



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM


MAY 02 1997

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 a copy of Bill No. 64 (COR), "AN ACT TO DESIGNATE ALL FUNDS PROVIDED TO THE TERRITORY OF GUAM THROUGH THE UNITED STATES DEPARTMENT OF THE INTERIOR BUDGET FOR ANY PURPOSE ASSOCIATED WITH THE IMPACT OF THE COMPACTS OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND STATES FORMERLY PART OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND NOW IN FREE ASSOCIATION WITH THE UNITED STATES AS FUNDS TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION OF NEW PUBLIC SCHOOLS IN THE TERRITORY OF GUAM.", which was vetoed and subsequently overridden by the Legislature on April 28, 1997. I have designated Bill No. 64 as Public Law No. 24-18.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: D. S. P. L.
Time: 3:54pm
Date: 5-2-97

Attachment

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

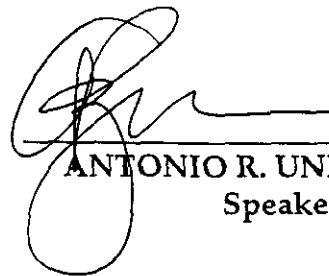
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Office of the Speaker
ANTONIO R. UNPINGCO
Date: 5/2/97
Time: 10:05
Rec'd by: CD
Print Name: Charlene Brown

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

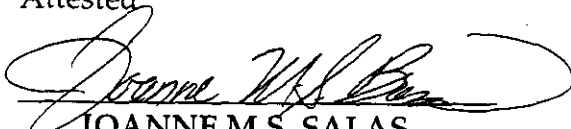
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 64 (COR), "AN ACT TO DESIGNATE ALL FUNDS PROVIDED TO THE TERRITORY OF GUAM THROUGH THE UNITED STATES DEPARTMENT OF THE INTERIOR BUDGET FOR ANY PURPOSE ASSOCIATED WITH THE IMPACT OF THE COMPACTS OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND STATES FORMERLY PART OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND NOW IN FREE ASSOCIATION WITH THE UNITED STATES AS FUNDS TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION OF NEW PUBLIC SCHOOLS IN THE TERRITORY OF GUAM", returned to the Legislature without approval of the Governor, was reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 28th day of April, 1997, agree to pass said bill notwithstanding the objection of the Governor by a vote of seventeen (17) members.



ANTONIO R. UNPINGCO
Speaker


Attested:



JOANNE M.S. SALAS
Senator and Legislative Secretary

This Act was received by the Governor this 24th day of April 30
1997, at 10:58 o'clock P.M

Assistant Staff Officer
Governor's Office



Public Law No. 24-18

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

Bill No. 64 (COR)

As amended on the floor.

Introduced by:

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

AN ACT TO DESIGNATE ALL FUNDS PROVIDED TO THE TERRITORY OF GUAM THROUGH THE UNITED STATES DEPARTMENT OF THE INTERIOR BUDGET FOR ANY PURPOSE ASSOCIATED WITH THE IMPACT OF THE COMPACTS OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND STATES FORMERLY PART OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND NOW IN FREE ASSOCIATION WITH THE UNITED STATES AS

FUNDS TO BE USED EXCLUSIVELY FOR THE
CONSTRUCTION OF NEW PUBLIC SCHOOLS IN THE
TERRITORY OF GUAM.

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

2 Section 1. All sums contained in the United States Department of the Interior
3 Budget, which are intended to reimburse the government of Guam for the impact of
4 the Compacts of Free Association upon the Territory of Guam, or are otherwise
5 intended to assist Guam in coping with the impact of the Compacts of Free
6 Association upon Guam, or are intended to assist in the development of new
7 infrastructure required in association with the impact of the Compacts of Free
8 Association upon Guam, or are otherwise referenced to be provided to Guam in
9 connection with the Compacts of Free Association between the United States and the
10 Federated States of Micronesia, the Republic of Palau (Belau) or the Republic of the
11 Marshall Islands, are hereby appropriated to the Department of Education solely for
12 the purpose of construction of new schools in the Territory of Guam. Funds
13 addressed in this Section can be used for off-site improvements, including access,
14 lighting, drainage, sanitation and other infrastructure improvements, required for the
15 safe and convenient operation of any new school constructed with funds authorized
16 by this Act. Funds addressed in this Section shall not be used to construct new
17 classrooms on existing school campuses, nor for renovation of existing schools, nor
18 for any other purpose but the construction of new schools.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 21 1997


The Honorable Joanne M. S. Brown
Legislative Secretary
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Madame Legislative Secretary:

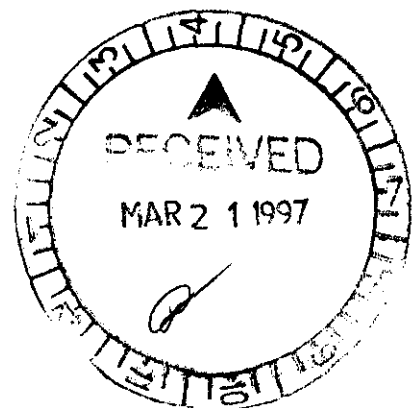
Enclosed please find a copy of Governor's Message and Bill No. 64 (COR), "AN ACT TO DESIGNATE ALL FUNDS PROVIDED TO GUAM THROUGH THE UNITED STATES DEPARTMENT OF THE INTERIOR BUDGET FOR ANY PURPOSE ASSOCIATED WITH THE IMPACT OF THE COMPACTS OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND STATES FORMERLY PART OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND NOW IN FREE ASSOCIATION WITH THE UNITED STATES AS FUNDS TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION OF NEW PUBLIC SCHOOLS IN THE TERRITORY OF GUAM.", which I have vetoed.

Governor's message and the bill have been delivered to the Office of the Speaker.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachments





CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 21 1997

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 a copy of Bill No. 64 (COR), "AN ACT TO DESIGNATE ALL FUNDS PROVIDED TO GUAM THROUGH THE UNITED STATES DEPARTMENT OF THE INTERIOR BUDGET FOR ANY PURPOSE ASSOCIATED WITH THE IMPACT OF THE COMPACTS OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND STATES FORMERLY PART OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND NOW IN FREE ASSOCIATION WITH THE UNITED STATES AS FUNDS TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION OF NEW PUBLIC SCHOOLS IN THE TERRITORY OF GUAM.", which I have **vetoed**.

This legislation would concentrate all of the compact impact funds for the sole purpose of the construction of new schools. The legislation would prohibit the expenditure of compact impact funds for construction of new classrooms on existing school campuses and also for the renovation of existing schools.

Even if all of the funds were to be used by the Department of Education, the Department of Education has specified that the Department needs construction on existing school campuses. The Department needs new classrooms on existing campuses, as well as to make critically needed renovations and renovations to comply with the Americans for disabilities Act (ADA).

Speaker/B64/vet.
March, 1997 - page 2

See attached correspondence from Mr. Roland Taimanglo of the Department of Education.

Compact impact funds are a grant appropriated from the federal government. The purpose of the grant is to compensate Guam for all compact impact experienced by Guam as a result of in-migration of residents from Micronesia. The funds include compact impact on the criminal justice system, and other services Guam delivers to residents from Micronesia. Although the school system has been substantially impacted, this impact is not exclusive of a substantial increase in other services delivered by the government.

Additionally, the legislature has not been given the power to appropriate funds that are appropriated to the territory by the federal government. The Organic Act states the following:

"(a) Appropriations, except as otherwise provided in this chapter, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature." (See Title 48 USC §1423j(a).)

Compact impact funds are 100% appropriated by the Congress of the United States. They are exempted from appropriation by the Guam Legislature.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment



DEPARTMENT OF EDUCATION

P.O. Box DE
Agaña, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



Roland L. G. Taimanglo
Director of Education

Aline A. Yamasrita, Ph. D.
Deputy Director of Education

March 18, 1997

Mary Louise Wheeler
Governor's Legal Counsel
Office of the Governor
Adelup, Guam

Re: Bill Nos. 64 and 62

Pursuant to your request for input from this agency in relation to Bill 64, I am providing the following for the Legislative Review Committee.

I recommend that the sentence beginning on line 16 be amended as follows:

"Funds addressed in this section shall not be used to construct new classrooms on existing school campuses, ~~nor for renovation of existing schools, nor for any other purpose but the construction of new schools.~~ since each school currently lacks sufficient space to house new classrooms or to support new classrooms without adversely impacting quality educational services. Funds addressed in this section may be used to renovate existing schools to comply with the Americans with Disabilities Act (ADA) or to make critically needed renovations and repairs to correct hazardous and unsafe school facilities."

With the amendments specified above, we feel that Bill 64 will address both short-term and long-term capital project needs for our department.

In relation to Bill 62, we have already provided our comments to the Committee on Education. Attached please find a copy of our testimony.

Thank you for giving us the opportunity to participate in the legislative review process.

Si Yu'os Ma'ase',

ROLAND L.G. TAIMANGLO

COMMONWEALTH NOW!



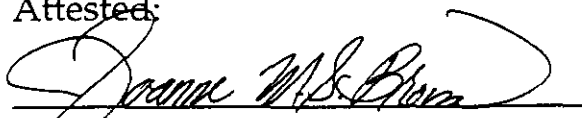
TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 64 (COR), "AN ACT TO DESIGNATE ALL FUNDS PROVIDED TO THE TERRITORY OF GUAM THROUGH THE UNITED STATES DEPARTMENT OF THE INTERIOR BUDGET FOR ANY PURPOSE ASSOCIATED WITH THE IMPACT OF THE COMPACTS OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND STATES FORMERLY PART OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS AND NOW IN FREE ASSOCIATION WITH THE UNITED STATES AS FUNDS TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION OF NEW PUBLIC SCHOOLS IN THE TERRITORY OF GUAM," was on the 8th day of March, 1997, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

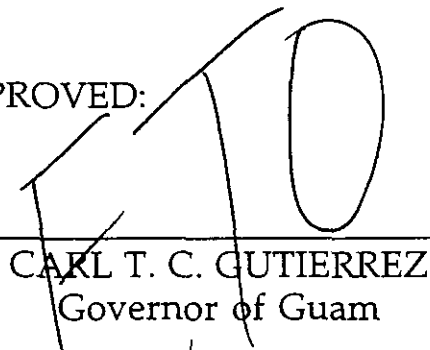
Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 12th day of March
1997, at 8:40 o'clock 9 .M.


Assistant Staff Officer
Governor's Office

APPROVED:


CARL T. C. GUTIERREZ
Governor of Guam

Date: _____

Public Law No. _____

PC 24-18



24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MAR 04 1997

Speaker Antonio R. Unpingco
Twenty-fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 64 was referred, wishes to report back to the Legislature its recommendation **TO DO PASS BILL NO. 64** "An act to designate all funds provided to Guam through the United States Department of the Interior budget for any purpose associated with the impact of the Compacts of Free Association between the United States and States formerly part of the Trust Territory of the Pacific Islands and now in Free Association with the United States as funds to be used exclusively for the construction of new public schools in the Territory of Guam."

The voting record is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MEMORANDUM

TO: Committee Members
FROM: Chairman 
SUBJECT: Committee Report - Bill No. 64

Transmitted herewith for your information and action is the report on Bill No. 64 "An act to designate all funds provided to Guam through the United States Department of the Interior budget for any purpose associated with the impact of the Compacts of Free Association between the United States and States formerly part of the Trust Territory of the Pacific Islands and now in Free Association with the United States as funds to be used exclusively for the construction of new public schools in the Territory of Guam." from the Committee on Rules, Government Reform and Federal Affairs.

The Committee Report is accompanied by the following:

1. Bill No. 64
2. Committee Voting Sheet
3. Testimony
4. Sign-in Sheet
5. Fiscal Note
6. Public Hearing Notice

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Thank you and si Yu'os ma'ase.

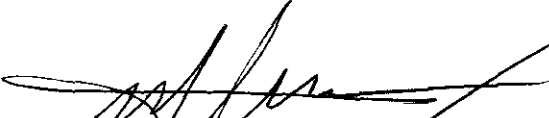

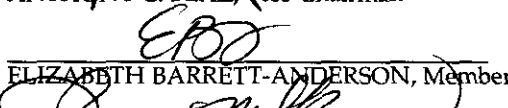

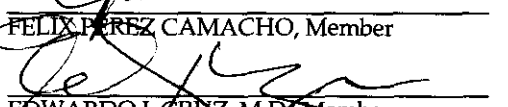
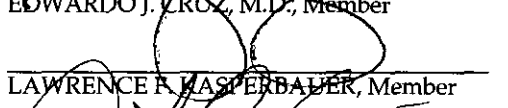

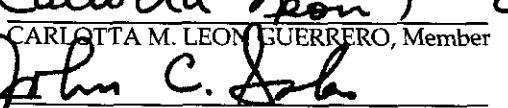
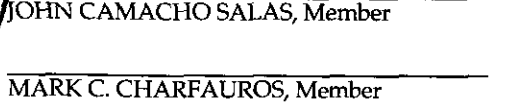

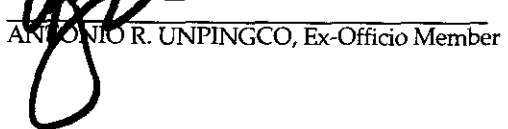
MARK FORBES

Attachments

COMMITTEE ON RULES, GOVERNMENT REFORM AND FEDERAL AFFAIRS
TWENTY-FOURTH GUAM LEGISLATURE

Voting Record

Bill No. 64: "An act to designate all funds provided to Guam through the United States Department of the Interior budget for any purpose associated with the impact of the Compacts of Free Association between the United States and States formerly part of the Trust Territory of the Pacific Islands and now in Free Association with the United States as funds to be used exclusively for the construction of new public schools in the Territory of Guam."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
 ANTHONY C. BLAZ, Vice-Chairman	✓			
 ELIZABETH BARRETT-ANDERSON, Member	✓			
 JOANNE M.S. BROWN, Member	✓			
 FELIX PEREZ CAMACHO, Member	✓			
 EDUARDO J. CRUZ, M.D., Member	✓			
 LAWRENCE R. KASPERBAUER, Member				
 ALBERTO A.C. LAMORENA V, Member	✓			
 CARLOTTA M. LEON GUERRERO, Member	✓			
 JOHN CAMACHO SALAS, Member	✓			
MARK C. CHARFAUROS, Member				
FRANCIS E. SANTOS, Member				
 ANTONIO R. UNPINGCO, Ex-Officio Member	✓			

TWENTY-FOURTH GUAM LEGISLATURE

**COMMITTEE ON RULES,
GOVERNMENT REFORM & FEDERAL AFFAIRS
SENATOR MARK FORBES, CHAIRMAN**

Committee Report

on

Bill No. 64

"An act to designate all funds provided to Guam through the United States Department of the Interior budget for any purpose associated with the impact of the Compacts of Free Association between the United States and States formerly part of the Trust Territory of the Pacific Islands and now in Free Association with the United States as funds to be used exclusively for the construction of new public schools in the Territory of Guam."

I. OVERVIEW

On February 4, 1997 the Committee on Rules, Government Reform and Federal Affairs conducted a public hearing on Bill No. 64 "An act to designate all funds provided to Guam through the United States Department of the Interior budget for any purpose associated with the impact of the Compacts of Free Association between the United States and States formerly part of the Trust Territory of the Pacific Islands and now in Free Association with the United States as funds to be used exclusively for the construction of new public schools in the Territory of Guam." The hearing took place at 9:00 a.m. in the Public Hearing Room of the Guam Legislative Building. Public notice was given through an announcement in the January 30, 1997 issue of the Pacific Daily News.

Senators in attendance were:

- Senator Mark Forbes, Chairman
- Senator Tony Blaz, Vice Chairman
- Senator Joanne Brown, Member
- Senator Edwardo Cruz, Member
- Senator Larry Kasperbauer, Member
- Senator John Salas, Member
- Senator Tom Ada
- Senator Frank Aguon, Jr.
- Senator Angel Santos
- Senator Ben Pangelinan

Appearing before the Committee to testify on the bill were:

- Mr. Norbert Perez, President, Republic of Guahan, oral testimony
- Ms. Patricia U. Garrido, private citizen, oral testimony

Providing written testimony to the Committee on the bill were:

- Mr. Charles Troutman, Compiler of Laws (attached)
- The Honorable Vicente Taitague, Mayor of Talofofo (attached)

II. SUMMARY OF TESTIMONY

Mr. Norbert Perez, President of the Republic of Guahan, testified **in favor** of Bill No. 64. Mr. Perez stated that one of the primary reasons for his support of this measure is that giving priority to education is important. He further stated that the moneys should be targeted towards education. To build new schools would illustrate an effort to upgrade the quality of education and prepare the youth of Guam for the future.

Ms. Patricia U. Garrido, private citizen, provided oral testimony **not in favor** of Bill No. 64.

The Honorable Vicente Taitague, Mayor of Talofofo, provided written testimony (attached) **not in favor** of Bill No. 64.

Mr. Charles Troutman, Compiler of Laws, provided written testimony (attached) **not in favor** of Bill No. 64.

III. FINDINGS AND RECOMMENDATIONS

The Committee finds that Bill No. 64, if passed into law, will alleviate the critical situation of overcrowding in our island's public schools. The designation of compact impact funds exclusively for the construction of *new* public schools would provide our island's students with an environment that is conducive to learning and help eliminate the problematic overcrowding that is pervasive throughout the Guam Public School System.

The impact of the Compacts of Free Association on our island and its infrastructure is certain. However, the limited funds available to address this impact compel us to identify those areas bearing the greatest impact and prioritize funding accordingly. While there are other areas that are undeniably impacted by these agreements of Free Association, the significant increase in enrollment in the Guam Public School System has placed our island students in facilities that are severely overcrowded. The greatest single financial impact of unrestricted immigration is upon the public school system. Every single public school in Guam is overcrowded. As policymakers, it is incumbent upon us to resolve this crisis with long-term solutions that will benefit our island's youth. No longer can we afford to use "band-aid" solutions, such as the construction of temporary classrooms or the construction of additional classrooms to the existing facilities. When we commit to the education of our children, we do not only commit a classroom wherein they can learn - we must also commit the support resources that accompany those classrooms. To do anything less than designate these funds for the purpose of constructing new public schools throughout the Territory of Guam, is to compromise the quality of education for our students.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 64 was referred, does hereby submit its findings and recommendations to the Twenty-fourth Guam Legislature **TO DO PASS BILL NO. 64** "An act to designate all funds provided to Guam through the United States Department of Interior budget for any purpose associated with the impact of the Compacts of Free Association with the United States and States formerly part of the Trust Territory of the Pacific Islands and now in Free Association with the United States as funds to be used exclusively for the construction of new public schools in the Territory of Guam."