



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 05 1998

Refer to
Legislative Secretary


The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received by	<u>DAF</u>
Time	<u>4:44pm</u>
Date	<u>3-5-98</u>

Dear Speaker Unpingco:

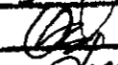
Enclosed please find a copy of Substitute Bill No. 289 (CGR), "AN ACT TO AUTHORIZE AND APPROPRIATE MONIES TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS; AUTHORIZE OTHER MISCELLANEOUS APPROPRIATIONS AND APPROVE MISCELLANEOUS AMENDMENTS, REPEALS AND REENACTMENTS OF LAW; EARMARK AND PROGRAM SUMS FROM THE FY 1998 COMMUNITY DEVELOPMENT BLOCK GRANT OF GUAM HOUSING AND URBAN RENEWAL AUTHORITY FOR THE CONSTRUCTION OF YOUTH AND COMMUNITY CENTERS; TO ADD NEW ITEMS (f), (g) and (h) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO; TO AMEND §§4301(a) AND (c), TO ADD A NEW §4301(g), TO REPEAL AND REENACT §4302(c), AND TO ADD NEW ITEMS (h), (i) and (j) TO §4302, ALL TO ARTICLE 3, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE GROUP INSURANCE PROCUREMENT PRACTICES WITHIN THE GOVERNMENT OF GUAM; TO REPEAL AND REENACT §7115 OF CHAPTER 7 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING STANDING TO SUE TO THE GUAM LEGISLATURE; AND TO APPROPRIATE MONIES TO THE DEPARTMENT OF PARKS AND RECREATION SPORTS FUND.", which was vetoed by the Governor and subsequently overridden by the Legislature. This legislation is now designated as **Public Law No. 24-143.**

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment 00686

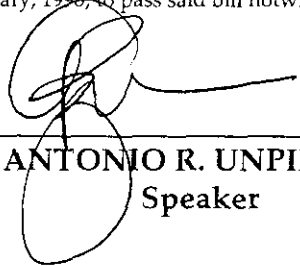
cc: The Honorable Joanne M. S. Brown
Legislative Secretary


Office of the Speaker
ANTONIO R. UNPINGCO
Date: 3-5-98
Time: 1500
Rec'd by: 
Print Name: Charlotte Dateray

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 289 (COR), "AN ACT TO AUTHORIZE AND APPROPRIATE MONIES TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS; AUTHORIZE OTHER MISCELLANEOUS APPROPRIATIONS AND APPROVE MISCELLANEOUS AMENDMENTS, REPEALS AND REENACTMENTS OF LAW; EARMARK AND PROGRAM SUMS FROM THE FY 1998 COMMUNITY DEVELOPMENT BLOCK GRANT OF GUAM HOUSING AND URBAN RENEWAL AUTHORITY FOR THE CONSTRUCTION OF YOUTH AND COMMUNITY CENTERS; TO ADD NEW ITEMS (f), (g) and (h) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO; TO AMEND §§4301(a) AND (c), TO ADD A NEW §4301(g), TO REPEAL AND REENACT §4302(c), AND TO ADD NEW ITEMS (h), (i) and (j) TO §4302, ALL TO ARTICLE 3, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE GROUP INSURANCE PROCUREMENT PRACTICES WITHIN THE GOVERNMENT OF GUAM; TO REPEAL AND REENACT §7115 OF CHAPTER 7 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING STANDING TO SUE TO THE GUAM LEGISLATURE; AND TO APPROPRIATE MONIES TO THE DEPARTMENT OF PARKS AND RECREATION SPORTS FUND," returned without approval of the Governor, was reconsidered by the Guam Legislature and after such consideration, did agree, on the 27th day of February, 1998, to pass said bill notwithstanding the veto of the Governor by a vote of fifteen (15) members.


ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 4th day of March, 1998^{nu} at
8:49 o'clock 9 .M.


Assistant Staff Officer
Governor's Office

Public Law No. 24-143

**TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session**

Bill No. 289 (COR)

As substituted by the Committee on
Finance and Taxation and further
substituted on the Floor, and amended.

Introduced by:

A. C. Blaz
A. R. Unpingco
Felix P. Camacho
E. J. Cruz
E. Barrett-Anderson
J. M.S. Brown
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
J. C. Salas
A. L.G. Santos

AN ACT TO AUTHORIZE AND APPROPRIATE
MONIES TO THE DEPARTMENT OF PUBLIC
WORKS FOR THE CONSTRUCTION AND
INSTALLATION OF TRAFFIC LIGHTS;
AUTHORIZE OTHER MISCELLANEOUS
APPROPRIATIONS AND APPROVE
MISCELLANEOUS AMENDMENTS, REPEALS
AND REENACTMENTS OF LAW; EARMARK AND
PROGRAM SUMS FROM THE FY 1998
COMMUNITY DEVELOPMENT BLOCK GRANT
OF GUAM HOUSING AND URBAN RENEWAL
AUTHORITY FOR THE CONSTRUCTION OF
YOUTH AND COMMUNITY CENTERS; TO ADD
NEW ITEMS (f), (g) and (h) TO §54102 OF TITLE 5

OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO; TO AMEND §§4301(a) AND (c), TO ADD A NEW §4301(g), TO REPEAL AND REENACT §4302(c), AND TO ADD NEW ITEMS (h), (i) and (j) TO §4302, ALL TO ARTICLE 3, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE GROUP INSURANCE PROCUREMENT PRACTICES WITHIN THE GOVERNMENT OF GUAM; TO REPEAL AND REENACT §7115 OF CHAPTER 7 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING STANDING TO SUE TO THE GUAM LEGISLATURE; AND TO APPROPRIATE MONIES TO THE DEPARTMENT OF PARKS AND RECREATION SPORTS FUND.

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

2 **Section 1. Legislative Findings and Intent.** The Guam Legislature
3 finds that:

4 (a) The crossroad intersection on Route 30, Governor Carlos G.
5 Camacho Road (aka Camp Watkins Road), and Farenholt Avenue in the
6 Municipality of Tamuning and the crossroad intersection at East
7 O'Brien Drive and Route 33 in the Municipality of Mongmong are two
8 (2) of the busiest intersections on Island. These intersections feed from
9 and to busy roads or streets that are very dark at night and presently
10 have poor street lighting setups. While there are some streetlights in
11 these areas, they are poorly spaced to provide adequate visibility for
12 public safety. Because of the unsafe driving conditions of these areas,
13 the Guam Legislature finds that the need to install traffic lights is critical
14 and essential for traffic safety.

1 (b) The Mayors, as elected representatives of their respective
2 constituents in their municipalities, are often put to task to respond to
3 every conceivable demands, including the handling of stray animals,
4 clearing of trash, cutting of overgrown trees and removal of large and
5 heavy junk equipment. The Guam Legislature finds that it is necessary
6 to assist the Mayors of Agana, Agana Heights, Asan-Maina, Chalan
7 Pago-Ordot, Mangilao, Merizo, Piti, Sinajana, Umatac, Yigo and Yona
8 by supplementing their operational budget.

9 (c) The members of the Twenty-Fourth Guam Legislature find
10 that youth centers and community centers are still lacking or inadequate
11 in the communities of Agat, Yigo, Mongmong-Toto-Maite and
12 Barrigada. The lack of facilities leaves the recreational and community
13 needs unmet and the Guam Legislature wishes to rectify this situation
14 as part of its efforts to enhance and uplift the community spirit in our
15 villages and our people.

16 As our community struggles against the onslaught of violence and
17 crime, it becomes imperative that a greater collective community effort
18 is launched to provide safe alternatives for the enhancement of the
19 quality of life in our villages. Therefore, it is with this intent that the
20 Guam Legislature acts swiftly and work towards creating centers of
21 enjoyment, safety and protection for the people in our villages.

22 (d) The Guam Legislature finds that Clara Street, the only road
23 leading to the J.Q. San Miguel Elementary School is subjecting everyone
24 especially school children ages 4 - 12 years old to traverse an unsafe
25 public access road to the school. J.Q. San Miguel Elementary School is

1 located approximately 6/10th of a mile from the intersection of Clara
2 Street and Roy T. Damian Street in Toto. This area leading to the school
3 is surrounded by ravines. The Guam Legislature further finds that there
4 is a segment of Clara Street which is only fourteen feet (14') wide
5 extending over two hundred fifty feet (250') with at least thirty feet (30')
6 drop on each side of the road where at times two (2) school buses meet
7 with children on the unpaved portion walking sharing the same narrow
8 segment of Clara Street. More importantly, the Guam Legislature finds
9 that within the past three (3) months, reports of school buses and cars
10 were involved in accidents or near mishaps along Clara Street. Over
11 one third (1/3) of the six hundred (600) plus school children in J.Q. San
12 Miguel Elementary School are being transported by their parents
13 causing considerable traffic congestion to and from the school. During
14 peak traffic hours approximately one hundred fifty (150) cars and buses
15 and twenty-five (25) – thirty (30) ambulatory school children use Clara
16 Street to access J.Q. San Miguel Elementary School. And for other roads
17 leading to schools that are of equal or more risk than Clara Street (like
18 the Harvest Baptist School), the Mayor or the Director of the
19 Department of Education shall submit a request to the Department of
20 Public Works for school access road improvement under this Act.
21 Therefore, the Guam Legislature, extremely sensitive to the safety of the
22 school children and the residents, does hereby express its desire to act
23 expeditiously and rectify this problem.

24 (e) The Guam Legislature recognizes that the Group Benefits
25 statute, contained within Article 3, Chapter 4 of Title 4 of the Guam

1 Code Annotated, permits the Legislative Branch and the Judicial Branch
2 to authorize the Governor to procure group health and other forms of
3 group insurance for the government of Guam employees, retirees and
4 their dependents. Especially attractive to this type of insurance product
5 is the reduced premiums group policies have for the government of
6 Guam employees, retirees and their dependents when treated as a
7 whole, as opposed to entering into separate group policies for each
8 Branch of government, or individual insurance policies. However, the
9 statute was not intended to give the Governor absolute and
10 indiscriminate discretion to award group insurance contracts. In
11 addition, in order to protect each Branch's rights it is necessary to clarify
12 that each Branch has the inherent right to seek judicial recourse to
13 protect its and its employees' interests.

14 The Guam Legislature finds that there have been serious and
15 substantial procurement errors relating to the acquisition of group
16 health insurance for the government of Guam employees. It is
17 imperative that the law be clarified to fairly permit competition and
18 equal treatment among the competing insurance companies. Further, in
19 order to protect the interests of the Legislative Branch and the Judicial
20 Branch, the statute should be changed to give all branches equal
21 authority in the procurement process for group insurance benefits.

22 The Guam Legislature additionally finds that free competition
23 among the insurance companies is in the best interests of the
24 government of Guam employees, retirees and their dependents, and
25 provides the greatest amount of benefits and lowest rates to the

1 government of Guam employees, retirees and their dependents when
2 the insurance companies are permitted to freely sell their products.

3 In addition, because of a July 10, 1991 District Court of Guam
4 Appellate Division decision, District Court Appellate Division Civil
5 Case Nos. 90-00014A, 90-000206A and 90-00040A, the Guam Legislature
6 finds that three (3) health insurance companies have an unfair
7 advantage against competitors desiring to offer group health insurance
8 benefits to the government of Guam. In keeping with fairness and non-
9 discriminatory practices, the Guam Legislature finds that the law
10 should be changed in order to eliminate the unfair advantage which
11 certain health insurance companies have.

12 **Section 2. Authorization for Traffic Lights.** The Department of Public
13 Works is authorized to expend funds from the already approved Camp
14 Watkins and Farenholt reconstruction project for the construction and
15 installation of traffic lights at the intersection of Route 30, Governor Carlos G.
16 Camacho Road and Farenholt Avenue in the municipality of Tamuning.

17 **Section 3. Appropriation for Traffic Lights.** One Hundred Thousand
18 Dollars (\$100,000.00) is appropriated from the Guam Highway Fund to the
19 Department of Public Works for the construction and installation of traffic
20 lights at the intersection of East O'Brien Drive and Route 33 in the
21 Municipality of Mongmong-Toto-Maite, Guam.

22 **Section 4. Appropriations to Mayors' Community Development**
23 **Funds.** Twenty-five Thousand Dollars (\$25,000.00) is appropriated from the
24 General Fund to each of the Community Development Funds of the following

1 village Mayors: Agana, Agana Heights, Asan-Maina, Chalan Pago-Ordot,
2 Mangilao, Merizo, Piti, Sinajana, Umatac, Yigo and Yona.

3 **Section 5. Chamorro Heritage Institute Planning Group.**

4 Notwithstanding any other provisions of law, rules and regulations, the
5 Chamorro Heritage Institute Planning Group is hereby authorized to hire and
6 secure personnel services to meet its general operations pursuant to the
7 budget authorized by Public Law Number 24-59 and any other funds
8 generated.

9 **Section 6.** Section 19, Chapter V of Public Law Number 23-128 is
10 amended to read as follows:

11 **“Section 19.** Upon enactment of this Act, any and all
12 appropriations deemed effective for Fiscal Year 1997 pursuant to Title
13 48 U.S.C. §1423j(b) of the Organic Act of Guam shall be hereby de-
14 appropriated and repealed. Any sum spent, used or encumbered
15 pursuant to the Organic Act appropriation described in this Section on
16 or after October 1, 1996, shall be charged against the respective
17 agency’s, department’s, or other entity’s Fiscal Year 1997 budgeted
18 appropriation as established in this Act. Chapter III, §§11 and 12 of
19 Public Law Number 23-128 are exempted.”

20 **Section 7.** A new §37 is hereby added to Chapter III of Public Law
21 Number 23-128 to read as follows:

22 **“Section 37.** Appropriations made pursuant to Chapter III, §11
23 shall continue until completely expended.”

24 **Section 8.** Section 28(j) of Chapter III of Public Law Number 24-59 is
25 amended to read as follows:

1 “(j) Two Hundred Twenty Thousand Dollars (\$220,000.00) for
2 the upgrade and beautification of Skinner’s Plaza, the plan of which
3 shall be implemented by the Guam Visitors Bureau, in coordination
4 with the Guam Chamber of Commerce; and”

5 **Section 9. Earmarking and Programming the Fiscal Year 1998**
6 **Community Development Block Grant of Guam Housing and Urban**
7 **Renewal Authority for Construction of Youth and Community Centers in**
8 **Various Municipalities.** Notwithstanding §66409 of Article 4, Chapter 66 of
9 Title 21 of the Guam Code Annotated, relative to Contractual Review of Plans
10 and Permits, Two Million Dollars (\$2,000,000) is earmarked and programmed
11 from the Fiscal Year 1998 Community Development Block Grant (“CDBG”) of
12 Guam Housing and Urban Renewal Authority (“GHURA”) to fund the
13 following projects:

14 (a) Eight Hundred Thousand Dollars (\$800,000.00) as an
15 additional appropriation to the Three Hundred Thousand Dollars
16 (\$300,000.00) appropriated in Public Law Number 20-14, §3, Item (i),
17 No. (19), for the design and construction of a community center in the
18 Municipality of Yigo.

19 (b) One Hundred Thousand Dollars (\$100,000.00) for the design
20 and the renovation cost of converting the current mayor’s office in Yigo
21 into a youth center, upon completion of the Yigo Community Center,
22 funded by this Act.

23 (c) One Hundred Thousand Dollars (\$100,000.00) for the design
24 and renovation cost of converting the old dispensary in Agat into a
25 youth center.

1 (d) Eight Hundred Thousand Dollars (\$800,000.00) for the
2 design and construction of a community center in the Municipality of
3 Mongmong-Toto-Maite.

4 (e) Two Hundred Thousand Dollars (\$200,000.00) for the
5 renovation and expansion of the community center in the Municipality
6 of Barrigada.

7 The Department of Public Works shall coordinate with the mayors of
8 the respective villages, the bidding, awarding and construction of the projects
9 listed herein. The designated bidder(s) shall comply with all stated
10 requirement of the Environmental Protection Agency and in accordance with
11 local statutes.

12 As otherwise noted, the location of the project sites shall be determined
13 by the respective village mayors.

14 Reprogramming of the funds allocated to any of the projects listed in
15 this Section prior to completion of such project shall require legislative
16 approval. If a listed project is completed and excess funds remain available,
17 the Department of Public Works may reallocate such excess funds to any
18 other projects listed in this Section.

19 **Section 10.** New Items (f), (g) and (h) are hereby added to §54102 of
20 Title 5 of the Guam Code Annotated to read as follows:

21 “(f) Notwithstanding any other provisions of the law, it is
22 hereby appropriated from the Guam Highway Fund the amount of One
23 Hundred Eighty Thousand Dollars (\$180,000.00) to the Department of
24 Public Works and shall be used for: (1) the repair, including, but not
25 limited to, widening, paving and side walks, of Clara Street in Toto,

1 leading to J. Q. San Miguel Elementary School; and (2) the widening of
2 Toto-Canada Road to three (3) lanes and establish a middle lane from
3 Route 4 intersection to the Toto Community Center.”

4 **Section 11.** A new Subsection (h) is hereby added to §51 of Chapter III
5 of Public Law Number 24-59 to read as follows:

6 “(h) Each appropriation in this Section may be allocated to the
7 Mayor’s Community Development Fund instead of the Mayor’s
8 Municipal Planning Council Fund.”

9 **Section 12.** Section 6(b) of Chapter III of Public Law Number 24-59 is
10 hereby amended to read as follows:

11 **“Section 6. Appropriations to the Government of Guam**
12 **Retirement Fund for Supplemental Annuity Benefits.** (b) For Fiscal
13 Year 1998 and Fiscal Year 1999, separately, the Guam Power Authority,
14 the Guam Telephone Authority, the A.B. WonPat Guam International
15 Airport Authority, the Guam Economic Development Authority, the
16 Guam Housing Corporation, the government of Guam Retirement
17 Fund, the Guam Mass Transit Authority, the Port Authority of Guam
18 and the Guam Visitors Bureau shall remit to the government of Guam
19 Retirement Fund an amount equal to the number of employees which
20 are retired from each entity multiplied by the amounts listed in Items (i)
21 through (iv) in Subsection (a) of this Section. The remittance shall be
22 made in two (2) equal installments and shall be due on or before
23 November 30th and March 31st, respectively.”

24 **Section 13.** Section 16(c) of Chapter III of Public Law Number 24-59 is
25 hereby amended to read as follows:

1 **"Section 16. Appropriations for Cost of Living Allowance**
2 **('COLA'). (c) Autonomous Agencies to Pay COLA for Their**
3 **Respective Retirees and Survivors.** For Fiscal Year 1998 and Fiscal
4 Year 1999, separately, the Guam Power Authority, the Guam Telephone
5 Authority, the A.B. WonPat Guam International Airport Authority, the
6 Guam Economic Development Authority, the Guam Housing
7 Corporation, the Government of Guam Retirement Fund, the Guam
8 Mass Transit Authority, the Port Authority of Guam and the Guam
9 Visitors Bureau shall remit to the Government of Guam Retirement
10 Fund an amount equal to the number of employees which are retired,
11 and their survivors, from each entity multiplied by the amounts listed in
12 Subsection (a) of this Section. The remittance shall be made in one
13 single, lump-sum payment and shall be due on or before November 30th
14 to facilitate a timely distribution of the COLA to the retirees and their
15 survivors."

16 **Section 14. Withholding of Payments of Appropriation Prohibited.**

17 (a) Notwithstanding any rules, regulations, policies, procedures,
18 Executive Orders, Administrative Orders or laws, withholding of any
19 payments of Appropriation Allotment Requests or funds pursuant to an
20 appropriation for the Legislative and Judicial Branches, organization, entities,
21 programs, projects and rents contained within each branch, is prohibited.
22 Upon enactment of this Act, appropriations for the Legislative and Judicial
23 Branches operating funds shall be released and paid in equal monthly
24 installments over the fiscal year, and in no event shall the accumulative
25 appropriations released by December 31, March 31, June 30, and September

1 30 be less than one (1) quarter of the annual appropriations for that fiscal year.
2 Nothing in this Act shall preclude the accelerated release of these payments.
3 The receipt of monthly installments by the Legislative and Judicial Branches
4 Operating Funds shall occur no later than the twentieth (20th) day of the
5 month in which such payments are due.

6 (b) Any prior year appropriations which have not been released and
7 paid to the Legislative and Judicial Branches Operating Funds, shall be
8 released and paid by the Department of Administration by December 31,
9 1997.

10 **Section 15.** Section 10 of Chapter IV of Public Law Number 24-59 is
11 hereby amended to read as follows:

12 **"Section 10. Provisions and Allowances for Mayors' Council.**

13 Notwithstanding any other provisions of law, the Mayors'
14 Council is granted the following authorizations for Fiscal Year 1998 and
15 1999, separately:

16 (a) **Community Development Fund Use Option.** Each
17 Mayor may decide to expend funds appropriated from the
18 Community Development Fund for 'personnel services,'
19 'contractual services,' or a combination thereof.

20 (b) The Mayors' Council is hereby authorized to directly
21 solicit and administer contracts for construction, road repair and
22 beautification projects in accordance with procurement laws, rules
23 and regulations, not to exceed a cost of Twenty-five Thousand
24 Dollars (\$25,000.00) per contract. Such project is to be reviewed

1 and approved, within five (5) working days, by the Department of
2 Public Works for compliance assurance.”

3 **Section 16.** Section 11 of Chapter IV of Public Law Number 24-59 is
4 hereby repealed and re-enacted to read as follows:

5 “**Section 11.** Section 8 of Public Law Number 22-50 is hereby
6 repealed and re-enacted to read as follows:

7 **‘Direct Purchase.** The Mayor’s Council is hereby
8 authorized to purchase supplies, equipment and services not to
9 exceed One Thousand Dollars (\$1,000.00) per purchase, provided
10 the Mayor’s Council solicit a minimum of three (3) informal
11 written quotations from vendors able to supply the good or
12 supplies sought provided, however for purchase under Five
13 Hundred Dollars (\$500.00) each Mayor’s Council is authorized to
14 procure supplies without the necessity of going through the
15 normal government procurement procedures. Mayors shall
16 ensure that none of the purchases under this Section shall be
17 artificially divided to meet the requirements of this Section. Any
18 violation by any Mayors shall cause that Mayor to lose the right to
19 purchase under this Section. A determination of whether a
20 violation of this Section occurred will be made by the Chief
21 Procurement Officer of the government of Guam General Services
22 Administration.”

23 **Section 17.** Section 8122(b) of Article 1, Chapter 8 of Title 12 of the
24 Guam Code Annotated, as amended by P.L. No. 24-65, is hereby amended to
25 read as follows:

1 **“(b) Purposes: Terms of Borrowing GPA is Authorized to Incur**
2 **Debt Under the Tax Exempt Commercial Paper Program up to a Limit**
3 **of Seventy-Five Million Dollars (\$75,000,000).** Up to Thirty Million
4 Dollars (\$30,000,000) of this amount may be used to replace the existing
5 lines of credit. At no time will the total outstanding balance borrowed
6 from TECP and lines of credit arising from operation and maintenance
7 purposes exceed this amount without approval from the Public Utilities
8 Commission. The remaining Forty-five Million Dollars (\$45,000,000)
9 will be dedicated to bondable (greater than \$1 million) capital
10 improvement projects. Proceeds obtained from the TECP program may
11 be used to finance the following listed projects:

- 12 1. Working capital line of credit
- 13 2. Fuel facility
- 14 3. Umatac to Apra 34.5 Kv line
- 15 4. Macheche to Pagat 34.5 Kv line
- 16 5. San Vitores to Tamuning 34.5 Kv line
- 17 6. San Vitores Substation (Formerly OGMH Sub.)
- 18 7. Pulantat 34.5 Kv Transmission Line No. 2
- 19 8. Piti 115 Kv Switchyard Expansion
- 20 9. Cabras to Piti 115 Kv line
- 21 10. Piti to Harmon 115 Kv line (Rt. 8 to Rt. 16)
- 22 11. Harmon 115/34.5 Kv Substation Expansion
- 23 12. Tiyan Substation Upgrade
- 24 13. YFP-10 Switching Station Upgrade
- 25 14. Apra 115 Kv Substation

- 1 15. San Vitores to Agana 34.5 Kv line
- 2 16. Umatac to Talofofu 34.5 Kv line
- 3 17. 115 Kv Talofofu Substation
- 4 18. Apra to Talofofu 115 Kv line
- 5 19. Upgrade Barrigada-Talofofu 34.5 Kv Line
- 6 20. Yigo Combustion Turbine

7 Such funds as GPA may borrow to implement the requirements of
8 this provision shall be borrowed upon such terms and conditions as
9 shall be authorized by the PUC pursuant to its regulatory authority.
10 The amount of debt authorized by this provision shall be approved by
11 the Guam Legislature and by the PUC, not to exceed the limit set by this
12 provision. All terms and conditions of this debt shall be approved by
13 the Guam Legislature and the Public Utilities Commission.”

14 **Section 18.** Section 12001(a) of Title 12 of the Guam Code Annotated is
15 hereby amended by deleting all references to “government of Guam” and
16 inserting in lieu thereof the words, “Executive Branch.”

17 **Section 19.** Section 4301(a) of Article 3, Chapter 4 of Title 4 of the Guam
18 Code Annotated is hereby amended to read as follows:

19 “(a) The Governor is authorized to enter contracts and reject
20 proposals, with the written concurrence of the Speaker of the Guam
21 Legislature or the Presiding Judge of the Superior Court of Guam whose
22 consents may be withheld in their sole discretion, with one (1) or more
23 insurance companies, authorized to do business in Guam, for group
24 insurance, including, but not limited to hospitalization, medical care,
25 life and accident, for all employees or separate groups of employees of

1 the government of Guam. If the Legislative or Judicial Branches of
2 government elect to enter into separate contracts for their employees as
3 authorized in §4301(c), the Governor shall obtain the written
4 concurrence of the Branch electing to remain with the Executive Branch
5 before the group insurance contract is entered into or a proposal
6 rejected. The government shall not be construed as an agent of any
7 insurance company in negotiating or administering this group
8 insurance program.”

9 **Section 20.** Section 4301(c) of Article 3, Chapter 4 of Title 4 of the Guam
10 Code Annotated is hereby amended to read as follows:

11 “(c) Contracts of insurance procured under the foregoing may
12 provide for participation by employees of the Legislative Branch, and
13 the Judicial Branch through the Presiding Judge of the Superior Court of
14 Guam, at the sole election and discretion of those respective Branches,
15 or such Branches may enter separate contracts for their employees,
16 subject to the limitations set forth in this Section. The Legislative
17 Branch, and the Judicial Branch through the Presiding Judge of the
18 Superior Court of Guam, shall have the right to bring suit in the
19 Superior Court of Guam in order to protect its and its employees’
20 interests as provided under this Article for both equitable and legal
21 relief. The government Claims Act shall not apply to such suits. The
22 right to bring suit shall be retroactively effective for actions arising from
23 Fiscal Year 1997 forward. The government shall not prohibit the sale of
24 insurance products on its premises during working hours, including
25 during the Open Enrollment periods.”

1 **Section 21.** A new §4301(g) is hereby added to Article 3, Chapter 4 of
2 Title 4 of the Guam Code Annotated to read as follows:

3 “(g) The Governor of Guam shall incorporate the continuing
4 provision clause made available to Guam Memorial Health Plan, FHP,
5 Inc. and Staywell, which was the subject of the District Court of Guam
6 Appellate Division Case Government of Guam v. FHP, Inc., (D.Guam
7 App.Div. 1991), in the government’s group health insurance agreement
8 with any health insurance company, or its assignees or successors,
9 which has contracted with the government of Guam for at least two (2)
10 consecutive years. This Subsection shall be retroactive to include any
11 insurance companies falling within said classification for the past five
12 (5) years from the date of enactment of this Subsection, regardless of
13 whether they currently have a group health insurance contract with the
14 government of Guam, and shall entitle the group health insurance
15 company to immediately enter into a contract with the government with
16 said continuing provision included. In the event that the government
17 had already negotiated the terms of a contract with a group health
18 insurance company qualifying herein, but not executed the contract,
19 said contract shall be offered to the insurance company with the
20 continuing provision incorporated.

21 For purposes of starting the new contracts with the insurance
22 companies qualifying for the continuation clause, the government of
23 Guam shall immediately conduct a government-wide thirty (30) day
24 Open Enrollment for all group health insurance companies qualifying as
25 of the date of enactment of this Act.”

1 **Section 22.** Section 4302(c) of Article 3, Chapter 4 of Title 4 of the Guam
2 Code Annotated is hereby repealed and reenacted to read as follows:

3 “(c) A Negotiating Team consisting of the Director of
4 Administration, who shall be Chairperson, the Administrator of the
5 Department of Integrated Services for Individuals with Disabilities
6 (‘DISID’), or his or her designee; the Director of the Bureau of Budget
7 and Management Research, or his or her designee; an employee
8 representative from the Judicial Branch to be appointed by the Presiding
9 Judge of the Superior Court of Guam; an employee representative from
10 the Legislative Branch to be appointed by the Speaker of the Guam
11 Legislature; the Director of the Department of Education, or his or her
12 designee; and the Director of the Government of Guam Retirement
13 Fund, or his or her designee, shall examine the financial information of
14 the prepaid health insurance companies, health care providers or other
15 legal entities for the purpose of developing the most economical and
16 beneficial health plan for government of Guam employees. The
17 Negotiating Team may obtain technical support from other financial
18 and health-related agencies. The Negotiating Team shall develop its
19 rules of procedure in accordance with the Administrative Adjudication
20 Law.

21 The Negotiating Team with the approval of the Governor is
22 authorized to contract an actuary competent to develop health
23 insurance rates or other recognized expert to train and/or advise the
24 Negotiating Team.”

1 **Section 23. Special Enrollment, Continuity of Service and Financial**
2 **Stability Provision; Definitions for Article 3, Chapter 4 of Title 4 of the**
3 **Guam Code Annotated.**

4 “(a) ‘**Health Insurance Providers**’ are all companies or other
5 legal entities providing or applying to provide health insurance or the
6 provision of health care to government employees and retirees.

7 (b) ‘**HIPAA**’ is the federal law called Health Insurance
8 Portability and Accountability Act of 1996 (‘HIPPA’) allowing
9 provisions for allowing individuals under certain conditions to enroll
10 for health coverage without excessive exclusions for pre-existing
11 medical conditions and other provisions.

12 (c) ‘**Special Enrollment Periods**’ is a time period allowing
13 individuals to seek Health Insurance Benefits under the provisions of
14 the HIPAA.”

15 **Section 24.** New Items (h), (i) and (j) are hereby added to §4302 of
16 Article 3, Chapter 4 of Title 4 of the Guam Code Annotated to read as follows:

17 “(h) **Termination of Health Insurance Provider.** Any Health
18 Insurance Provider that has been providing services to government of
19 Guam employees and retirees that received a non-continuing notice by
20 the Governor or his representative under §4302(c) and not in conflict
21 with §4302(i) may at the Health Insurance Provider’s option, continue
22 providing services to the employees and retirees for no less than four (4)
23 months, but not to exceed twelve (12) months from the date of the notice
24 served by the Governor. The Governor shall allow the Health Insurance
25 Provider receiving the non-continuing notice to continue its services.

1 For the purpose of allowing a transition period, the employees
2 and retirees (enrolled with a non-continuing Health Insurance Provider)
3 shall be allowed to a special enrollment procedure as a provided under
4 the provisions of HIPAA for a period of one hundred twenty (120) days
5 from the date of the first open enrollment for the other continuing
6 Health Insurance Providers.

7 (i) Any Health Insurance Provider that has satisfactorily
8 performed under contract with the government of Guam for a minimum
9 of two (2) consecutive years shall not be terminated or disqualified from
10 entering into a new contract pursuant to this Section unless:

11 (1) the insurance provider is placed on probation by the
12 Insurance Commissioner for a full contract term; and

13 (2) while on probation, the insurance provider fails to
14 meet reasonable financial requirements set by the Insurance
15 Commissioner in accordance with industry standards; or

16 (3) the insurance provider has declared bankruptcy; or

17 (4) the insurance provider chooses not to renew the
18 contract.

19 (j) **Covered Period for §4302 (h) and (i).** The effective time
20 period applicable for §§4302(h) and (i) shall be consistent with the
21 passage date (August 1996) of HIPAA. For any health insurance
22 provider qualifying under §4302(i) the government shall conduct a
23 government-wide open enrollment within fifteen (15) days of enactment
24 of this Act for at least a thirty (30) day period."

1 **Section 25.** Section 7115 of Chapter 7 of Title 5 of the Guam Code
2 Annotated is hereby repealed and reenacted to read as follows:

3 **“Section 7115. Standing; Legislative Counsel May Represent**
4 **Senators and the Guam Legislature as Plaintiffs.** The Senators and the
5 Guam Legislature shall have standing to sue under this Chapter. The
6 Legislative Counsel, or Assistant Legislative Counsel, may, as a part of
7 his or her duties for the Guam Legislature, represent members of the
8 Guam Legislature or the Guam Legislature, or both, in bringing suit
9 under this Chapter, provided that in such cases, attorney’s fees will not
10 be allowed.”

11 **Section 26. Effective Date.** Sections 19 through 25 shall become
12 effective upon enactment, and unless otherwise expressly stated, shall apply
13 retroactively to any procurement for group insurance benefits contracts which
14 have not already been executed for Fiscal Year 1998.

15 **Section 27. (a) Legislative Findings and Intent.** It is the intent of the
16 Guam Legislature to assist the Guam Youth Football teams to participate in
17 off-Island competitions and cover the cost of their sports-related activities. It
18 is also the finding of the Guam Legislature that Twenty Thousand Dollars
19 (\$20,000.00) was appropriated from the General Fund to the Department of
20 Parks and Recreation Off-Island Sports Travel Fund to supplement a similar
21 request for the Hal’s Angels Youth Football Association through Public Law
22 Number 24-23, §6, without including the other teams of the Guam Youth
23 Football League.

24 **(b) Appropriation.** Eighty Thousand Dollars (\$80,00.00) is hereby
25 appropriated from the General Fund to the Department of Parks and

1 Recreation Sports Fund to be used by the Southern Cowboys, Guam Saints,
2 Barrigada Raiders and the Island Eagles.

3 **(c) Disbursement of Funds.** The sum of Eighty Thousand Dollars
4 (\$80,000.00) herein appropriated shall be divided equally among the four (4)
5 Guam Youth Football Teams.

6 **(d) Expenditure of Funds.** The Guam Youth Football Teams named
7 herein shall use the funds to supplement off-Island travel in order to compete
8 internationally. Funds may be expended and are not limited to the purchase
9 of football equipment, team uniforms, the upgrade of practice and game field
10 facilities, such as new lighting and scoreboards.

11 **(e) Expenditure Report.** The Guam Youth Football Association
12 shall submit to the Director of Parks and Recreation an expenditure report
13 listing all expenses within forty-five (45) days of the date of expenditure.

14 **Section 28. Severability.** If any provision of this Law or its application
15 to any person or circumstance is found to be invalid or contrary to law, such
16 invalidity shall not affect other provisions or applications of this Law which
17 can be given effect without the invalid provisions or application, and to this
18 end the provisions of this Law are severable.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

DEC 04 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 289 (COR), "AN ACT TO AUTHORIZE AND APPROPRIATE MONIES TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS; AUTHORIZE OTHER MISCELLANEOUS APPROPRIATIONS AND APPROVE MISCELLANEOUS AMENDMENTS, REPEALS AND REENACTMENTS OF LAW; EARMARK AND PROGRAM SUMS FROM THE FY 1998 COMMUNITY DEVELOPMENT BLOCK GRANT OF GUAM HOUSING AND URBAN RENEWAL AUTHORITY FOR THE CONSTRUCTION OF YOUTH AND COMMUNITY CENTERS; TO ADD NEW ITEMS (f), (g) and (h) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO; TO AMEND §§4301(a) AND (c), TO ADD A NEW §4301(g), TO REPEAL AND REENACT §4302(c), AND TO ADD NEW ITEMS (h), (i) and (j) TO §4302, ALL TO ARTICLE 3, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE GROUP INSURANCE PROCUREMENT PRACTICES WITHIN THE GOVERNMENT OF GUAM; TO REPEAL AND REENACT §7115 OF CHAPTER 7 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING STANDING TO SUE TO THE GUAM LEGISLATURE; AND TO APPROPRIATE MONIES TO THE DEPARTMENT OF PARKS AND RECREATION SPORTS FUND.", which I have vetoed.

There are numerous reasons for this decision. The following are the objections I have to the passage of this bill, section by section:

00567

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 12/4/97
Time: 1:00 pm
Rec'd by: [Signature]
Print Name: Santa Mesa

1. Section 3: there is no source of funding for the appropriation of \$100,000 for the construction and installation of traffic lights at the intersection of East O'Brien Drive and Route 33 in Mong Mong-Toto-Maite. There is no "Guam Highway Fund".
2. Section 4: General Fund is currently overappropriated for this fiscal year. The appropriation in this section would add up to \$250,000 for 12 villages.
3. Section 6: this section appropriates funds to the Supreme Court of Guam and the Superior Court of Guam from the past fiscal year's appropriations. The fiscal year has expired, and the funds do not exist.
4. Section 7: the fiscal year has expired, and these funds do not exist. Also, some funds were used for emergency Namo Falls repair and for the National Guard.
5. Section 8: there is no actual appropriation in this section for the upgrade of Skinner Plaza. The change made is to the project listing, not to the appropriation of \$1,639,850 contained in the section.
6. Section 10: there is no appropriation because there is no source. There is no Guam Highway Fund.
7. Section 14: this provision, which states that allotments cannot be withheld, conflicts with the provisions creating the Bureau of Budget and Management Research which prescribe that allotments are only to be released if cash is available or anticipated to be available for payment.
8. Section 17: provides an additional layer of approval to Tax Exempt Commercial Paper Program of the Guam Power Authority which has already been approved by the Legislature pursuant to the provisions of Public Law No. 24-65.
9. Section 19: violates the Separation of Powers, and subjugates the Executive Branch negotiations of a contract to the concurrence of the Legislature and the Judiciary. There is no time frame, however, for this concurrence to take place, thus nullifying executive action. This violates the Organic Act. See attached analysis of Attorney General.

10. Section 20: allows the Superior Court of Guam to represent the Supreme Court of Guam in suit against the Executive Branch, retroactive to 1997, as well as allows the Legislature to sue the Executive Branch, also retroactive to 1997. Unfortunately, the Legislature and the Judiciary lack the innate power to perform executive act, as they are by nature and the Organic Act of Guam legislative and judicial bodies. It is hard to see what kind of suit that could be maintained because the Legislature and the Judiciary do not have the power to execute the laws of Guam.

11. Section 21: makes the "continuing clause" mandatory in all contracts with insurance companies who have provided coverage for 2 years. This is contradictory to previous action of the Legislature in attempting to remove the "continuing clause" from existing contracts based on the determination that these clauses may not be in the best interests of the government and the employees of Guam. This provision is also retroactive, and will affect all insurance companies in the future, whether or not the companies are financially sound.

12. Section 23: the Health Insurance Portability and Accountability Act of 1996 (HIPPA) is a federal law with which Guam must comply. There is no necessity or effect of this section.

13. Section 24: this section is inconsistent with Section 22 which mandates a "continuing clause". This section protects insurance companies, not consumers.

14. Section 27: provides \$80,000 to a particular group traveling off-island. The appropriation also provides funding for sports equipment as well as travel, and construction of field facilities. This provision circumvents the rules and regulations of the funds managed by the Department of Parks and Recreation for off-island travel of sports teams, to the detriment of other teams applying for this privilege. Also, the General Fund is overappropriated for this fiscal year.

I have attached written analyses or comments made by the Bureau of Budget and Management Research, the Department of Administration, Attorney General, Michael M. Strickland of Individual Assurance Company, and Legal Counsel and Controller of the Guam Power Authority regarding

this bill. Some of the attached analyses explain in more detail the objections to its enactment.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

00567

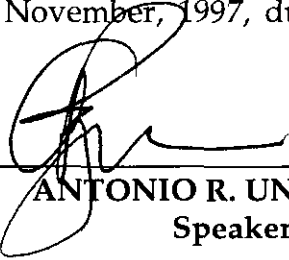
- Attachments
- 1) bill found on the ground at Government House
 - 2) bill delivered to Central Files on November 25, 1997.
 - 3) written statements of Bureau of Budget and Management Research, the Department of Administration, Attorney General, Michael M. Strickland of Individual Assurance Company, and Legal Counsel and Controller of the Guam Power Authority on Substitute Bill No. 289.

cc: The Honorable Joanne M. S. Brown
Legislative Secretary


TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 289 (COR), "AN ACT TO AUTHORIZE AND APPROPRIATE MONIES TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS; AUTHORIZE OTHER MISCELLANEOUS APPROPRIATIONS AND APPROVE MISCELLANEOUS AMENDMENTS, REPEALS AND REENACTMENTS OF LAW; EARMARK AND PROGRAM SUMS FROM THE FY 1998 COMMUNITY DEVELOPMENT BLOCK GRANT OF GUAM HOUSING AND URBAN RENEWAL AUTHORITY FOR THE CONSTRUCTION OF YOUTH AND COMMUNITY CENTERS; TO ADD NEW ITEMS (f), (g) and (h) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO; TO AMEND §§4301(a) AND (c), TO ADD A NEW §4301(g), TO REPEAL AND REENACT §4302(c), AND TO ADD NEW ITEMS (h), (i) and (j) TO §4302, ALL TO ARTICLE 3, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE GROUP INSURANCE PROCUREMENT PRACTICES WITHIN THE GOVERNMENT OF GUAM; TO REPEAL AND REENACT §7115 OF CHAPTER 7 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING STANDING TO SUE TO THE GUAM LEGISLATURE; AND TO APPROPRIATE MONIES TO THE DEPARTMENT OF PARKS AND RECREATION SPORTS FUND," was on the 21st day of November, 1997, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

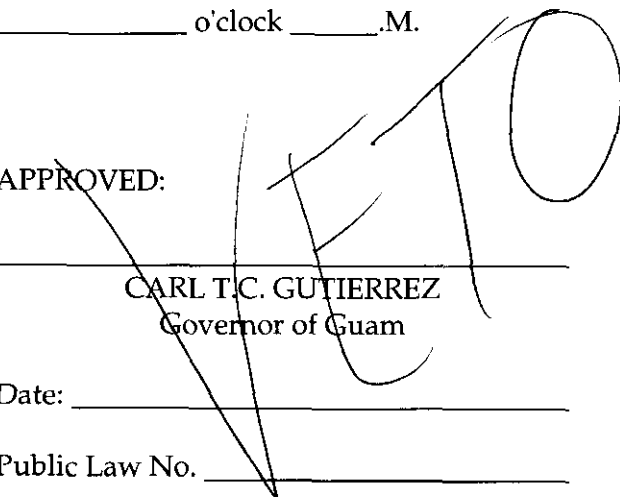
Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this _____ day of _____, 1997, at _____
_____ o'clock _____ M.

Assistant Staff Officer
Governor's Office

APPROVED:



CARL T.C. GUTIERREZ
Governor of Guam

Date: _____

Public Law No. _____

12.24.170



TWENTY-FOURTH GUAM LEGISLATURE

Office of the Vice-Speaker

ANTHONY C. BLAZ

September 30, 1997

The Honorable Antonio R. Unpingco
Speaker

24th Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committee on Finance and Taxation, to which was referred Bill No. 289: "**AN ACT TO APPROPRIATE ~~FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00)~~ ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS ON ROUTE 30, GOV CARLOS G. CAMACHO ROAD (AKA CAMP WATKINS ROAD) BEGINNING ON THE INTERSECTION OF ROUTE 1 TO THE GUAM MEMORIAL HOSPITAL AND FOR OTHER REASONS,**" and subsequently substituted by the Committee on Finance & Taxation, reports to the Legislature with the recommendation **TO DO PASS.**

Votes of the committee members are as follows:

9 To Pass

1 Not To Pass

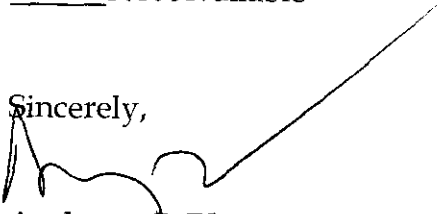
 To Place in Inactive File

2 Abstained

 Off-Island

 Not Available

Sincerely,


Anthony C. Blaz

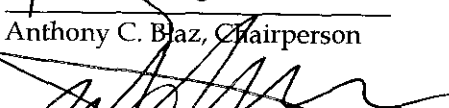
Enclosure

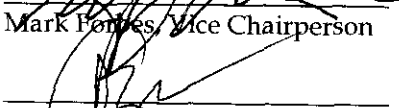
Committee on Finance and Taxation
 Voting Sheet on
 Bill No. 289

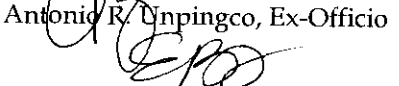
"AN ACT TO APPROPRIATE ~~FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00)~~
ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO THE DEPARTMENT OF PUBLIC
 WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS ON ROUTE
 30, GOV CARLOS G. CAMACHO ROAD (AKA CAMP WATKINS ROAD) BEGINNING ON
 THE INTERSECTION OF ROUTE 1 TO THE GUAM MEMORIAL HOSPITAL AND FOR OTHER
REASONS.."

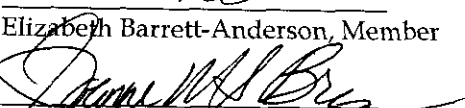
COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
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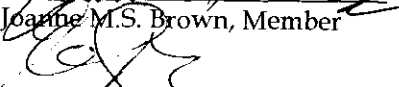

 Anthony C. Blaz, Chairperson

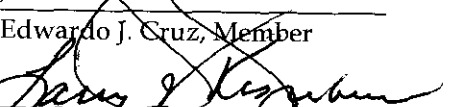

 Mark Forbes, Vice Chairperson

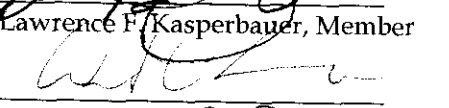

 Antonio R. Unpingco, Ex-Officio

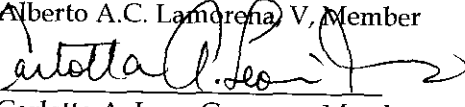

 Elizabeth Barrett-Anderson, Member


 Joanne M.S. Brown, Member

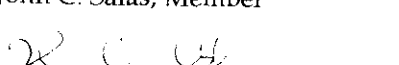

 Eduardo J. Cruz, Member


 Lawrence F. Kasperbauer, Member

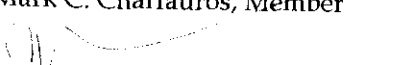

 Alberto A.C. Lamorena V, Member

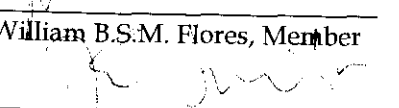

 Carlotta A. Leon Guerrero, Member

John C. Salas, Member


 Thomas C. Ada, Member

Mark C. Charfauros, Member


 William B.S.M. Flores, Member


 Francis E. Santos, Member



Committee on Finance & Taxation

Vice Speaker Anthony C. Blaz, Chairman

***Committee Report on
Bill No. 289***

"AN ACT TO APPROPRIATE ~~FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00)~~ ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS ON ROUTE 30, GOV CARLOS G. CAMACHO ROAD (AKA CAMP WATKINS ROAD) BEGINNING ON THE INTERSECTION OF ROUTE 1 TO THE GUAM MEMORIAL HOSPITAL AND FOR OTHER REASONS."

**Committee on Finance and Taxation
Report on Bill No. 289(COR)**

"AN ACT TO APPROPRIATE ~~FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00)~~ ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS ON ROUTE 30, GOV CARLOS G. CAMACHO ROAD (AKA CAMP WATKINS ROAD) BEGINNING ON THE INTERSECTION OF ROUTE 1 TO THE GUAM MEMORIAL HOSPITAL AND FOR OTHER REASONS."

PUBLIC NOTICE:

Pursuant to the requirements of the Standing Rules, notice of the Public Hearing on Bill No. 289 was published in the Pacific Daily News on September 28th, 1997.

PUBLIC HEARING:

The Committee on Finance and Taxation conducted a public hearing on Monday, September 29, 1997 in the Legislature's Public Hearing Room to hear testimonies on Bill No. 289.

MEMBERS PRESENT:

The hearing was called to order by the Chairperson of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz. Committee members present were:

Senator Edwardo Cruz
Senator Lawrence Kasperbauer
Senator William B.S.M. Flores
Senator Elizabeth Barrett-Anderson

Other Senators present were:

Senator Frank B. Aguon, Jr.
Senator Carlotta Leon Guerrero
Senator Vicente C. Pangelinan
Senator Francis Santos

PROVIDING PUBLIC TESTIMONY ON THE BILL:

None

ATTACHMENTS TO THIS REPORT:

- Revised Agenda of Public Hearing.
- Introduced Bill 289
- Substitute Bill 289
- Fiscal Note
- Public Hearing Advertisement

BACKGROUND:

Bill 289 was originally for the appropriation of Four Hundred Fifty Thousand Dollars (\$450,000) to the Department of Public Works for the construction and installation of traffic lights on Route 30, Governor Carlos G. Camacho Road (AKA Camp Watkins Road) beginning on the intersection of Route 1, Marine Drive, to the Guam Memorial Hospital. The Committee on Finance and Taxation, during mark-up meeting, decided to reduce the amount to One Hundred Thousand Dollars (\$100,000.00) because of limited fund available.

FINDINGS:

The Committee on Finance and Taxation finds that Bill 341, which had a public hearing, requires urgent consideration. It was the committee's decision to incorporate Bill 341 into Bill 289 accordingly.

The Committee on Finance and Taxation further finds that Bills 401, 403, 404, 405, 406 and 407 requires urgent consideration. It was the committee's decision to incorporate Bills 401, 403, 404, 405, 406 and 407 into Bill 289 accordingly.

COMMITTEE RECOMMENDATION:

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature **to do pass Substitute Bill 289** "AN ACT TO APPROPRIATE ~~FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00)~~ ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO THE DEPARTMENT OF

PUBLIC WORKS FOR THE CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS ON ROUTE 30, GOV CARLOS G. CAMACHO ROAD (AKA CAMP WATKINS ROAD) BEGINNING ON THE INTERSECTION OF ROUTE 1 TO THE GUAM MEMORIAL HOSPITAL AND FOR OTHER REASONS."

BBMR-F7

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

Bill No. 289 Date Received 7/31/97
Amendatory Bill YES ___ NO X Date Reviewed 8/05/97
Department/Agency Affected: Department of Public Works
Department/Agency Head: Mr. Tony Quinata, Acting Director
Total FY appropriation to Date: \$30,334,521

Bill Title (Preamble): An Act to Appropriate Four Hundred Fifty Thousand Dollars (\$450,000) from the General Fund to the Department of Public Works for the Construction and Installation of Street Lights and Traffic Lights on Route 30, Gov. Carlos G. Camacho Road (AKA Camp Watkins Road) Beginning on the Intersection of Route 1 to the Guam Memorial Hospital.

Change in Law: n/a
Bill's Impact on Present Program Funding:
___ Increase ___ Decrease ___ Reallocation X No Change
Bill is for: ___ Operations X Capital Improvement ___ Other

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Infrastructure & Utilities	<u>\$450,000</u>	_____	<u>\$450,000</u>

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>\$450,000</u>	_____	_____	_____	_____	<u>\$450,000</u>
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	<u>\$450,000</u>	_____	_____	_____	_____	<u>\$450,000</u>

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMOUNT REQUIRED ___
AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>n/a</u>	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

ANALYST Frank Lizama DATE 8/11/97 DIRECTOR JOSEPH E. RIVERA DATE AUG 14 1997
Acting Director

Footnotes: The General Fund deficit amounts to \$71 million, ending June 30, 1997.