



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
P.O. BOX 10000
AGANA, GUAM 96910

JAN 27 1992

[Faint, illegible stamp]

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

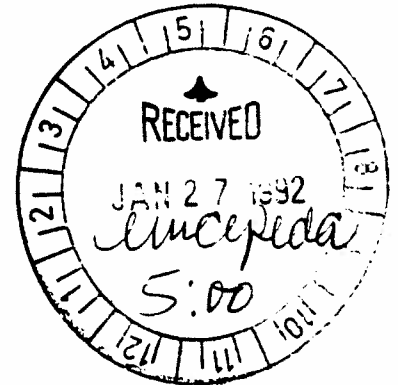
Transmitted herewith is Bill No. 643, which I have signed into
law this date as Public Law No. 21-86.

Sincerely,

[Handwritten signature of Joseph F. Ada]
JOSEPH F. ADA
Governor

Attachment

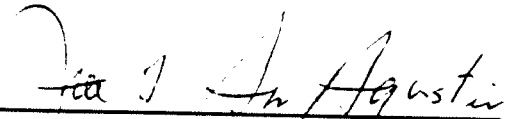
210602



TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 643 (COR), "AN ACT AUTHORIZING PUBLIC SCHOOL PRINCIPALS TO DISPOSE OF SURPLUS BOOKS, MATERIALS AND SUPPLIES IN THEIR SCHOOLS, AND AMENDING §59010 OF THE GOVERNMENT CODE ON NONRESIDENT TUITION AT THE UNIVERSITY OF GUAM," was on the 10th day of January, 1992, duly and regularly passed.

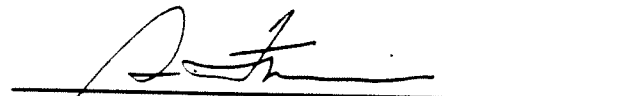


JOE T. SAN AGUSTIN
Speaker

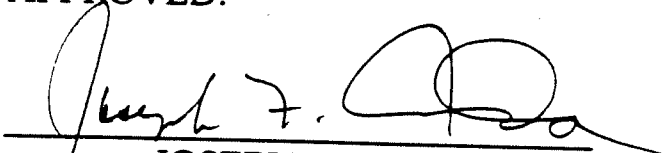
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 15th day of January, 1992, at 5:05 o'clock P.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: JAN 27 1992

Public Law No: 21-86

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 643 (COR)

As substituted by Committee on
Education and further substituted
by the Committee on Rules

Introduced by:

M. Z. Bordallo
M. D. A. Manibusan
C. T. C. Gutierrez
J. T. San Agustin
H. D. Dierking
E. P. Arriola
J. P. Aguon
J. G. Bamba
A. C. Blaz
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
P. C. Lujan
G. Mailloux
D. Parkinson
M. J. Reidy
M. C. Ruth
F. R. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT AUTHORIZING PUBLIC SCHOOL PRINCIPALS TO
DISPOSE OF SURPLUS BOOKS, MATERIALS AND SUPPLIES
IN THEIR SCHOOLS, AND AMENDING §59010 OF THE
GOVERNMENT CODE ON NONRESIDENT TUITION AT
THE UNIVERSITY OF GUAM.

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

2 **Section 1. Legislative intent.** The Legislature finds that many public
3 schools have excess books which are not utilized and are considered outdated
4 by the Department of Education (the "Department"), it being the policy of the
5 Department to update its books every five years, making the existing
6 inventory of books obsolete. These surplus books occupy valuable space in
7 most public schools and have done so for many years. The Department is
8 unable to dispose of these books in a timely manner because of the lengthy
9 process of classifying and disposing of such supplies under existing law. The
10 surveyed surplus materials and supplies within the schools are similarly
11 taking up needed space. This Act directs the Department to speed up the
12 disposition of surplus books and materials.

13 **Section 2. Disposal of surplus books.** After following the procedure set
14 out in Section 4 of this Act, public school principals are authorized to dispose
15 of identified surplus "out of adoption" books to any of the following parties or
16 agencies:

- 17 a. Public school students, but not more than five (5) books per student
18 per year;
- 19 b. The Guam Public Library;
- 20 c. Other public schools and Guam's private schools;
- 21 d. The Department of Youth Affairs;
- 22 e. The Federated States of Micronesia, the Republic of Belau, the
23 Republic of the Marshall Islands, and the Commonwealth of the Northern
24 Mariana Islands;
- 25 f. Public schools in the Republic of the Philippines; and

1 g. Guam non-profit corporations, including, but not limited to
2 recycling centers.
3 Such school principals shall eliminate these surplus books by donating them to
4 any of the foregoing parties or agencies, in accordance with rules to be
5 established by the Territorial Board of Education. Books which are no longer
6 salvageable shall be discarded. Such school principals shall notify the
7 Director of Education after the identification of the surplus books of their
8 intention to dispose of the books as provided in this Act.

9 **Section 3. Disposition of surveyed materials.** Any materials and
10 supplies surveyed by the Department and classified as unsalvageable shall
11 thereafter be disposed of by the principals of the respective schools in which
12 such materials and supplies are stored. Assistance by the Department's
13 maintenance personnel may be solicited in this disposition process, if
14 necessary.

15 **Section 4. Referral to GSA.** Before disposing of any books or materials
16 under this Act, the General Services Administration shall first be notified of
17 the surplus nature of such books and materials and shall have thirty (30) days
18 within which to act on such notice, failing which the school principals may
19 proceed as provided in this Act.

20 **Section 5. Records maintenance.** The Department shall appropriately
21 record the disposition of all books and materials discarded or otherwise
22 disposed of under the provisions of this Act.

23 **Section 6.** §59010 of the Government Code is hereby amended to read:

24 **"§59010. Pari-mutuel Tax.**

25 (1) In addition to any other tax, there shall be deducted

1 from the total daily pari-mutuel pool and paid to the government
2 of Guam a daily operating tax of three percent (3%) of all money
3 paid into the pari-mutuel pool.

4 (2) The pari-mutuel tax revenue provided for in this Section and all
5 other revenue paid to the Territory pursuant to Section 59007 of the
6 Government Code is appropriated to the University of Guam (the
7 "University"). The Treasurer shall remit such revenue to the University at the
8 end of each quarter. The Board of Regents of the University shall use the
9 revenues generated from the pari-mutuel tax as an additional source of
10 funding of undergraduate and graduate tuition (excluding tuition paid by
11 nonresident students) to prevent any proposed tuition increase for resident
12 students. Any additional funding requirements not covered by the pari-
13 mutuel tax shall be requested of the Legislature."



TWENTY-FIRST GUAM LEGISLATURE

155 Healer Street
Agana, Guam 96910
Tel: (671) 472-3581-3
Fax: (671) 472-3585

Senadora
Madeleine Z. Bordallo
Chairperson
COMMITTEE ON
EDUCATION

MEMBER
COMMITTEE ON HEALTH,
ECOLOGY AND WELFARE

January 3, 1992

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Healer Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Education, to which was referred Bill No. 643: "AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION PRINCIPALS TO EFFECTUATE THE DISPOSITION OF SURPLUSSED BOOKS AND SURYED MATERIALS AND SUPPLIES WITHIN THE SCHOOLS.", does recommend that Bill No. 643 be passed by the Twenty-First Guam Legislature.

Votes of the Committee members are as follows:

To Pass	<u>11</u>
To Not Pass	<u>0</u>
Abstain	<u>1</u>
To Place in Inactive File	<u>0</u>
Off-Island	<u>2</u>
Not Available	<u>1</u>

Respectfully Submitted,

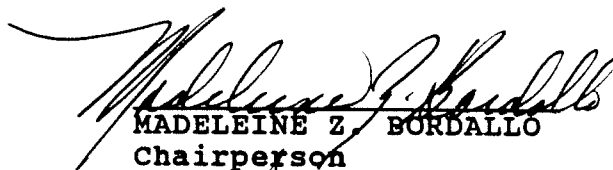
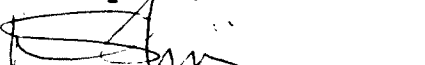



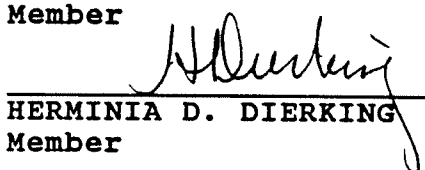

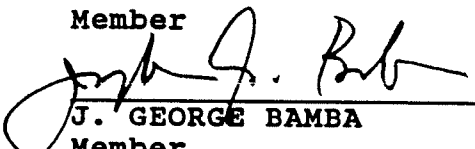
Madeleine Z. Bordallo
MADELEINE Z. BORDALLO

Enclosures

COMMITTEE ON EDUCATION

VOTING SHEET ON BILL NO. 643

"AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION PRINCIPALS TO EFFECTUATE THE DISPOSITION OF SURPLUSSED BOOKS AND SURVEYED MATERIALS AND SUPPLIES WITHIN THE SCHOOLS."

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 MADELEINE Z. BORDALLO Chairperson	✓			
 DAVID L.G. SHIMIZU Vice Chairperson	✓			
 Speaker Joe T. San Agustin (Ex-Officio Member)			✓	
 JOHN P. AGUON Member	✓			
 ELIZABETH P. ARRIOLA Member	✓			
 HERMINIA D. DIERKING Member	✓			
CARL T.C. GUTIERREZ Member				
 DON PARKINSON Member	✓			
 J. GEORGE BAMBA Member	✓			
ANTHONY C. BLAZ Member				

DORIS F. BROOKS

Member

Edward

✓

EDWARD R. DUENAS

Member

Marilyn Manibusan

12/20/91

MARILYN D.A. MANIBUSAN

Member

Michael J. Reidy

✓

MICHAEL J. REIDY

Member

THOMAS V.C. TANAKA

Member

**COMMITTEE ON EDUCATION
21ST GUAM LEGISLATURE**

**CHAIRPERSON
SENATOR M. Z. BORDALLO**

**COMMITTEE REPORT
ON
BILL NO. 643**

**"AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION
PRINCIPALS TO EFFECTUATE THE DISPOSITION OF SURPLUSSED
BOOKS AND SURVEYED MATERIALS AND SUPPLIES WITHIN
THE SCHOOLS."**

A Public Hearing on Bill No. 643 was conducted by the Committee on Education, 21st Guam Legislature, on Tuesday, December 10, 1991, in the Public Hearing Room, Legislative Building, Agana.

MEMBERS PRESENT: Chairperson Madeleine Z. Bordallo; Vice-Chairman David Shimizu; and Committee member, Senator Michael Reidy.

WITNESSES PRESENT: Dr. Lawrence F. Kasperbauer, Chairman, Territorial Board of Education; and Dr. Franklin J. A. Quitugua, Acting Director, Department of Education.

SUMMARY OF TESTIMONY

Dr. Lawrence Kasperbauer, Chairman of the Guam Territorial Board of Education, presented both oral and written testimony in support of the general intent of the bill, along with a few amendments. Dr. Kasperbauer stated that the intent of Bill No. 643 is good and that the Board agrees that the Principals of the respective schools should be given authority to dispose of these excess books and damaged surveyed materials located in their schools. Suggested changes recommended by the Board include: the addition of the "Philippine Islands" to the list of parties to receive the books, and the addition of the phrase "notwithstanding any other provision of law" to section 3 of the bill; and the phrase "in accordance with the rules established by the Territorial Board of Education" to be added to Section 2 of the bill. Dr. Franklin J. A. Quitugua was present primarily to support the bill

and to answer any questions which the Committee may have regarding the Department of Education.

COMMITTEE FINDINGS/RECOMMENDATIONS

The Committee on Education finds that according to Dr. Lawrence F. Kasperbauer, Chairman of the Territorial Board of Education, and Dr. Franklin Quitugua, the Acting Director of The Department of Education, Bill No. 643 is a much needed legislation which will permit the Principals of the respective public schools to expeditiously dispose of the identified surplussed books and unsalvageable surveyed materials which have been occupying space within several of the public schools and which have posed a potential hazard to the safety of the school students. **THEREFORE, THE COMMITTEE ON EDUCATION RECOMMENDS THAT BILL NO. 643, "AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION PRINCIPALS TO EFFECTUATE THE DISPOSITION OF SURPLUSSED BOOKS AND SURVEYED MATERIALS AND SUPPLIES WITHIN THE SCHOOLS", BE FAVORABLY CONSIDERED AND PASSED BY THE TWENTY-FIRST GUAM LEGISLATURE.**

ATTACHMENTS

1. Voting sheet on Bill No. 643.
2. Bill No. 643, as substituted by the Committee on Education.
3. Bill No. 643, as introduced.
4. Written testimony by Dr. Lawrence F. Kasperbauer, Chairman, Guam Territorial Board of Education.
5. Witness attendance sheet.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) REGULAR SESSION

BILL NO. 643
(SUBST. BY COMM. ON EDUC.)

INTRODUCED BY:

M. Z. BORDALLO 
M. Manibusan 

"AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION
PRINCIPALS TO EFFECTUATE THE DISPOSITION OF SURPLUSSED
BOOKS AND SURVEYED MATERIALS AND SUPPLIES WITHIN
THE SCHOOLS."

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

2 Section 1. Legislative Intent.

3 It has recently been discovered by the Guam
4 Legislature that there exist in several public schools excess
5 books which have not been utilized and have been considered to
6 be outdated by the Department of Education in addressing the
7 schools' present curriculum. It is the policy of the
8 Department of Education that every five years, the Department
9 would update its book editions, whereby making the existing
10 inventory of books obsolete. Presently, these books have been
11 occupying space in several of Guam's public schools and have
12 been stored for quite some time. The Department of Education
13 has been unable to dispose of these books in a timely manner
14 due to the lengthy documentation process of classifying and
15 disposing of these supplies. A similar problem has also
16 been experienced with surveyed materials and supplies within

1 the schools. Surveyed materials and supplies would also have
2 to undergo a similar lengthy documentation process. This
3 provision will authorize the Department of Education to
4 facilitate the disposition process of identified surplussed
5 books and surveyed materials.

6 **Section 2. Disposal of Surplussed Books in the**
7 **Department of Education.**

8 Notwithstanding any other provision of law, the
9 Department of Education school principals are hereby
10 authorized to dispose of identified surplussed, "out of
11 adoption", books to any of the following parties or agencies:

- 12 a. Public school students and teachers.
- 13 b. Guam Public Library.
- 14 c. Guam private school system.
- 15 d. Department of Youth Affairs.
- 16 e. Micronesian Islands.
- 17 f. Philippine Islands.

18 The Department of Education school principals shall eliminate
19 these surplus books by selling, at cost or reduced price, or
20 giving them to any of the parties or agencies previously
21 mentioned, in accordance with the rules to be established by
22 the Territorial Board of Education. Books which are no longer
23 salvageable shall be discarded by the principal of the school.

24 The school principals are to notify the Director of the
25 Department of Education soon after the identification of the
26 surplussed books of their intention to dispose of the books to
27 any of the above agencies or institutions.

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Section 3. Disposition of Surveyed Materials.

Notwithstanding any other provision of law, any materials and supplies surveyed by the Department of Education and classified to be unsalvageable shall be disposed of soon thereafter, by the principals of the respective schools. The assistance of the Department of Education maintenance personnel shall be solicited in this disposition process, if their assistance is necessary for the disposition of such supplies.

Section 4. Information and Records Maintenance.

Any and all books or surveyed materials discarded under this provision shall be properly recorded, with records to be maintained by the Department of Education.



Senator HERMINIA D. DIERKING

GUAM LEGISLATURE



Committees

CHAIRPERSON

Rules

General
Governmental
Operations

VICE CHAIRPERSON

Ways & Means

Energy
Utilities and
Consumer
Protection

MEMBER

Economic and
Agricultural
Development

Education

Health,
Ecology and
Welfare

Housing
Community
Development,
Federal and
Foreign Affairs

Judiciary

and
Criminal Justice

Tourism and

Transportation

Youth, Senior

Citizens, and

Cultural Affairs

November 26,

MEMORANDUM

TO: Chairperson, Committee on Education
FROM: Chairperson, Committee on Rules
SUBJECT: Referral - Bill Nos. 643 & 644

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

HERMINIA D. DIERKING

Enclosures

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) REGULAR SESSION

BILL NO. 643

INTRODUCED BY:

M. S. BORDALLO



Educ

"AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION PRINCIPALS TO EFFECTUATE THE DISPOSITION OF SURPLUSED BOOKS AND SURVEY MATERIALS AND SUPPLIES WITHIN THE SCHOOLS."

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18 to undergo a similar lengthy documentacion process. Thi

1 provision will authorize the Department of Education to
2 facilitate the disposition process of identified surplus
3 books and surveyed materials.

4 **Section 2. Disposal of Surplussed Books in the**
5 **Department of Education.**

6 Notwithstanding any other provision of law, the
7 Department of Education school principals are hereby
8 authorized to dispose of identified surplussed, "out of
9 adoption", books to any of the following parties or agencies

- 10 a. Public school students and teachers.
- 11 b. Guam Public Library.
- 12 c. Guam private school system.
- 13 d. Department of Youth Affairs.
- 14 e. Micronesian Islands.

15 The Department of Education school principals shall eliminate
16 these surplus books by selling, at cost or reduced price,
17 giving them to any of the parties or agencies previously
18 mentioned. Books which are no longer salvageable shall
19 be discarded by the principal of the school.

20 The school principals are to notify the Director of
21 the Department of Education soon after the identification of
22 surplussed books of their intention to dispose of the book
23 to any of the above agencies or institutions.

24 **Section 3. Disposition of Surveyed Materials.**

25 Any materials and supplies surveyed by the
26 Department of Education and classified to be unsalvageable

1 shall be disposed of soon thereafter, by the principals of
2 respective schools. The assistance of the Department of
3 Education maintenance personnel shall be solicited in this
4 disposition process, if their assistance is necessary for the
5 disposition of such supplies.

6 **Section 4. Information and Records Maintenance.**

7 Any and all books or surveyed materials discarded
8 under this provision shall be properly recorded, with records
9 to be maintained by the Department of Education.



TERRITORY OF GUAM
 TERRITORIAL BOARD OF EDUCATION
 P.O. BOX DE
 AGANA, GUAM 96910



Lawrence Kasperbauer, Ph.D.
 Chairman

Jose Leon Guerrero, Ph.D.
 Vice Chairman

December 10, 1991

Senator Madeleine Z. Bordallo
 Chairperson, Committee on Education
 21st Guam Legislature
 155 Hesler St.
 Agana, Guam 96910

Dear Senator Bordallo:

The Department agrees with Bill 643 in general. We applaud giving principals more authority over their material and supplies which are unsalvageable and should be disposed of immediately so as not to be unsightly, dangerous, or a harbor for rodents and reptiles.

We, of course, shall continue to keep meticulous records of all of our equipment, materials, supplies, and books.

The disposal of surplussed books is particularly welcome and the system of getting rid of those books is excellent.

We would like to recommend that our friends in the Philippines be included in receiving these surplus books by including on Page 2, Line 14, "Philippine Islands" after Other Micronesian Islands. We would also request that in Section 3 of the bill the same words that are in Section 2 namely, "notwithstanding any other provision of law" be added for clarity.

Sincerely,

LAWRENCE F. KASPERBAUER, Ph.D.
 Chairman

cc: Committee Members

MEMBERS

Dolores Barcinas
 Peter Alecxis Ada
 Ignacio Tainatongo
 Bernie Taitague
 Ester Yanza

EX-OFFICIO MEMBERS

Mary Gutierrez
 (GPTO)

CPT John Hennigan
 (USAP)

Frederic Leon Guerrero
 (NON-PUBLIC SCHOOLS)

Beth McClure
 (GPT)

Barbara Askey
 (USN)

Jose Rivera
 (Mayors' Council)

Introduced

JAN 06 '92

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) REGULAR SESSION

BILL NO. 643(COE)

INTRODUCED BY:

M. Z. BORDALLO



"AN ACT AUTHORIZING THE DEPARTMENT OF EDUCATION PRINCIPALS
TO EFFECTUATE THE DISPOSITION OF SURPLUSED BOOKS AND SURVEYED
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16 been experienced with surveyed materials and supplies within
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18 to undergo a similar lengthy documentation process. This

1 provision will authorize the Department of Education to
2 facilitate the disposition process of identified surplussed
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