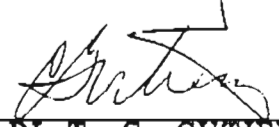


EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 285 (LS), "AN ACT TO AMEND SECTION 42004 OF THE GOVERNMENT CODE RELATIVE TO THE COMPOSITION OF THE GUAM PUBLIC LIBRARY BOARD, AND FOR OTHER PURPOSES", was on the 19th day of August 1985, duly and regularly passed.



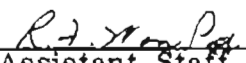
CARL T. C. GUTIERREZ
Speaker

Attested:




ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 21st day of August 1985, at 2:41 o'clock P.m.



Assistant Staff Officer
Governor's Office

APPROVED:



RICARDO J. BORDALLO
Governor of Guam

Date: 9/1/85, 7:00 AM

Public Law No. 18-14

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 285 (LS)
Substitute by
Committee on Rules

Introduced by:

F. R. Santos
T. S. Nelson

AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE COMPOSITION
OF THE GUAM PUBLIC LIBRARY BOARD, AND FOR
OTHER PURPOSES.

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

2 Section 1. Section 42004 of the Government Code is amended to read:

3 "§42004. Same:Members. The Board shall be composed of seven
4 (7) members, of which one (1) member shall be a secondary student, to
5 be appointed by the Governor with the advice and consent of the
6 Legislature."

7 Section 2. (a) Subsection (a) of Section 16 of P.L. 18-1 as amended
8 by Section 19 of P.L. 18-10 is further amended to read:

9 "(a) The sum of Thirty-six Thousand Nine Hundred Sixty-four
10 Dollars (\$36,964.00) is appropriated from the fund created pursuant to
11 12 GCA §2508.1 to the Department of Vocational Rehabilitation for
12 building maintenance, equipment, and necessary expenses of the
13 Workshop Center."

14 (b) The sum of Twenty-three Thousand Seven Hundred Fifty-eight
15 Dollars (\$23,758.00), which is the amount of the reduction of appropriations
16 effectuated in Subsection (a) of this Section, is appropriated from the fund
17 created pursuant to 12 GCA §2508.1 to the Department of Vocational
18 Rehabilitation for salaries of sheltered workshop employees.

19 Section 3. Part XXII of Section 5 of chapter I of Public Law 17-70, as
20 amended, is further amended to read:

"PART XXII
 JUDICIAL BRANCH (SUPERIOR COURT)

	General	Other	Federal	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>TOTAL</u>
5	A. Administration			
6	1. Personnel Services	\$ 580,228		\$ 580,228
7		(28.0 FTE)		(28.0 FTE)
8	2. Operating Expenses	193,862		193,862
9	3. Capital Outlay	7,991		7,991
10	4. Lease of Office Space	104,550		104,550
11	5. Utilities			
12	a. Power	139,926		139,926
13	b. Water/Sewer	1,374		1,374
14	c. Telephone	17,868		17,868
15	TOTAL	<u>\$1,046,299</u>		<u>\$1,046,299</u>
16	B. Courts/Ministerial Offices			
17	1. Personnel Services	\$1,510,223		\$1,510,223
18		(62.0 FTE)		(62.0 FTE)
19	2. Operating Expenses	108,667		108,667
20	3. Capital Outlay	3,450		3,450
21	4. Contingency Fund	3,000		3,000
22	5. Utilities			
23	a. Telephone	1,000		1,000
24	6. Jury Fees/Expenses	503,900		503,900
25	7. Court Appointed Attorney's			
26	Fees	503,507		503,507
27	TOTAL	<u>\$2,692,889</u>		<u>\$2,692,889</u>
28	C. Marshal's Office/Court Security			
29	1. Personnel Services	\$ 480,819		\$ 480,819
30		(22.0 FTE)		(22.0 FTE)
31	2. Operating Expenses	6,501		6,501
32	3. Capital Outlay	1,737		1,737
33	TOTAL	<u>\$ 489,057</u>		<u>\$ 489,057</u>

1	D. Probation Services		
2	1. Personnel Services	\$ 704,604	\$ 704,604
3		(30.0 FTE)	(30.0 FTE)
4	2. Operating Expenses	20,690	20,690
5	3. Utilities		
6	a. Telephone	<u>518</u>	<u>518</u>
7	TOTAL	\$ 725,812	\$ 725,812
8	E. Judicial Council		
9	1. Operating Expenses	\$ 16,820	\$ 16,820
10	2. Stipend, Council Members	<u>\$ 2,900</u>	<u>\$ 2,900</u>
11	TOTAL	\$ 19,720	\$ 19,720
12	F. Board of Law Examiners		
13	1. Operating Expenses	\$ 4,080	\$ 4,080
14	2. Board Stipend	<u>2,550</u>	<u>2,550</u>
15	TOTAL	\$ 6,636	\$ 6,636
17	GRAND TOTAL PART XXII	\$4,980,407	\$4,980,407"

19 Section 4. The sum of Five Hundred Dollars (\$500.00) is appropriated from
20 the General Fund to the Department of Vocational Rehabilitation for the purposes of
21 expenses incidental to the obtaining of orthopedic prosthesis.

22 Section 5. A new Subsection 5 is added to §70 of the Civil Code to read:
23 "5. The Speaker of the Guam Legislature, or his designee."

24 Section 6. Chapter II, Section 13 of Public Law 17-70 is hereby amended to
25 read:

26 "One Hundred Eighty-Seven Thousand Two Hundred Eleven Dollars
27 (\$187,211) is appropriated from the General Fund to the Guam Public Market
28 for fiscal year 1985 operations as follows:

29	Personnel Services	\$ 186,511
30		(12.0 FTE)
31	Operating Expenses	<u>700</u>
32	TOTAL	\$ 187,211."

1 Section 7. Sections 13653 through 13656 of the Government Code are
2 amended to read:

3 "Section 13653. The Governor shall purchase homes located on
4 private land described in Sections 13651 and 13652 of this Chapter on
5 a replacement cost basis or on such other basis as the parties may
6 mutually agree with consideration given to current mortgage interest
7 rates, incidental cost and insurance to homeowners.

8 Section 13654. The land exchanges authorized by Section 13652
9 of this Chapter and the purchase of homes located on private land
10 described in Section 13652 which is authorized by Section 13653 of this
11 Chapter, shall be negotiated and accomplished within eighteen (18)
12 months from June 11, 1984.

13 Section 13655. The land exchanges authorized by Section 13651
14 of this Chapter, and the purchase of homes located on private land
15 described in Section 13651 which is authorized by Section 13653 of this
16 Chapter, shall be negotiated within eighteen (18) months from June 11,
17 1984. Land exchanges and purchase of homes under this section shall
18 be at the option of private landowners and private homeowners who,
19 after notice by the Department of Land Management, shall notify the
20 Department of their intention to take part in this exchange.

21 Section 13656. There is authorized to be appropriated such sums
22 as may be required to implement this Act. The Governor shall submit
23 within eighteen (18) months to the Speaker of the Guam Legislature a
24 request for funding this authorization as it pertains to Section 13654 of
25 this Chapter."

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No.: 285

DATE: 8/19/85

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III	✓			
P. C. Lujan	✓			
M. D. A. Manibusan	✓			
XXXXXXXXXX				
T. S. Nelson	✓			
D. Parkinson		✓		
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

19 1



Franklin J. Arceo Quitugua

CHAIRMAN, COMMITTEE ON EDUCATION
EIGHTEENTH GUAM LEGISLATURE

P.O. Box CB-1, Agana, Guam 96910 • Tel: 472-3408/9, 477-9182
MEMBERS: Senators E.P. Arriola, E.R. Duenas, H.D. Dierking, A.C. Lamorena III,
T.S. Nelson, J.T. San Agustin, F.R. Santos, A.R. Unpingco
Committee Coordinator: Ms. Ignacia T. Tajalle

August 12, 1985

The Honorable C. T. C. Gutierrez
Speaker, Eighteenth Guam Legislature
P. O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:


The Committee on Education to which was referred **Bill No. 285(LS)**,
**"AN ACT TO AMEND SECTION 42004 OF THE GOVERNMENT CODE
RELATIVE TO THE COMPOSITION OF THE GUAM PUBLIC LIBRARY
BOARD,"** has had the same under consideration and now wishes to report
back with the recommendation to do pass.

Votes on the above recommendation are as follows:

To Pass 8 Not to Pass 0
To Report Out Only 0
To Place in Inactive File 0
Off-Island 1

A copy of the Committee's report and pertinent documents are enclosed
for your reference and information.

Sincerely,




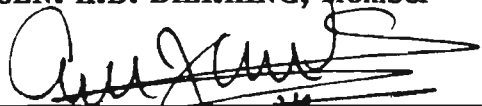

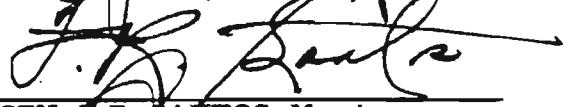


FRANKLIN J. A. QUITUGUA

FJAQ/ecv

Enclosures

**VOTE SHEET OF THE
COMMITTEE ON EDUCATION ON
BILL NO. 285**

**AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE
COMPOSITION OF THE GUAM PUBLIC LIBRARY BOARD.**

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 SEN. F.J. QUITUGUA, Chairman	✓			
 SEN. E.P. ARRIOLA, Member	✓			
SEN. E.R. DUENAS, Member				
 SEN. H.D. DIERKING, Member	✓			
 SEN. A.C. LAMORENA, Member	X			
SEN. T.S. NELSON, Member	✓			
 SEN. J.T. SAN AGUSTIN, Member	✓			
 SEN. F.R. SANTOS, Member	✓			
 SEN. A.E. UNPINGCO, Member	✓			

**REPORT OF THE
COMMITTEE ON EDUCATION
ON BILL NO. 285**

**Bill No. 285: AN ACT TO AMEND SECTION 42004 OF
THE GOVERNMENT CODE RELATIVE TO THE
COMPOSITION OF THE GUAM PUBLIC LIBRARY
BOARD.**

Introduced by: Senator F. R. Santos

PREFACE

The Committee on Education conducted a scheduled public hearing on Bill No. 285. The hearing was conducted in the morning on Friday, August 2, 1985 in the Legislative Session Hall. Committee members present at the hearing were as follows:

Senator Franklin J. Quitugua, Chairman
" Herminia D. Dierking, Member
" Ted S. Nelson, Member
" Frank F. Blas, Guest

BACKGROUND

Testimonies heard on Bill No. 285 were as follows:

1. Mrs. Carmen Nededog, Chairperson of Guam Public Library Board

Ms. Nededog supports the intent of the bill to amend Section 42004 of the Government Code. She has reservations, however, since the proposed amendment does not clarify the word "student." Is the bill referring to full time student, part-time student or any and all students? Is it referring to a specific grade level, including the university level? While in support of the bill, she would still like clarification on the "student."

2. Ms. Magdalena S. Taitano, Territorial Librarian

She noted that she is the Territorial Librarian for the Guam Public Library system and was an alternate delegate to the White House Conference on Library and Information Services. At the White House Conference in 1979, Guam was represented by six (6) people, one of which was a youth.

One of the conference follow-up and recommendations is that "states and territories be encouraged to include at least one youth as voting member on the library board.

Bill No. 285 will implement the recommendation of the White House Conference on Library and Information Services.

She urges favorable consideration of the bill.

Discussions

1. Senator Dierking stated her opinion that while she has no problem in defining "student" she is confident that the Governor, in his wisdom, will not appoint a grade school student or anyone not qualified.

2. Present membership is five (5) but the total number for a complete board is seven (7).

3. The possibility of appointing one from the senior high school and one from the university level was discussed and received some support among those present.

4. There is no prohibition under the present law for the Governor to appoint a student and that Bill No. 285 may not be required.

5. While there has not been any recommendation from the public library representatives for the Governor to appoint a "student", there has been, however, the recommendation for the appointment of a "youth."

ANALYSIS OF BILL NO. 285

Bill No. 285 proposes to establish in law the appointment of one student to the seven (7) member Guam Public Library Board.

COMMITTEE FINDINGS

The Committee finds that there is support for the intent of the bill, except, perhaps, for clarification of the type of student to be appointed to the Board.

It is also noted that the intent of the bill is in line with the recommendation of the 1979 White House Conference on Library and Information Services with respect to including at least one youth as a voting member on the library board.

EXHIBITS

EXHIBIT "A" - Testimony of Ms. Magdalena S. Taitano,
Territorial Librarian, dated August 2, 1985.

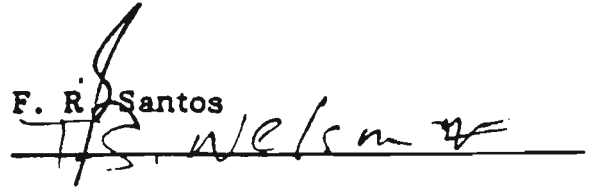
MAR 12 '85

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 285(LS)

Introduced by:

F. R. Santos



AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE COMPOSITION
OF THE GUAM PUBLIC LIBRARY BOARD.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 42004 of the Government Code is amended to read:
3 "§42004. Same:Members. The Board shall be composed of seven
4 (7) members, of which one (1) member shall be a student, to be
5 appointed by the Governor with the advice and consent of the
6 Legislature."



GOVERNMENT OF GUAM
AGANA GUAM 96910

August 2, 1985

Senator Franklin J. A. Quitugua
Chairperson, Committee on Education
18th Guam Legislature
P. O. Box CB-1
Agana, Guam 96910

Dear Sen. Quitugua:

My name is Magdalena S. Taitano. I am Territorial Librarian for the Guam Public Library system and was an alternate delegate to the White House Conference on Library and Information Services. At the White House Conference in 1979, Guam was represented by six (6) people, one was a youth.

The conference delegates representing states and territories brought up citizen concerns for information delivery in this computer and telecommunication age and ways to meet the information needs of the communities. Sixty-four (64) resolutions were passed. One of the conference follow-up and recommendations is that "states and territories be encouraged to include at least one youth as voting member on the library board."

I am very please that Guam, through Bill #285, will be implementing the White House Conference on Library and Information Services' recommendation.

I urge your favorable consideration for this bill.

Sincerely,

Magdalena S. Taitano
Magdalena S. Taitano
Territorial Librarian

EXHIBIT "A"

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 285 (LS)
Substitute by
Committee on Rules

Introduced by:

F. R. Santos
T. S. Nelson

AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE COMPOSITION
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6 Legislature."

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8 by Section 19 of P.L. 18-10 is further amended to read:

9 "(a) The sum of Thirty-six Thousand Nine Hundred Sixty-four
10 Dollars (\$36,964.00) is appropriated from the fund created pursuant to
11 12 GCA §2508.1 to the Department of Vocational Rehabilitation for
12 building maintenance, equipment, and necessary expenses of the
13 Workshop Center."

14 (b) The sum of Twenty-three Thousand Seven Hundred Fifty-eight
15 Dollars (\$23,758.00), which is the amount of the reduction of appropriations
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17 created pursuant to 12 GCA §2508.1 to the Department of Vocational
18 Rehabilitation for salaries of sheltered workshop employees.

19 Section 3. Part XXII of Section 5 of chapter I of Public Law 17-70, as
20 amended, is further amended to read:

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 JUDICIAL BRANCH (SUPERIOR COURT)

	General	Other	Federal	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>TOTAL</u>
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	(28.0 FTE)			(28.0 FTE)
2. Operating Expenses	193,862			193,862
3. Capital Outlay	<u>7,991</u>			<u>7,991</u>
4. Lease of Office Space	104,550			104,550
5. Utilities				
a. Power	<u>139,926</u>			<u>139,926</u>
b. Water/Sewer	<u>1,374</u>			<u>1,374</u>
c. Telephone	<u>17,868</u>			<u>17,868</u>
TOTAL	<u>\$1,046,299</u>			<u>\$1,046,299</u>
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2. Operating Expenses	<u>108,667</u>			<u>108,667</u>
3. Capital Outlay	3,450			3,450
4. Contingency Fund	3,000			3,000
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6. Jury Fees/Expenses	<u>503,900</u>			<u>503,900</u>
7. Court Appointed Attorney's Fees	<u>503,507</u>			<u>503,507</u>
TOTAL	<u>\$2,692,889</u>			<u>\$2,692,889</u>
C. Marshal's Office/Court Security				
1. Personnel Services	\$ 480,819			\$ 480,819
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2. Operating Expenses	6,501			6,501
3. Capital Outlay	<u>1,737</u>			<u>1,737</u>
TOTAL	<u>\$ 489,057</u>			<u>\$ 489,057</u>

1	D. Probation Services		
2	1. Personnel Services	\$ 704,604	\$ 704,604
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4	2. Operating Expenses	20,690	20,690
5	3. Utilities		
6	a. Telephone	518	518
7	TOTAL	\$ 725,812	\$ 725,812
8	E. Judicial Council		
9	1. Operating Expenses	\$ 16,820	\$ 16,820
10	2. Stipend, Council Members	\$ 2,900	\$ 2,900
11	TOTAL	\$ 19,720	\$ 19,720
12	F. Board of Law Examiners		
13	1. Operating Expenses	\$ 4,080	\$ 4,080
14	2. Board Stipend	2,550	2,550
15	TOTAL	\$ 6,636	\$ 6,636
16			
17	GRAND TOTAL PART XXII	\$4,980,407	\$4,980,407"

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20 the General Fund to the Department of Vocational Rehabilitation for the purposes of
21 expenses incidental to the obtaining of orthopedic prosthesis.

22 Section 5. A new Subsection 5 is added to §70 of the Civil Code to read:

23 "5. The Speaker of the Guam Legislature, or his designee."

24 Section 6. Chapter II, Section 13 of Public Law 17-70 is hereby amended to
25 read:

26 "~~Section 13:~~ One Hundred Eighty-Seven Thousand Two Hundred Eleven
27 Dollars (\$187,211) is appropriated from the General Fund to the Guam Public
28 Market for fiscal year operations as follows:

29	Personnel Services	\$ 186,511
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31	Operating Expenses	700
32	TOTAL	\$ 187,211."

1 Section 7. Sections 13653 through 13656 of the Government Code are
2 amended to read:

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4 private land described in Sections 13651 and 13652 of this Chapter on
5 a replacement cost basis or on such other basis as the parties may
6 mutually agree with consideration given to current mortgage interest
7 rates, incidental cost and insurance to homeowners.

8 Section 13654. The land exchanges authorized by Section 13652
9 of this Chapter and the purchase of homes located on private land
10 described in Section 13652 which is authorized by Section 13653 of this
11 Chapter, shall be negotiated and accomplished within eighteen (18)
12 months from June 11, 1984.

13 Section 13655. The land exchange^s authorized by Section 13651 of
14 this Chapter, and the purchase of homes located on private land
15 described in Section 13651 which is authorized by Section 13653 of this
16 Chapter, shall be negotiated within eighteen (18) months from June 11,
17 1984. Land exchanges and purchase of homes under this section shall
18 be at the option of private landowners and private homeowners who,
19 after notice by the Department of Land Management, shall notify the
20 Department of their intention to take part in this exchange.

21 Section 13656. There is authorized to be appropriated such sums
22 as may be required to implement this Act. The Governor shall submit
23 within eighteen (18) months ~~to the Speaker of the Guam Legislature~~
24 a request for funding this authorization as it pertains to Section 13654 of
25 this Chapter."

EIGHTEENTH GUAM LEGISLATURE

CHAIRMAN, COMMITTEE ON RULES

Members: Speaker Carl T. C. Gutierrez
Sens. Elizabeth P. Arriola,
Hernilma D. Dierking,
Franklin J. Gutierrez
Pilar C. Lujan,
Ted S. Nelson,
Don Parkinson,
Franklin J. Quitugua,
Joe T. San Agustin,
Francisco R. Santos,
Edward R. Duenas



SENATOR JOHN PEREZ AGUON
P.O. Box CB-1
Agana, Guam USA 96910
472-2990, 472-3426, 472-6614

MEMBER

Committee on General Governmental
Operations
Committee on Economic Development,
Housing and Community Development
Committee on Tourism, Transportation
and Communications
Committee on Federal, Foreign and
Legal Affairs

August 19, 1985

The Honorable Carl T. C. Gutierrez
Speaker
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules at its meeting on August 15, 1985, approved the placement of Bill No. 285 as substituted second on the Second Reading File; and hereby transmits to the full Legislature Bill No. 285 as substituted by the Committee on Rules.

The Committee voting record for passage of Bill No. 285 is as follows:

TO DO PASS	<u>6</u>
TO NOT PASS	<u>0</u>
ABSTAIN	<u>0</u>
COMMENTS	<u>7</u>

A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely yours,

Handwritten signature of John P. Aguon.
JOHN P. AGUON
Chairman

Attachments

EIGHTEENTH GUAM LEGISLATURE

CHAIRMAN, COMMITTEE ON RULES

Members: Speaker Carl T.C. Gutierrez
Sens. Elizabeth P. Arriola,
Hermínia D. Dierking,
Franklin J. Gutierrez,
Pilar C. Lujan,
Ted S. Nelson,
Don Parkinson,
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Edward R. Duenas



SENATOR JOHN PEREZ AGUON
P.O. Box CB-1
Agana, Guam USA 96910
472-2990, 472-3426, 472-6614

MEMBER

Committee on General Governmental
Operations
Committee on Economic Development,
Housing and Community Development
Committee on Tourism, Transportation
and Communications
Committee on Federal, Foreign and
Legal Affairs

August 19, 1985


MEMORANDUM

TO: Members, Committee on Rules

FROM: Chairperson

SUBJECT: Voting Sheet on Substitute Bill

Attached herewith is a copy of Substitute Bill No. 285, "An act to amend Section 42004 of the Government Code relative to the composition of the Guam Public Library Board, and for other purposes," which was discussed and amended in the Committee on Rules meeting of August 15, 1985. Please record your vote on the attached voting sheet and make any comments you wish. Please act with all due haste so that we may have ample time to prepare documents for today's Legislative session.


JOHN P. AGUON
Chairperson

VOTING SHEET
COMMITTEE ON RULES

<u>MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAINED</u>	<u>COMMENTS</u>
<i>John P. Aguon</i> SEN. JOHN P. AGUON Chairperson	✓			
<i>Elizabeth P. Arriola</i> SEN. ELIZABETH P. ARRIOLA Member				<i>Report out</i>
<i>Hermenia D. Dierking</i> SEN. HERMINIA D. DIERKING Member				✓
<i>Carl T. C. Gutierrez</i> SEN. CARL T. C. GUTIERREZ Member	✓			
<i>Franklin J. Gutierrez</i> SEN. FRANKLIN J. GUTIERREZ Member	✓			
<i>Pilar C. Lujan</i> SEN. PILAR C. LUJAN Member				✓ <i>Report out</i>
<i>Ted S. Nelson</i> SEN. TED S. NELSON Member				✓
<i>Don Parkinson</i> SEN. DON PARKINSON Member				<i>Report out</i>
<i>Franklin J. Quitugua</i> SEN. FRANKLIN J. QUITUGUA Member				<i>Report out</i>
<i>Joe T. San Agustin</i> SEN. JOE T. SAN AGUSTIN Member	✓			✓
<i>Francisco R. Santos</i> SEN. FRANCISCO R. SANTOS Member	✓			✓
<i>Edward R. Duenas</i> SEN. EDWARD R. DUENAS Member				

COMMITTEE REPORT

Substitute Bill 285

"An act to amend Section 42004 of the Government Code relative to the composition of the Guam Public Library Board, and for other purposes."

At a meeting of the Committee on Rules on August 15, 1985, Bill No. 285, introduced by Sen. F. R. Santos, was amended in the following fashion:

Section 1, which deals with the membership of the Guam Public Library Board, remained unchanged.

A new Section 2 was added which further amended an amendment of Section 16 of P.L. 18-1 contained in Section 19 of P.L. 18-10 by splitting the original appropriation of Sixty Thousand Seven Hundred Twenty-two dollars (\$60,722.00) into Thirty-six Thousand Nine Hundred Sixty-four Dollars (\$36,964.00) for building maintenance, equipment, and necessary expenses of the Department of Vocational Rehabilitation Workshop Center; and Twenty-three Thousand Seven Hundred Fifty-eight Dollars (\$23,758.00) for salaries of sheltered workshop employees.

A new section 3 was added which further amended Part XXII of Section 5 of Chapter I of P.L. 17-70 to transfer funds within the Superior Court of Guam.

A new Section 4 was added to appropriate Five Hundred Dollars (\$500) from the General Fund to the Department of Vocational Rehabilitation for the expenses in obtaining an orthopedic prosthesis.

A new Section 5 was added to require minimum insurance levels for vehicles operated on the highways of Guam for the transportation of persons for hire.

A new Section 6 was added to require minimum insurance levels for vehicles operated on the highways of Guam. The section also requires the Director of Revenue and Taxation to annually increase minimum insurance coverage beginning on April 1, 1987.

A new Section 7 was added to require a penalty for those who do not comply

with the new insurance regulations.

A new Section 8 authorizes the Director of Revenue and Taxation to suspend vehicle registration, after a hearing, if the registered owner fails to provide proof that the required insurance has been obtained.

A new Section 9 was added which repeals and reenacts Subsection (a) of 16 GCA Section 19105, the Financial Responsibility Law, raising insurance requirements for surety bonds.

A new Section 10 was added which repeals and reenacts Subsection (b) of 16 GCA Section 17101, the Imputed Negligence section, to increase the limit of liability.

A new Section 11 was added which authorizes the Director of the Department of Revenue and Taxation to promulgate necessary rules and regulations to allow implementation of Sections 5 through 10 of this act.

A new Section 12 was added which requires the suspension of registration of the vehicle and suspension of the driver's license of the driver in any traffic related case should there be no insurance coverage on the vehicle or driver.

A new Section 13 was added which allows the Speaker of the Legislature or his designee to perform marriage ceremonies.

The committee recommends that Bill 285 as substituted be reported out with the recommendation to do pass as substituted.

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 285 (LS)
Substitute
Committee on Rules

Introduced by:

F. R. Santos

AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE COMPOSITION
OF THE GUAM PUBLIC LIBRARY BOARD, AND FOR
OTHER PURPOSES.

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

2 Section 1. Section 42004 of the Government Code is amended to read:

3 "§42004. Same:Members. The Board shall be composed of seven
4 (7) members, of which one (1) member shall be a student, to be
5 appointed by the Governor with the advice and consent of the
6 Legislature."

7 Section 2. (a) Subsection (a) of Section 16 of P.L. 18-1 as amended
8 by Section 19 of P.L. 18-10 is further amended to read:

9 "(a) The sum of [Sixty Thousand Seven Hundred Twenty-two
10 Dollars (\$60,722.00)] Thirty-six Thousand Nine Hundred Sixty-four
11 Dollars (\$36,964.00) is appropriated from the fund created pursuant to
12 12 GCA §2508.1 to the Department of Vocational Rehabilitation for
13 building maintenance, equipment, and necessary expenses of the
14 Workshop Center."

15 (b) The sum of Twenty-three Thousand Seven Hundred Fifty-eight
16 Dollars (\$23,758.00), which is the amount of the reduction of appropriations
17 effectuated in Subsection (a) of this Section, is appropriated from the fund
18 created pursuant to 12 GCA §2508.1 to the Department of Vocational
19 Rehabilitation for salaries of sheltered workshop employees.

20 Section 3. Part XXII of Section 5 of chapter I of Public Law 17-70, as
21 amended, is further amended to read:

"PART XXII
 JUDICIAL BRANCH (SUPERIOR COURT)

	General <u>Fund</u>	Other <u>Fund</u>	Federal <u>Fund</u>	<u>TOTAL</u>
A. Administration				
1. Personnel Services	\$ 580,228			\$ 580,228
	(28.0 FTE)			(28.0 FTE)
2. Operating Expenses	193,862			193,862
3. Capital Outlay	[1,000]			[1,000]
	<u>7,991</u>			<u>7,991</u>
4. Lease of Office Space	104,550			104,550
5. Utilities				
a. Power	[125,040]			[125,040]
	<u>139,926</u>			<u>139,926</u>
b. Water/Sewer	[3,600]			[3,600]
	<u>1,374</u>			<u>1,374</u>
c. Telephone	<u>17,868</u>			<u>17,868</u>
TOTAL	[\$1,026,148]			[\$1,026,148]
	<u>\$1,046,299</u>			<u>\$1,046,299</u>
B. Courts/Ministerial Offices				
1. Personnel Services	\$1,510,223			\$1,510,223
	(62.0 FTE)			(62.0 FTE)
2. Operating Expenses	[67,410]			[67,410]
	<u>108,667</u>			<u>108,667</u>
3. Capital Outlay	3,450			3,450
4. Contingency Fund	3,000			3,000
5. Utilities				
a. Telephone	1,000			1,000
6. Jury Fees/Expenses	[689,158]			[689,158]
	<u>503,900</u>			<u>503,900</u>
7. Court Appointed Attorney's Fees	<u>[375,507]</u>			<u>[375,507]</u>
	<u>503,507</u>			<u>503,507</u>
TOTAL	[\$2,708,890]			[\$2,708,890]

	<u>\$2,692,889</u>	<u>\$2,692,889</u>
C. Marshal's Office/Court Security		
1. Personnel Services	\$ 480,819 (22.0 FTE)	\$ 480,819 (22.0 FTE)
2. Operating Expenses	6,501	6,501
3. Capital Outlay	<u>1,737</u>	<u>1,737</u>
TOTAL	\$ 489,057	\$ 489,057
D. Probation Services		
1. Personnel Services	\$ 704,604 (30.0 FTE)	\$ 704,604 (30.0 FTE)
2. Operating Expenses	20,690	20,690
3. Utilities		
a. Telephone	<u>518</u>	<u>518</u>
TOTAL	\$ 725,812	\$ 725,812
E. Judicial Council		
1. Operating Expenses	\$ 16,820	\$ 16,820
2. Stipend, Council Members	[4,800]	[4,800]
	<u>\$ 2,900</u>	<u>\$ 2,900</u>
TOTAL	[\$ 21,620]	[\$ 21,620]
	<u>\$ 19,720</u>	<u>\$ 19,720</u>
F. Board of Law Examiners		
1. Operating Expenses	\$ 4,080	\$ 4,080
2. Board Stipend	[4,800]	[4,800]
	<u>2,550</u>	<u>2,550</u>
TOTAL	[\$ 8,880]	[\$ 8,880]
	<u>\$ 6,636</u>	<u>\$ 6,636</u>
<hr/>		
GRAND TOTAL PART XXII	\$4,980,407	\$4,980,407"

30 Section 4. The sum of Five Hundred Dollars (\$500.00) is appropriated
31 from the General Fund to the Department of Vocational Rehabilitation for the
32 purposes of expenses incidental to the obtaining of orthopedic prosthesis.

33 Section 5. 16 GCA §7158 is repealed and reenacted to read:

34 "§7158. No vehicle shall be operated upon the highways of the
35 territory of Guam for the transportation of persons for hire unless

1 such vehicle is insured under general or public liability policy of
2 insurance issued by a qualified insurance company for a minimum
3 coverage of Fifty Thousand Dollars (\$50,000) for property damage,
4 One Hundred Thousand Dollars (\$100,000) for personal injury or death
5 to one (1) person, and Three Hundred Thousand Dollars (\$300,000)
6 total because of personal injury or death to two (2) or more persons.
7 The registered or legal owner of any vehicle operated or used for the
8 transportation of persons for hire shall be held responsible for
9 compliance with this Section; provided that all policies currently
10 written for lesser limits before the effective date of this Act shall be
11 deemed in compliance with this Section until they expire or are
12 renewed, not to exceed one (1) year, provided that each insurance
13 company shall in writing inform each policy holder of any automobile
14 liability policy written for less than the foregoing new limits of the
15 passage of this Act, of the availability and cost of insurance at the
16 new limits, and inform such policy holders that their policy may be
17 inadequate and that the liability of the owner of a vehicle may exceed
18 policy limits. The Director of the Department of Revenue and Taxation
19 shall not register or license any vehicle which is not insured as herein
20 provided. Proof of compliance shall be required before license or
21 registration is issued. No automobile insurance policy may include any
22 exclusion of drunk drivers as to third party coverage."

23 Section 6. A new 16 GCA §7158.1 is added to read:

24 "§7158.1. Insurance Required. (a) No vehicle shall be operated
25 upon the highways of the Territory of Guam unless such vehicle is
26 insured under a general public liability insurance issued by a qualified
27 insurance company for a minimum coverage of Fifty Thousand Dollars
28 (\$50,000) for property damage, One Hundred Thousand Dollars
29 (\$100,000) for personal injury or death to one (1) person, and Three
30 Hundred Thousand Dollars (\$300,000) total because of personal injury
31 or death to two (2) or more persons. The registered or legal owner
32 of any vehicle operated upon the highways of Guam and the operator
33 of such vehicle shall be jointly responsible for compliance with this
34 Section, provided, that all policies currently written for lesser limits
35 before the effective date of this Act shall be deemed in compliance with

1 this Section until they expire or are renewed, not to exceed one (1)
2 year, provided that each insurance company shall in writing inform
3 each policy holder of any automobile liability policy written for less
4 than the foregoing new limits of the passage of this Act, of the
5 availability and cost of insurance at the new limits, and inform such
6 policy holders that their policy may be inadequate and that the liability
7 of the owner of a vehicle may exceed policy limits. The Director of
8 the Department of Revenue and Taxation shall not register or license
9 any vehicle which is not insured as herein provided. Proof of
10 compliance shall be required before license or registration is issued.
11 No automobile insurance policy may include any exclusion of drunk
12 drivers as to third party coverage.

13 (b) The Director of Revenue and Taxation shall by rules and
14 regulations annually increase the minimum insurance coverage provided
15 for in 16 GCA §7158, Subsections (a) and (b) of 16 GCA §7158.1, 16
16 GCA §7158.2, Subsection (f) of 16 GCA §3610, Subsection (a) of 16
17 GCA §19105 and Subsection (b) of 16 GCA §17101. The increase shall
18 be effective the first day of April of each year, commencing April 1,
19 1987. The increase shall be a percentage amount not less than the
20 percentage increase in cost of living on Guam for the previous
21 calendar year. In addition, the Director may increase minimum
22 insurance coverage provided for in the code sections cited in the first
23 sentence of this Section further as he may deem necessary, after
24 public hearing. All such increases and related rules and regulations
25 shall be promulgated pursuant to the Administrative Adjudication Law.

26 (c) No insurance company may issue any automobile liability
27 policy for vehicles driven within the territory of Guam for less than
28 the minimum amounts specified by this section, as later amended by
29 rules and regulations as to minimum amounts."

30 Section 7. A new 16 GCA §7158.2 is added to read:

31 "§7158.2 Penalty. Any person who willfully fails, refuses, or
32 neglects to comply with the requirements of 16 GCA §§7158 and 7158.1
33 shall be guilty of a misdemeanor and shall have his or her vehicle
34 registration and driver's license suspended by the Director of Revenue

1 and Taxation after a hearing, until compliance with 16 GCA §§7158 or
2 7158.1 has been completed."

3 Section 8. A new Subsection (f) is added to 16 GCA §3601 to read:

4 "(f) The Director of Revenue and Taxation is authorized to
5 suspend, after hearing, the registration of any motor vehicle, trailer,
6 semi-trailer, or pole or pipe dolly if the registered owner is unable to
7 provide adequate proof that automobile insurance required by 16 GCA
8 §§7158 or 7158.1 has been purchased or is current at the time the
9 annual inspection or registration is affected."

10 Section 9. Subsection (a) of 16 GCA §19105 is repealed and reenacted
11 to read:

12 "§19105. Insurance. (a) No policy or bond shall be effective
13 under §19104 of this Title unless issued by an insurance company or
14 surety company authorized to do business in Guam, nor unless such
15 policy or bond is subject, if the accident has resulted in bodily injury
16 or death, to limits, exclusive of interest and costs, of not less than
17 One Hundred Thousand Dollars (\$100,000) because of bodily injury to
18 or death of one (1) person in any one (1) accident and Three Hundred
19 Thousand Dollars (\$300,000) because of bodily injury to or death of
20 two (2) or more persons in any one (1) accident, and Fifty Thousand
21 Dollars (\$50,000) because of injury to or destruction of property of
22 others in any one accident."

23 Section 10. Subsection (b) of 16 GCA §17101 is repealed and
24 reenacted to read:

25 "(b) Limitation of Liability. The liability of an owner for
26 imputed negligence imposed by this Section, and not arising through
27 the relationship of principal and agent or master and servant, is
28 limited to the amount of One Hundred Thousand Dollars (\$100,000) for
29 the death of or injury to one (1) person in any one (1) accident and,
30 subject to said limit as to one (1) person is limited to the amount of
31 Three Hundred Thousand Dollars (\$300,000) with respect to the death
32 of or injury to more than one (1) person in any one (1) accident and
33 is limited to the sum of Fifty Thousand Dollars (\$50,000) for damage to
34 property of others in any one (1) accident; provided, that in the
35 event that the limits of liability of the insurance policy covering such

1 accident is more than the policy minimums set herein or is more than
2 the policy minimums later set by rules and regulations promulgated by
3 the Director of Revenue and Taxation, then the higher limits shall
4 apply."

5 Section II. A new 16 GCA §19112 is added to read:

6 "§19112. Rules and Regulations regarding required insurance.
7 The Director of the Department of Revenue and Taxation shall have
8 the authority to promulgate any necessary rules and regulations,
9 pursuant to the Administrative Adjudication Law, for the
10 implementation of 16 GCA §7158, Subsections (a) and (b) of 16 GCA
11 §7158.1, 16 GCA §7158.2, Subsection (f) of 16 GCA §3610, Subsection
12 (a) of 16 GCA §19105 and Subsection (b) of 16 GCA §17101.

13 Section 12. A new 16 GCA §19113 is added to read:

14 "§19113. Proof of Insurance Required:Penalty. In any traffic
15 related case, the Superior Court shall require the Defendant to
16 establish proof that the Defendant or the vehicle the Defendant was
17 driving at the time of the incident is insured pursuant to 16 GCA
18 §§7158 or 7158.1. If such proof of insurance and compliance is not
19 submitted to the Court at the time of trial, plea, payment, fine, or
20 other time required by the Court, then, and in that event, regardless
21 of the guilt or innocence of the Defendant, the Court shall suspend
22 and take the driver's license of the Defendant and shall suspend the
23 registration of the Defendant's motor vehicle. The license and
24 registration may be reinstated by the Court or by the Director of
25 Revenue and Taxation upon proof of compliance with insurance
26 requirements as herein provided. Copies of all orders issued by the
27 Superior Court of Guam relative to suspension or reinstatement of
28 licenses and registration, and all driver's licenses seized, shall be
29 promptly sent to the Director of the Department of Revenue and
30 Taxation."

31 Section 13. A new Subsection 5 is added to §70 of the Civil Code to
32 read:

33 "5. The Speaker of the Guam Legislature, or his designee."



Franklin J. Arceo Quitugua

CHAIRMAN, COMMITTEE ON EDUCATION
EIGHTEENTH GUAM LEGISLATURE

P.O. Box CB-1, Agana, Guam 96910 • Tel: 472-3408/9, 477-9182

MEMBERS: Senators E.P. Arriola, E.R. Duenas, H.D. Dierking, A.C. Lamorena III,
T.S. Nelson, J.T. San Agustin, F.R. Santos, A.R. Unpingco

Committee Coordinator: Ms. Ignacia T. Tajalle

August 12, 1985

The Honorable C. T. C. Gutierrez
Speaker, Eighteenth Guam Legislature
P. O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Education to which was referred **Bill No. 285(LS)**,
**"AN ACT TO AMEND SECTION 42004 OF THE GOVERNMENT CODE
RELATIVE TO THE COMPOSITION OF THE GUAM PUBLIC LIBRARY
BOARD,"** has had the same under consideration and now wishes to report
back with the recommendation to do pass.

Votes on the above recommendation are as follows:

To Pass 8 Not to Pass 0
To Report Out Only 0
To Place in Inactive File 0
Off-Island 1

A copy of the Committee's report and pertinent documents are enclosed
for your reference and information.

Sincerely,




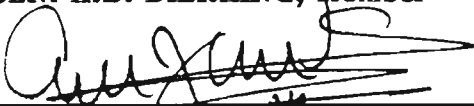


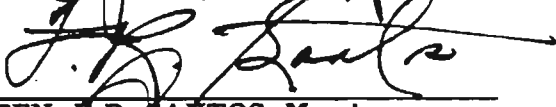


FRANKLIN J. A. QUITUGUA

FJAQ/ecv

Enclosures

**VOTE SHEET OF THE
COMMITTEE ON EDUCATION ON
BILL NO. 285**

**AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE
COMPOSITION OF THE GUAM PUBLIC LIBRARY BOARD.**

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 SEN. F.J. QUITUGUA, Chairman	✓			
 SEN. E.P. ARRIOLA, Member	✓			
SEN. E.R. DUENAS, Member				
 SEN. H.D. DIERKING, Member	✓			
 SEN. A.C. LAMORENA, Member	X			
 SEN. T.S. NELSON, Member	✓			
 SEN. J.T. SAN AGUSTIN, Member	✓			
 SEN. F.R. SANTOS, Member	✓			
 SEN. A.E. UNPINGCO, Member	✓			

**REPORT OF THE
COMMITTEE ON EDUCATION
ON BILL NO. 285**

**Bill No. 285: AN ACT TO AMEND SECTION 42004 OF
THE GOVERNMENT CODE RELATIVE TO THE
COMPOSITION OF THE GUAM PUBLIC LIBRARY
BOARD.**

Introduced by: Senator F. R. Santos

PREFACE

The Committee on Education conducted a scheduled public hearing on Bill No. 285. The hearing was conducted in the morning on Friday, August 2, 1985 in the Legislative Session Hall. Committee members present at the hearing were as follows:

Senator Franklin J. Quitugua, Chairman
" Herminia D. Dierking, Member
" Ted S. Nelson, Member
" Frank F. Blas, Guest

BACKGROUND

Testimonies heard on Bill No. 285 were as follows:

1. Mrs. Carmen Nededog, Chairperson of Guam Public Library Board

Ms. Nededog supports the intent of the bill to amend Section 42004 of the Government Code. She has reservations, however, since the proposed amendment does not clarify the word "student." Is the bill referring to full time student, part-time student or any and all students? Is it referring to a specific grade level, including the university level? While in support of the bill, she would still like clarification on the "student."

2. Ms. Magdalena S. Taitano, Territorial Librarian

She noted that she is the Territorial Librarian for the Guam Public Library system and was an alternate delegate to the White House Conference on Library and Information Services. At the White House Conference in 1979, Guam was represented by six (6) people, one of which was a youth.

One of the conference follow-up and recommendations is that "states and territories be encouraged to include at least one youth as voting member on the library board.

Bill No. 285 will implement the recommendation of the White House Conference on Library and Information Services.

She urges favorable consideration of the bill.

Discussions

1. Senator Dierking stated her opinion that while she has no problem in defining "student" she is confident that the Governor, in his wisdom, will not appoint a grade school student or anyone not qualified.

2. Present membership is five (5) but the total number for a complete board is seven (7).

3. The possibility of appointing one from the senior high school and one from the university level was discussed and received some support among those present.

4. There is no prohibition under the present law for the Governor to appoint a student and that Bill No. 285 may not be required.

5. While there has not been any recommendation from the public library representatives for the Governor to appoint a "student", there has been, however, the recommendation for the appointment of a "youth."

ANALYSIS OF BILL NO. 285

Bill No. 285 proposes to establish in law the appointment of one student to the seven (7) member Guam Public Library Board.

COMMITTEE FINDINGS

The Committee finds that there is support for the intent of the bill, except, perhaps, for clarification of the type of student to be appointed to the Board.

It is also noted that the intent of the bill is in line with the recommendation of the 1979 White House Conference on Library and Information Services with respect to including at least one youth as a voting member on the library board.

EXHIBITS

EXHIBIT "A" - Testimony of Ms. Magdalena S. Taitano,
Territorial Librarian, dated August 2, 1985.



GOVERNMENT OF GUAM
AGANA GUAM 96910

August 2, 1985

Senator Franklin J. A. Quitugua
Chairperson, Committee on Education
18th Guam Legislature
P. O. Box CB-1
Agana, Guam 96910

Dear Sen. Quitugua:

My name is Magdalena S. Taitano. I am Territorial Librarian for the Guam Public Library system and was an alternate delegate to the White House Conference on Library and Information Services. At the White House Conference in 1979, Guam was represented by six (6) people, one was a youth.

The conference delegates representing states and territories brought up citizen concerns for information delivery in this computer and telecommunication age and ways to meet the information needs of the communities. Sixty-four (64) resolutions were passed. One of the conference follow-up and recommendations is that "states and territories be encouraged to include at least one youth as voting member on the library board."

I am very please that Guam, through Bill #285, will be implementing the White House Conference on Library and Information Services' recommendation.

I urge your favorable consideration for this bill.

Sincerely,

Magdalena S. Taitano
Magdalena S. Taitano
Territorial Librarian

EXHIBIT "A"

MAR 12 '85

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 225 (LB)

Introduced by:

F. R. Santos

AN ACT TO AMEND SECTION 42004 OF THE
GOVERNMENT CODE RELATIVE TO THE COMPOSITION
OF THE GUAM PUBLIC LIBRARY BOARD.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 42004 of the Government Code is amended to read:
3 "§42004. Same:Members. The Board shall be composed of seven
4 (7) members, of which one (1) member shall be a student, to be
5 appointed by the Governor with the advice and consent of the
6 Legislature."