



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U.S.A.



RICARDO J. BORDALLO
GOVERNOR

Handwritten signature/initials

JAN 3 1986

HONORABLE CARL T.C. GUTIERREZ
Speaker, Eighteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

I have given Bill No. 295 my careful consideration and review, and have decided to sign it into law. The Bill contains some substantially important provisions that would greatly benefit our island. Two provisions which are especially significant are those which approve the terms and conditions of the bond issues for the Fujita Hotel Project and Guam Technology, Inc.

Approval of these bonds means economic development for the people of Guam in the way of tourism and job opportunities. I cannot emphasize the value of the construction of Guam Technology, Inc. Such a corporation will employ many of our local people in the manufacturing and assembling of electronic parts and components.

The only section I have some strong reservations with is Section 18, which appropriates \$950,292 from the General Fund to the Government of Guam Retirement Fund. I have been advised by my Fiscal Policy Committee that should this appropriation not involve a new revenue source, then it must be opposed. Without new money backing the appropriation, the appropriation merely amounts to check-writing without money in the bank. I simply cannot condone such fiscal irresponsibility.

Sincerely,


RICARDO J. BORDALLO
180284

*Rec'd
Legal Office
Jan 6 1986
9:05 AM/28*

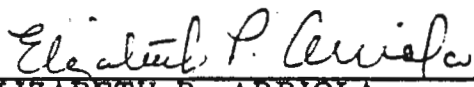
EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

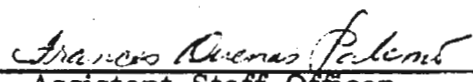
This is to certify that Substitute Bill No. 295 (LS), "AN ACT TO AMEND 3 GCA SECTION 3105 AND 3 GCA SECTION 3110 RELATIVE TO QUALIFICATIONS FOR REGISTRATION CLERK, AND FOR OTHER PURPOSES," was on the 30th day of December 1985, duly and regularly passed.


CARL T. C. GUTIERREZ
Speaker

Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 31st day of December 1985, at 10:30 o'clock A.m.


Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

Date: 12/31/85 (12:07 PM)

Public Law No. 18-26

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 295 (LS)
As Substituted by the
Committee on Rules

Introduced by:

D. Parkinson
J. T. San Agustin

AN ACT TO AMEND 3 GCA SECTION 3105 AND 3 GCA
SECTION 3110 RELATIVE TO QUALIFICATIONS FOR
REGISTRATION CLERK, AND FOR OTHER PURPOSES.

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

2 Section 1. 3 GCA Section 3105 is amended to read:

3 "§3105. Place of registration. The registration of electors shall
4 be in progress at the main office of the Commission during such hours
5 as the office is open for business at all times prior to the closing of
6 the registration rolls. The registration of electors shall be in
7 progress in each precinct for at least fifteen (15) days, excluding
8 Saturdays, Sundays and legal holidays, prior to the closing of the
9 registration rolls. Electors may also be registered at such times and
10 places within the territory as the Commission shall deem advisable and
11 convenient and may deputize volunteers for such purposes who are
12 qualified as set out in Section 3110 of this Title."

13 Section 2. 3 GCA Section 3110 is amended to read:

14 "§3110. Qualifications of Registration Clerks. The Commission
15 may appoint other government employees as registration clerks. No
16 person holding an elective office or who is a candidate for elective
17 office shall be appointed as a registration clerk. A registration clerk
18 must be an elector of the precinct wherein appointed."

19 Section 3. The provisions of Sections 1 and 2 of this Act shall be
20 effective on the effective date of this Act.

21 Section 4. (a) Legislative Intent. The Legislature is mindful that in
22 regard to the Guam Economic Development Authority, that 12 GCA Section
23 marked 2103 (k) as amended, states in part: "The Corporation shall not

1 issue or sell any bond unless the terms and conditions of the issuance of
2 the bonds are approved by the Legislature by statute." Tumon Beach Hotel
3 Corporation has applied to the Guam Economic Development Authority to
4 assist in the financing of the construction and renovation of a hotel (the
5 Fujita Hotel Project). The Board of Directors of the Authority has, by
6 various resolutions including its Resolution No. 2, PRB-85-032; determined
7 to assist Tumon Beach Hotel Corporation and in order to raise money to
8 provide a loan to Tumon Beach Hotel Corporation the Board of Directors of
9 the Authority has determined to authorize the Authority to issue its Project
10 Revenue Promissory Note (Fujita Hotel Project) in the principal amount of
11 \$2,500,000.00.

12 (b) The Legislature does hereby approve the issuance by the Guam
13 Economic Development Authority of its Project Revenue Promissory Note
14 (Fujita Hotel Project) in the aggregate principal amount not to exceed
15 \$2,500,000.00 and upon the further terms and conditions of the issuance as
16 substantially contained in the Project Revenue Promissory Note (Fujita Hotel
17 Project) and as described in general in the Authority's Resolution No. 2,
18 PRB-85-032; subject to the following additional terms and conditions: 1.
19 Under no circumstances shall the Government of Guam or any of its
20 agencies or instrumentalities be in any way liable or responsible for any
21 default or deficiency arising out of the said bonds, their issuance, and
22 repayment or any default thereon. Notwithstanding any other provision of
23 law, no officer or employee of the Government of Guam, its agencies or
24 instrumentalities has the authority to so bind the Government of Guam, its
25 agencies or instrumentalities in any way to make the Government of Guam,
26 its agencies or instrumentalities in any way so liable or responsible. The
27 bond covenants shall, in a prominent manner, recite the foregoing section.
28 Each bond shall bear on its face in bold letters words to the effect:

29 "THE GOVERNMENT OF GUAM, ITS AGENCIES AND
30 INSTRUMENTALITIES ARE NOT RESPONSIBLE IN ANY
31 WAY FOR THE REPAYMENT OF THIS BOND."

32 Section 5. (a) It is the policy and intent of the Legislature to
33 mandate that the Guam Economic Development Authority, pursuant to

1 Subsection (k) of 12 GCA 32103, as amended by Section 1 of Public Law
2 18-22, shall not issue or sell any bonds absent the approval of the
3 Legislature of the terms and conditions of the issuance of the bonds. Guam
4 Economic Development Authority intends to issue project revenue bonds in
5 an amount not to exceed One Million Eight Hundred Fifty Thousand Dollars
6 (\$1,850,000) for construction purposes of Guam Technology, Inc., a
7 corporation duly established to engage in the business of manufacturing,
8 assembling and trading electronic parts and components. The Legislature is
9 in favor of the issuance of the above- mentioned project revenue bonds for
10 construction purposes of the Guam Technology, Inc.

11 (b) The Legislature approves the terms and conditions of the issuance
12 of project revenue bonds by Guam Economic Development Authority in an
13 amount not to exceed One Million Eight Hundred Fifty Thousand Dollars
14 (\$1,850,000) at an interest rate of no greater than eleven and three
15 quarters of one percent (11.75%) for a term of ten (10) years to be used
16 for loans for construction purposes of Guam Technology Inc., subject to the
17 following additional terms and conditions:

18 1. That an additional Guaranty Agreement be made
19 and entered into by Centircuit International Inc., a
20 wholly-owned subsidiary of Exima Trading Co., Ltd.,
21 duly established and organized under the laws of the
22 state of California.

23 2. That the proceeds of the bonds shall not be used
24 for the purchase and acquisition of land to be used by
25 Guam Technology, Inc. in carrying on its business, as
26 the company is required to contribute equity at least
27 sufficient to cover the costs of the acquisition of land.

28 3. That mortgage on the building and the land to be
29 used by Guam Technology, Inc., be in favor of the
30 bondholders.

31 4. Under no circumstances shall the Government of
32 Guam or any of its agencies or instrumentalities be in
33 any way liable or responsible for any default or
34 deficiency arising out of the said bonds, their issuance,

1 and repayment or any default thereon. Notwithstanding
 2 any other provision of law, no officer or employee of
 3 the Government of Guam, its agencies or
 4 instrumentalities has the authority to so bind the
 5 Government of Guam, its agencies or instrumentalities in
 6 any way to make the Government of Guam, its agencies
 7 or instrumentalities in any way so liable or responsible.
 8 The bond covenants shall, in a prominent manner,
 9 recite the foregoing section. Each bond shall bear on
 10 its face in bold letters words to the effect:

11 "THE GOVERNMENT OF GUAM, ITS AGENCIES
 12 AND INSTRUMENTALITIES ARE NOT RESPONSIBLE
 13 IN ANY WAY FOR THE REPAYMENT OF THIS
 14 BOND."

Section 6. A new Item D is added to Part XXXII (University of Guam) of Section 1 of Chapter II of the General Appropriation Act of 1986 and the totals listed for that same Part are amended to read:

	<u>General</u> <u>Fund</u>	<u>Other</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>TOTAL</u>
"D. A. B. Won Pat Archives				
1. Personnel				
Services	\$ 34,201			\$ 34,201
2. Operating Expenses	31,200			31,200
 TOTAL	 \$8,185,866	 481,674	 1,385,279	 \$10,055,820"

The FTE limitation shall not apply to the appropriation for Personnel Services in Item D.1 of this Part.

The Micronesian Area Research Center shall explore the possibility of obtaining a collection of papers from each of the former governors of the territory.

Section 7. Subsection (b) of 10 GCA §80104 is repealed and reenacted to read:

"(b) Establish a schedule of fees, in accordance with 10 GCA §80105, to be charged for care and services at or by the hospital. The

1 schedule of fees shall be sufficient to recover the operating costs and
2 fixed costs and to generate such revenue as is necessary to make the
3 hospital self-sustaining. The cost of medical care and services
4 rendered to any person under the Old Age Assistance for the Aged
5 Program, Aid to the Blind Program, and Aid to the Permanently and
6 Totally Disabled Program of the Social Security Act, as well as those
7 persons considered medically indigent as the term is defined in
8 Chapter 2 of this Title shall be paid by the Department of Public
9 Health and Social Services.

10 Section 8. 10 GCA §80105 is repealed and reenacted to read:

11 "§80105. Hospital Rates. The rates established in the schedule
12 of fees shall be gradually increased over the three year period
13 commencing January 1, 1986 and ending on January 1, 1988, as
14 follows:

- 15 (a) The schedule of fees in effect on December 1, 1985 shall be
16 increased by an amount not to exceed twelve percent (12%)
17 on January 1, 1986.
- 18 (b) The schedule of fees in effect on December 1, 1986 shall be
19 increased by an amount not to exceed twelve percent (12%)
20 on January 1, 1987.
- 21 (c) The schedule of fees in effect on December 1, 1987 shall be
22 increased by an amount not to exceed four percent (4%) on
23 January 1, 1988.

24 The Authority shall file with the Legislature an annual report of
25 the impact of the implemented rate increase no later than December 1
26 of each year. In addition such report shall indicate the substantive
27 need for continued rate increases and the amount of such increase
28 within the limited percentages specified above.

29 No later than January 1, 1988, the Authority shall conduct an
30 analysis of the revenue needs for the annual operations and develop an
31 appropriate schedule of fees for the hospital based upon service cost
32 centers and in accordance with professional composite rate setting
33 standards. The analysis and proposed fee schedule shall be submitted
34 to the Governor and Legislature no later than July 1, 1988.

1 Section 9. The salary increments approved by the Legislature in the
2 General Appropriation Act of 1986 shall be implemented by the Guam
3 Memorial Hospital Authority with available funding for such increments from
4 the rate increase established pursuant to 10 GCA §80105.

5 Section 10. Subsection (o) (1) of 10 GCA §80104 is amended to read:

6 "(1) The line of credit shall be used by the Authority when a
7 cash shortage which hampers the operation of the hospital is imminent,
8 provided that the line of credit shall not be used to finance capital
9 improvements."

10 Section 11. Subsection (o) (5) of 10 GCA §80104 is amended to
11 read:

12 "(5) The Authority may pledge only its revenues as a security
13 for repayment of the loan.

14 Section 12. Subsection (o) (6) of 10 GCA §80104 is amended to read:

15 "(6) Any money borrowed shall be repaid within three 3 years.
16 In no case shall any amount borrowed be refinanced permitting
17 repayment more than three (3) years after the loan is made."

18 Section 13. A new Subsection (q) is added to 10 GCA §80104 to read:

19 "Subsection (q). Arrange a line of credit not to exceed Five
20 Million Dollars (\$5,000,000) with banks or other lending institutions
21 licensed on Guam for the purchase of medical equipment. The terms of
22 the line of credit shall be identical to the provisions of items (2)
23 through (4) of subsection (o) of this Section. Any money borrowed
24 shall be repaid within five (5) years. As part of any loan agreement
25 the Board shall identify the source of the repayment and such source
26 shall constitute a trust fund of the Authority which shall be used for
27 no purpose other than repayment until the sum borrowed is repaid in
28 full."

29 Section 14. Within ninety (90) from the enactment of this Act the
30 Civil Service Commission shall prepare and submit to the Legislature a
31 comprehensive wage survey of all positions authorized for Guam Memorial
32 Hospital Authority. The survey shall compare the wages paid by GMHA to
33 its personnel to wages paid by publicly owned hospitals for comparable
34 positions in Hawaii, California, Oregon and nationally and contain the

1 Commission's recommendation on what modifications ought to be made in the
2 GMHA salary schedule.

3 Section 15. The Rules and Regulations transmitted by the Guam
4 Memorial Hospital Authority to the Legislative Secretary on November 18,
5 1985 shall have no force and effect.

6 Section 16. Subsection (a) of 16 GCA §7120 is amended to read:

7 "(a) Upon registering a vehicle, the Department of Revenue and
8 Taxation shall issue to the owner two (2) license plates (one front and
9 one rear) for a motor vehicle."

10 Section 17. Section 6954.1 of the Government Code is repealed and
11 reenacted to read:

12 "Section 6954.1. Qualifications of the Chief Procurement Officer.
13 The Civil Service Commission shall establish minimum qualifications for
14 the position of Chief Procurement Officer."

15 Section 18. The sum of Nine Hundred Fifty Thousand Two Hundred
16 Ninety-two Dollars (\$950,292) is hereby appropriated From the General Fund
17 to the Government of Guam retirement fund, to be funded from the
18 approximately Two Million Eight Hundred Thousand Dollars (\$2,800,000)
19 which shall be received by the Government of Guam from the Federal
20 Government as a result of increases or an accounting error on Section 30
21 money, for the purpose of funding a Four Hundred Nineteen Dollars (\$419)
22 Lump Sum Cost of Living Allowance for Government of Guam Retirees or
23 their surviving spouses.

24 Section 19. Notwithstanding any other provision of law, the sum of
25 Twenty-Two Thousand Dollars (\$22,000) is appropriated from the
26 Government Claims Fund to the Civil Service Commission for the purpose of
27 paying costs and attorney's fees ordered by the Civil Service Commission to
28 be paid to persons who have prevailed in their challenges of government or
29 agency personnel actions.

EIGHTEENTH GUAM LEGISLATURE

CHAIRMAN, COMMITTEE ON RULES

Members: Speaker Carl T.C. Gutierrez
Sens. Elizabeth P. Arriola,
Hermilina 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

December 27, 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 December 27, 1985, approved the placement of Bill No. 295 on top of the Second Reading File; and hereby transmits to the full Legislature Bill No. 295 as Passed by the Committee on General Governmental Operations and Substituted by the Committee on Rules.

The Committee voting record for passage of Bill No. 295 as Substituted is as follows:

TO DO PASS	<u>8</u>
TO NOT PASS	_____
ABSTAIN	_____
COMMENTS	<u>2</u>

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


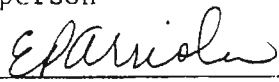


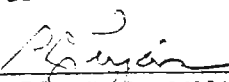

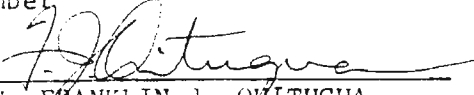
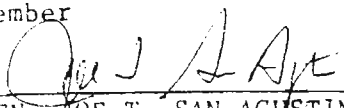
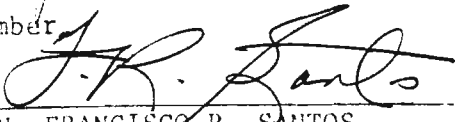
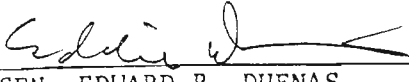
Sincerely yours,

Handwritten signature of John P. Aguon in cursive script.

JOHN P. AGUON
Chairman

Attachments

VOTING SHEET on Bill No. 295 as Pass by the Committee on General Governmental Operations
 COMMITTEE ON RULES and Substituted by the Committee on Rules

<u>MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAINED</u>	<u>COMMENTS</u>
 SEN. JOHN P. AGUON Chairperson	✓			
 SEN. ELIZABETH P. ARRIOLA Member	✓			
 SEN. HERMINIA D. DIERKING Member	✓			
 SEN. CARL T.C. GUTIERREZ Member	✓			
SEN. FRANKLIN J. GUTIERREZ Member				
 SEN. PILAR C. LUJAN Member				To report out
SEN. TED S. NELSON Member				
 SEN. DON PARKINSON Member				
 SEN. FRANKLIN J. QUITUGUA Member	✓			
 SEN. JOE T. SAN AGUSTIN Member	✓			Elect Sect. 6 - needs Chairperson!!!
 SEN. FRANCISCO R. SANTOS Member	✓			
 SEN. EDWARD R. DUENAS Member				Just to report out!

COMMITTEE REPORT
Bill No. 295 as Substituted

AN ACT TO AMEND 3 GCA SECTION 3105 AND 3 GCA SECTION
3110 RELATIVE TO QUALIFICATIONS FOR REGISTRATION CLERK.

The Committee on Rules met at 1:30 p.m. on December 27, 1985 and voted to place Bill 295 as substituted by the Committee at the top of the Second Reading File for the Session to be called at 10:00 a.m. December 30, 1985. Bill 295 as reported out by the Committee on General Governmental Operations contained 3 sections and these three sections remain the same. The Committee on Rules added Sections 4 thru 18 of the Substitute Bill. The contents of the Sections added are as follows:

Section 4. This Section is divided into Subsection (a) and (b). Subsection (a) indicates the Legislative Intent in regard to approval of bonds issued by GEDA by statute and indicates that GEDA has passed resolutions to assist Tumon Beach Hotel Corporation. Subsection (b) gives the legislature's approval to the project revenue promissory note issuance by GEDA for the Fujita Hotel Project in the aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00), subject to the terms and conditions contained in the Project Revenue Promissory Note, GEDA's resolution, and subject to the additional term that the government of Guam not be liable for the bonds.

Section 5 of the Bill is also divided into Subsection (a) and (b). Subsection (a) indicates that the Legislature must approve the terms and conditions of the issuance of GEDA bonds and indicates that GEDA intends to issue project revenue bonds for construction purposes of Guam Technology, Inc., and indicates the Legislature is in favor of the issuance of those bonds. Subsection (b) indicates that the Legislature gives its approval to the terms and conditions of the issuance of the project revenue bonds for Guam Technology, Inc. in the amount of One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) at an interest rate of no greater than eleven and three quarters of one percent (11.75%) for a term of ten (10) years subject to four additional terms and conditions.

Section 6 of the Bill adds a new item D to Part XXXII of Section 1 of Chapter II of the General Appropriation Act of 1986 to add an appropriation from the General Fund to the

University of Guam for the A.B. Won Pat Archives, which are to be set up from a donation of papers of the former Congressman to the University.

Section 7 of the Bill, along with Section 8, 9, 10, 11, 12, 13, 14, and 15, deal with the increase of hospital fees at the Guam Memorial Hospital Authority.

Section 7 indicates that the new hospital rates are to be contained in 10 GCA §80105 and deletes that portion of the former law that requires the GMHA to establish fees for the care of the mentally ill as this is taken care of in another portion of the laws of Guam.

Section 8 sets out the new hospital rates which are to be charged by repealing and reenacting 10 GCA §80105. The new hospital rates shall be increased over a three year period and an annual report of the impact shall be filed with the Legislature each year with a justification for the need for a continued rate increase in the amount of such increase. Additionally, GMHA shall conduct an analysis of the revenue needs for annual operations by January 1, 1988 and make a proposed fee schedule in accordance with it to be transmitted to the Governor and the Legislature no later than July 1, 1988.

Section 9 authorizes salary increments for GMHA to be funded from the rate increase established in Section 8 of the Act.

Section 10 amends Subsection (o) (1) of 10 GCA §80104 by deleting that portion of the Code which indicates that Fifty Thousand Dollars borrowed by the GMHA must be used for the purpose of organizing the accounting records of GMHA for a 1981 audit.

Section 11 of the Bill amends Subsection (o) (5) of 10 GCA §80104 by indicating that GMHA may pledge all of its assets as security for repayment of an authorized loan rather than only its liquid assets as set out in prior law.

Section 12 of the Act amends Subsection (o) (6) of 10 GCA §80104 by extending the repayment period for money borrowed by the Authority from one year to three years.

Section 13 of the Act adds a new Subsection (q) to 10 GCA §80104 to allow the GMHA to arrange a Five Million Dollar (\$5,000,000) line of credit for financing capital improvements and medical equipment to be repayed within five (5) years.

Section 14 of the Act adds a new Subsection (e) to 10 GCA §80109 to authorize GMHA to hire health care personnel

above the initial salary step, without appearance before the Civil Service Commission when such personnel are critically necessary.

Section 15 indicates that the Rules and Regulations of GMHA transmitted to the Legislative Secretary on November 18, 1985 shall have no force and effect.

Section 16 of the Act amends Subsection (a) of 16 GCA §7120 to authorize the Department of Revenue and Taxation to issue two (2) license plates for motor vehicles.

Section 17 repeals and reenacts Section 6954.1 of the Government Code regarding the qualifications of the Chief Procurement Officer of the General Services Administration in order to delete the qualifications previously set out by law and place the establishment of qualifications for this position with the Civil Service Commission.

Section 18 appropriates Nine Hundred Fifty Thousand Two Hundred Ninety-two Dollars (\$950,292) from money which is expected to be received by GovGuam from the Federal Government because of errors in determining what portion of Section 30 money was owed to the government of Guam for the purpose of funding a COLA for GovGuam retirees or their surviving spouses.

Introduced

MAR 12 '85

SEVENTEENTH GUAM LEGISLATURE
1983 (FIRST) Regular Session

Bill No. 295(LS)

Introduced by:

D. Parkinson



AN ACT TO AMEND 3 GCA SECTION 3105 AND 3 GCA
SECTION 3110 RELATIVE TO QUALIFICATIONS FOR
REGISTRATION CLERK.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. 3 GCA Section 3105 is amended to read:
3 "§3105. Place of registration. The registration of electors shall
4 be in progress at the main office of the Commission during such hours
5 as the office is open for business at all times prior to the closing of
6 the registration rolls. The registration of electors shall be in
7 progress in each precinct for at least fifteen (15) days, excluding
8 Saturdays, Sundays and legal holidays, prior to the closing of the
9 registration rolls. Electors may also be registered at such times and
10 places within the territory as the Commission shall deem advisable and
11 convenient and may deputize volunteers for such purposes who are
12 qualified as set out in Section 3110 of this Title."
13 Section 2. 3 GCA Section 3110 is amended to read:
14 "§3110. Qualifications of Registration Clerks. The Commission
15 may appoint other government employees as registration clerks. No
16 person holding an elective office or who is a candidate for elective
17 office shall be appointed as a registration clerk[s]. A registration
18 clerk must be an elector of the precinct wherein appointed.
19 Section 3. The provisions in Sections 1 and 2 of this Act shall be
20 effective on November 8, 1984 or the date of enactment of this Act,
21 whichever is later.