



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

AUG 12 1998

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuáttro na Liheslaturan Guáhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910


Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 707 (LS), "AN ACT TO AMEND §15301 OF ARTICLE 3, CHAPTER 15, DIVISION 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999", which I have signed into law today as **Public Law No. 24-230**.


Bill No. 630 on the same subject, merit awards for high school graduates, was previously vetoed because it contained provisions for merit awards which could not fairly be applied at the time since the school year was already over. These provisions have been removed from this bill.

This bill makes requires a student to be a resident of Guam for five years previous to graduation to be eligible for a merit award. This legislation applies our financial aid resources towards residents of Guam.

Very truly yours,


  
Carl T. C. Gutierrez  
I Maga'lahaen Guáhan  
Governor of Guam

00938

OFFICE OF THE LEGISLATIVE SECRETARY
ASSIGNMENT RECEIPT
Assigned By: 
Time: 3:48 pm
Date: 8-12-98

Attachment: copy attached for signed bill  
original attached for vetoed bill

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

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 8-12-98  
Time: 1:50  
Rec'd by:   
Print Name: Charles

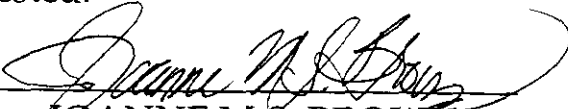
MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN


This is to certify that Substitute Bill No. 707 (LS), "AN ACT TO AMEND §15301 OF ARTICLE 3, CHAPTER 15, DIVISION 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999," was on the 31<sup>st</sup> day of July, 1998, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 31<sup>st</sup> day of July, 1998,  
at 2:00 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: 8-12-98

Public Law No. 24-230

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session**

**Bill No. 707 (LS)**

As substituted by the Committee  
on Education and amended on  
the Floor.

Introduced by:

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

**AN ACT TO AMEND §15301 OF ARTICLE 3,  
CHAPTER 15, DIVISION 3 OF TITLE 17 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
RESIDENCY REQUIREMENTS FOR RECIPIENTS  
OF THE MERIT AWARD SCHOLARSHIPS  
AWARDED DURING AND AFTER THE SCHOOL  
YEAR 1998-1999.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that in his veto message on Substitute Bill Number 630 (COR), *I*  
4 *Maga'láhen Guahan* objected to the Bill's proposed effective dates for the new  
5 residency requirements for Merit Award scholarship eligibility. As such, it is  
6 the intent of *I Liheslaturan Guåhan* to push back the intended effective dates to  
7 the School Year 1998-1999.

8           **Section 2.** Section 15301 of Article 3, Chapter 15, Division 3 of Title 17  
9 of the Guam Code Annotated is hereby *amended* to read as follows:

10           **"Section 15301. Students Entitled to Merit Awards.**       There  
11 are established annual merit awards for high school students in the  
12 graduating classes of the several public and private high schools on  
13 Guam now or hereafter established. The students entitled to these  
14 awards shall be the two (2) students having the highest scholastic  
15 standing in the graduating classes of each public and non-public high  
16 school on Guam that are generally open to all students. In addition to  
17 the scholarships for the two (2) students having the highest scholastic  
18 standing, one (1) additional scholarship shall be awarded on the basis of  
19 academic ranking for every fifty (50) graduates or fraction thereof by  
20 which the graduating class exceeds the number of fifty (50) graduates.  
21 If as a result of the equal scholastic standing of two (2) or more  
22 graduates, there is a tie for the awards granted pursuant to this Chapter  
23 and there is an insufficient number of awards available for the tying  
24 graduates, additional awards shall be provided for such graduates.  
25 Recipients are to attend the University of Guam. However, if the

1 recipient is a valedictorian or salutatorian whose declared major is  
2 unavailable at the University of Guam, the valedictorian or salutatorian  
3 may attend any accredited college or university in the United States  
4 where such declared major is available.

5 Awards shall be subject to the following limitations:

6 (a) a recipient must be, for recipients prior to the school year  
7 1998 - 1999, a *bona fide* resident of Guam. In addition, a recipient must  
8 be either :

9 (1) a United States citizen, or

10 (2) a permanent resident alien who has completed four (4)  
11 academic quarters in a public or private high school on Guam.

12 (a.1) A recipient, for awards during and after the School Year  
13 1998 - 1999, must be:

14 (1) a United States citizen or a permanent resident alien  
15 who has completed four (4) academic years in a public or private  
16 high school on Guam; and

17 (2) a resident of Guam for a continuous period of not less  
18 than five (5) years immediately preceding the awarding of the  
19 scholarship awards.

20 (b) If any student is ineligible for a scholarship solely because of  
21 failure to meet the requirements contained in Subsection (a) of this  
22 Section; or if any eligible student chooses *not* to accept an award when  
23 first offered such award, the award shall be granted to the eligible  
24 student with the highest scholastic rank. If an eligible student declines

1 to accept an award when first offered, such students cannot accept such  
2 an award after it has been granted to another student.

3 The recipient of a merit award must notify the Board within thirty  
4 (30) days that the award is accepted. If such recipient fails to do so, the  
5 award is thereby forfeited and the same shall be offered to the next  
6 alternate.

7 (c) A recipient who attends a college or university outside of  
8 Guam during the term of the award must agree that such recipient will  
9 return to work on Guam for a period of one (1) year for each year of off-  
10 Island studies subsequent to the completion or termination of the course  
11 of studies for which the award was granted; provided, that if the  
12 recipient continues as a full-time student at a graduate or professional  
13 school, such recipient may defer return to Guam until such additional  
14 studies are completed.

15 (d) Awards granted on or subsequent to the effective date of  
16 this Section shall be cancelled if a recipient:

17 (1) fails to maintain a cumulative grade point average of  
18 2.5 or its equivalent, except a recipient shall be allowed one (1)  
19 academic term in which to regain such average before cancellation  
20 of such recipient's award, or

21 (2) fails to meet the academic and other requirements  
22 governing full-time students at the institution attended, or

23 (3) is no longer a full-time student, except a recipient shall  
24 be allowed one (1) academic term in which to regain full-time  
25 student status before cancellation of such recipient's award, or

1

(4) changes Guam residency status."

PL24-230



**TWENTY-FOURTH GUAM LEGISLATURE  
COMMITTEE ON EDUCATION**

215-A Chalan Santa Rosa, Suite 106-F  
Ada's Professional & Commercial Center  
Agaña, Guam 96910

Telephone (671) **475-KIDS**  
Fax (671) **475-2000**  
e-mail **lk4kids@ite.net**

Senator  
**Lawrence F. Kasperbauer**  
Chairman

July 27, 1998

Senator  
**John C. Salas**  
Vice Chairman

The Honorable Antonio R. Unpingco  
Speaker, 24<sup>th</sup> Guam Legislature  
Agaña, Guam

Speaker  
**Antonio R. Unpingco**  
Ex-Officio

via: Committee on Rules

Senator  
**Thomas C. Ada**  
Member

Dear Mr. Speaker:

Senator  
**Frank B. Aguon**  
Member

It is the recommendation by the Committee on Education **TO DO PASS Substitute Bill No. 707**: "AN ACT TO AMEND §15301 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999."

Senator  
**Elizabeth Barrett-Anderson**  
Member

Vice Speaker  
**Anthony C. Blaz**  
Member

Votes of the committee members are as follows:

Senator  
**Joanne M.S. Brown**  
Member

9 To Pass

Senator  
**Felix P. Camacho**  
Member

\_\_\_\_\_ Not To Pass

Senator  
**Frank P. Camacho**  
Member

\_\_\_\_\_ To The Inactive File

Senator  
**Edward J. Cruz**  
Member

\_\_\_\_\_ Abstained

Sincerely,

Senator  
**Mark Forbes**  
Member

LAWRENCE F. KASPERBAUER

Senator  
**Angel L.G. Santos**  
Member

Attachments

Senator  
**Judith Won Pat-Borja**  
Member





TWENTY-FOURTH GUAM LEGISLATURE  
**Senator Lawrence F. Kasperbauer, Ph.D.**  
Chairman, Committee on Education

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Agaña, Guam 96910

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Fax (671) 475-2000  
e-mail lk4kids@ite.net

July 27, 1998

Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuattro Na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

**SUBJECT: WAIVER OF PUBLIC HEARING; BILL NO. 707 (LS)**

Dear Mr. Speaker:

Pursuant to Section 2103 of Title 2 of the Guam Code Annotated, *Public Hearings Mandatory*, I hereby request that you waive the public hearing for Bill Number 707 (LS), entitled, "AN ACT TO AMEND §15301 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1997-1998 AND TO ADD A NEW §15303 TO CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE MERIT AWARD SCHOLARSHIPS AWARDED TO STUDENTS OF THE SOUTHERN HIGH SCHOOL DURING THE SCHOOL YEAR 1997-1998."

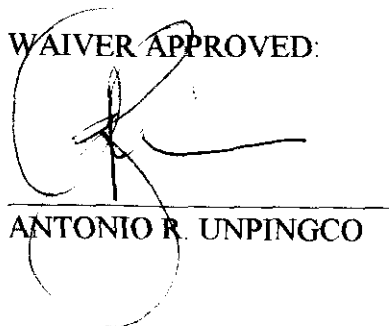
Bill Number 630 (COR) previously received a public hearing and is identical to Bill Number 707 (LS).

Thank you for your timely consideration of this request.

Sincerely,

  
Lawrence F. Kasperbauer

WAIVER APPROVED:

  
ANTONIO R. UNPINGCO




**MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agana, Guam 96910

**MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
**1998 (SECOND) Regular Session**

I, Lawrence F. Kasperbauer, Chairman of the Committee on Education of Mina' Bente Kuattro Na Liheslaturan Guahan, hereby certify, in conformance with Title 2 Guam Code Annotated §9105, *Attachment of Fiscal Note to Bill*, that prompt Committee action is required on substitute Bill Number 707 (COR), "AN ACT TO AMEND §15301 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999," which was introduced on July 27, 1998 and referred to the Committee on Education, and therefore waive the statutory requirement for a fiscal note on the before mentioned bill. Further, that an earlier introduced, identical bill, namely Bill Number 630 (COR) had a fiscal note.

Dated: July 27, 1998

  
**LAWRENCE F. KASPERBAUER**  
Chairman, Committee on  
Education



**TWENTY-FOURTH GUAM LEGISLATURE  
COMMITTEE ON EDUCATION**

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Senator  
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Chairman

Senator  
**John C. Salas**  
Vice Chairman

Speaker  
**Antonio R. Unpingco**  
Ex-Officio

Senator  
**Thomas C. Ada**  
Member

Senator  
**Frank B. Aguon**  
Member

Senator  
**Elizabeth Barrett-Anderson**  
Member

Vice Speaker  
**Anthony C. Blaz**  
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Member

Senator  
**Mark Forbes**  
Member

Senator  
**Angel L.G. Santos**  
Member

Senator  
**Judith Won Pat-Borja**  
Member

July 27, 1998

**TO: All Members  
Committee on Education**

**FROM: Chairman**

**SUBJ: Voting Sheet**

Transmitted herewith is the voting sheet and committee report for **Substitute Bill No. 707:** "AN ACT TO AMEND §15301 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999."

Your attention to this matter is greatly appreciated.

Sincerely,

  
**LAWRENCE F. KASPERBAUER**

Attachments

**COMMITTEE ON EDUCATION**  
**TWENTY-FOURTH GUAM LEGISLATURE**  
 155 Hesler Street, Agana, Guam 96910

**Chairman: Senator Lawrence F. Kasperbauer    Vice Chairman: Senator John C. Salas**  
**Ex-Officio Member: Speaker Antonio R. Unpingco**

**VOTING SHEET ON:**

**Substitute Bill No. 707: "AN ACT TO AMEND §15301 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999."**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Lawrence F. Kasperbauer <i>Chairman</i>	LK	X	_____	_____	_____
Sen. John C. Salas <i>Vice-Chairman</i>	Salas	✓	_____	_____	_____
Spkr. Antonio R. Unpingco <i>Ex-Officio Member</i>	a	✓	_____	_____	_____
Sen. Thomas C. Ada <i>Member</i>	_____	_____	_____	_____	_____
Sen. Frank B. Aguon, Jr. <i>Member</i>	_____	_____	_____	_____	_____
Sen. Anthony C. Blaz <i>Member</i>	_____	_____	_____	_____	_____
Sen. Joanne M.S. Brown <i>Member</i>	JMB	✓	_____	_____	_____
Sen. Felix P. Camacho <i>Member</i>	FPC	✓	_____	_____	_____
Sen. Francisco P. Camacho <i>Member</i>	_____	_____	_____	_____	_____
Sen. Eduardo J. Cruz <i>Member</i>	EJC	✓	_____	_____	_____
Sen. Mark Forbes <i>Member</i>	MF	✓	_____	_____	_____
Sen. Angel L.G. Santos <i>Member</i>	_____	_____	_____	_____	_____
Sen. Judith Won Pat-Borja <i>Member</i>	_____	_____	_____	_____	_____

**MINA' BENTE KUÁTRO NA LIHESLATURAN GUÅHAN**  
**Committee on Education**  
**Senator Lawrence F. Kasperbauer, Chairperson**

**Committee Report**  
**on**

**Substitute Bill No. 707 (LS): AN ACT TO AMEND §15301 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESIDENCY REQUIREMENTS FOR RECIPIENTS OF THE MERIT AWARD SCHOLARSHIPS AWARDED DURING AND AFTER THE SCHOOL YEAR 1998-1999.**

**I. OVERVIEW**

Bill No. 707 (LS) introduced on July 27, 1998 to replace Substitute Bill No. 630 (COR) that was passed by Mina Bente Kuátro Na Liheslaturan Guåhan on May 22, 1998 and subsequently vetoed by the Governor. Bill No. 707 (LS) makes no substantive changes other than to those provisions that were objectionable to the Governor. Bill No. 707 (LS) also does not include the provisions of Section 3 of Bill No. 630 (COR) as such provisions were implemented by executive order of the Governor.

**II. Findings and Recommendation**

The Committee on Education finds the Governor in his veto message of Substitute Bill No. 630 (COR) stated:

“ This legislation restricts merit award scholarships to students who have been residents of Guam for the immediately preceding 5 years, in addition to the previously established criteria of being a United States Citizen or a permanent resident alien. Unfortunately, the new residency requirements would apply to

students just graduating this year, School Year 1997-98, and every year thereafter. The difficulty with establishing a change in requirements after a school year is over, is that it is changing the rules after the game is over for those students graduating this year. There may be some students who have worked hard for the last 4 years to obtain a merit award scholarship, only at the last minute to have a 5-year residency requirement enforced, and the scholarship lost.

I want to make sure that no student who has worked hard during his or her high school career to obtain a merit award scholarship will be deprived of this award at the last minute. This is the reason that this legislation is vetoed. It should not have been instituted for this academic year.

Additionally, Bill No. 630 apparently repeals prior amendments made to §15301 of Title 17, Guam Code Annotated in Public Law No. 20-232 regarding the ability of a recipient to regain the award if the required grade point average was not achieved. Page 5, lines 6-9 of the bill reads the same as the law read **prior to** the amendment made in Public law No. 20-232:

“(1) fails to maintain a cumulative grade point average of 2.5 or its equivalent, except a recipient may be allowed one (1) academic term to regain this average without cancellation of award, or”.

The repealed amendment in Public Law No. 20-232 stated:

“(1) fails to maintain a cumulative grade point average of 2.5 or its equivalent, except a recipient shall be allowed one (1) academic term in which to regain such average before cancellation of such award, or”

This provision makes it again discretionary whether or not a student be granted the privilege of one (1) academic term to regain the required grade point average, if this required average is not achieved.”

The Committee finds that Governor objected to the residency requirements being effective during the school year 1997-1998 should not apply since it may exclude students who were competing for awards this year prior to introduction and passage of the Substitute Bill No. 630 (COR). The Committee finds that the same objection from the Governor may occur if the provisions remain unchanged into the start of the next school year and recommends that the residency requirements contained in Substitute Bill No. 630 (COR) be enacted effective with the school year 1998-1999 as provided for in Bill No. 707 (LS)

The Committee agrees with the Governor’s findings regarding the provisions of P.L. 20-232, which provisions were not codified in the most recent version of the Guam Code Annotated which was the basis for

amendment by Substitute Bill No. 630 (COR). The provisions of P.L. 20-232 are included in Bill No. 707 (LS)

The Committee further finds that Section 3 of Substitute Bill No. 630 (COR) were implemented by Executive Order of the Governor and do not need to be included in Bill No. 707 (LS).

As Bill No 707 (LS) is an of essentially the same subject matter as Substitute Bill No. 630 (COR) taking into consideration the objections of the Governor, it is the recommendation of the Committee on Education that the Committee Chairperson waive the requirements for a fiscal note, that he request that the Speaker waive the requirements for a Public Hearing on Bill No. 707 (LS) As Substituted by the Committee on Education and that it be reported out with the recommendation **TO DO PASS**