Commercial Port of Guam Fund by
2 Subsection VIII.A. of Section 2, Part 1 of Public Law 12-150
3 is hereby re-transferred and appropriated to the Office of the
4 Territorial Auditor to implement Section 5 of this Act.

5 Section 5. The Office of the Territorial Auditor is hereby
6 authorized to contract with a reputable firm of certified
7 accountants to assist the Territorial Auditor in completing the
8 report regarding the awarding of contracts by governmental
9 agencies and departments pursuant to Resolution No. 247 adopted
10 by the Twelfth Guam Legislature.

11 Section 6. Section 2.III.A. of Public Law 12-62 is
12 amended to read as follows:

13 "A. For Personal Services, not to exceed the total
14 of One Hundred Ninety-Four Thousand Nine Hundred Ninety-
15 Five Dollars (\$194,995) for the positions enumerated in
16 Schedule Two of Section 3 of this Act."

17 Section 7. Section 2.III.D. of Public Law 12-62 is amended
18 to read as follows:

19 "D. For Contractual Services, not to exceed the
20 total of Ten Thousand One Hundred Seventy-Eight Dollars
21 (\$10,178) as follows:

22 For power, not to exceed	\$ 4,200
23 For rental and servicing of office	
24 machines, not to exceed	\$ 3,358
25 For repairs to machines, not to exceed	\$ 200
26 For rental of copying machine including	
27 supplies thereon and for other purposes,	
28 not to exceed	\$ 2,720
29 For postage, not to exceed	\$ 300
30 For printing, not to exceed	\$ 300"

31 Section 8. Section 2.III.E. of Public Law 12-62 is amended
32 to read as follows:

1 "E. For Supplies and Materials, not to exceed the
2 total of One Thousand Seven Hundred Ninety Dollars (\$1,790)
3 as follows:

4 For Office Supplies, not to exceed \$ 1,790"

5 Section 9. Section 2.III.F. is repealed in its entirety.

6 Section 10. Schedule Two of Section 3 of Public Law 12-62
7 is amended to read as follows:

8 "Schedule Two - Personal Services for the Office
9 of the Minority

10 (Section 2,III,A)

11 Minority Legal Services, not to exceed \$22,020

12 One (1) Administrative Secretary at \$12,000 per annum

13 One (1) Legal Secretary at \$9,000 per annum

14 One (1) Minority Aide at \$7,500 per annum

15 One (1) Clerk at pay range 9

16 One (1) Special Project Officer at \$8,500 per annum

17 One (1) Clerk Typist at pay range 3

18 One (1) Clerk at pay range 6

19 One (1) Minority Aide at pay range 17

20 One (1) Clerk Typist at pay range 7

21 One (1) Secretary at pay range 19

22 One (1) Budget and Research Analyst at \$12,000 per annum

23 One (1) Secretary at pay range 19

24 One (1) Special Assistant at pay range 29

25 One (1) Clerk at \$3,412 per annum

26 One (1) Clerk at pay range 3

27 One (1) Minority Aide at pay range 18

28 One (1) Research Analyst at \$11,500 per annum

29 One (1) Assistant Research Analyst at \$10,000 per annum

30 One (1) Minority Aide at \$7,200 per annum

31 Seven (7) part-time positions at rates to determined by

32 the Minority Leader"