



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 22 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Asपाल Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:10 am</u>
Date	<u>May 23, 2000</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 410 (COR), "AN ADD ARTICLE 2 TO CHAPTER 73, DIVISION 7, OF TITLE 5, TO REPEAL AND REENACT §6220 OF ARTICLE 2, CHAPTER 6 OF TITLE 4 AND TO ADD §28112 TO CHAPTER 28, DIVISION 2 OF TITLE 11, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND", which I have signed into law today as Public Law No. 25-138.

This legislation establishes payment for off-duty services of Customs and Quarantine Agency Officers and for Plant Protection and Quarantine Officers of the Department of Agriculture. Currently, it is difficult to offer inspection services during off-duty hours, due to shortage of staff and funding within the agencies. This legislation allows the provision of these services to businesses, which request them, at the expense of the requesting businesses.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

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

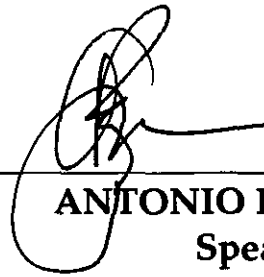
cc: The Honorable Antonio R. Unpingco
Speaker

00948

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

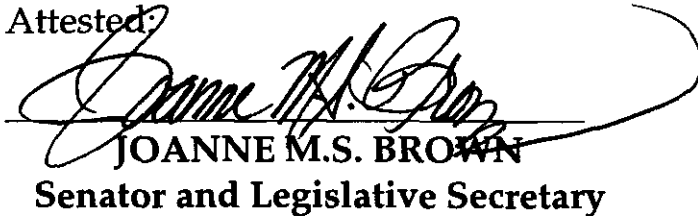
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 410 (COR) "AN ACT TO ADD ARTICLE 2 TO CHAPTER 73, DIVISION 7, OF TITLE 5, TO REPEAL AND REENACT §6220 OF ARTICLE 2, CHAPTER 6 OF TITLE 4 AND TO ADD §28112 TO CHAPTER 28, DIVISION 2 OF TITLE 11, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND," was on the 11th day of May 2000, duly and regularly passed.



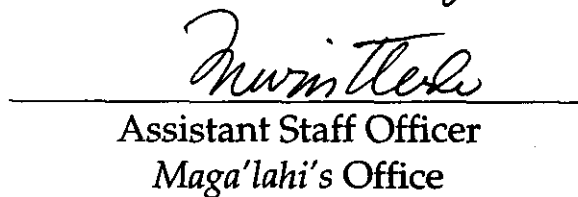
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 16th day of May, 2000,
at 2:45 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 5-22-00

Public Law No. 25-138

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 410 (COR)

As substituted by the Committee on
Housing, General Government Services
and Foreign Affairs, and amended by the
Author and further amended on the Floor.

Introduced by:

K. S. Moylan
J. C. Salas
V. C. Pangelinan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD ARTICLE 2 TO CHAPTER 73,
DIVISION 7, OF TITLE 5, TO REPEAL AND
REENACT §6220 OF ARTICLE 2, CHAPTER 6 OF
TITLE 4 AND TO ADD §28112 TO CHAPTER 28,
DIVISION 2 OF TITLE 11, ALL OF THE GUAM
CODE ANNOTATED, RELATIVE TO
ESTABLISHING A CARRIER OFF-DUTY
SERVICES REVOLVING FUND.**

1

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Article 2 is hereby *added* to Chapter 73, Division 7 of Title 5
2 of the Guam Code Annotated to read as follows:

3 "ARTICLE 2.

4 CARRIER OFF-DUTY SERVICES REVOLVING FUND.

5 Section 73201. Title.

6 Section 73202. Definitions.

7 Section 73203. Charges for Carrier Off-Duty Services of
8 Customs and Quarantine Agency
9 Officers.

10 Section 73204. Payment and Penalties.

11 Section 73205. Carrier Off-Duty Services Revolving
12 Fund.

13 Section 73201. Title. This Article may be cited and
14 referred to as '*The Carrier Off-Duty Services Revolving Fund Act.*'

15 Section 73202. Definitions, Generally. Whenever
16 used in this Chapter, *unless* otherwise required by the context:

17 (a) '*Off-Duty officer*' means an officer of the Customs and
18 Quarantine Agency, exclusive of the Director of Customs and the
19 Chief of Customs, or an inspector of the Plant Protection and
20 Quarantine Section of the Department of Agriculture, who is *not*
21 actively fulfilling any scheduled and/or assigned task, and who is
22 available to perform service(s) outside of that person's assigned or
23 scheduled work hours.

24 (b) '*Officer*' means a Customs and Quarantine Officer duly
25 employed by the Customs and Quarantine Agency, or an

1 inspector of the Plant Protection and Quarantine Section of the
2 Department of Agriculture, government of Guam.

3 (c) 'Person' includes any individual, firm, co-partnership,
4 joint venture, association, corporation, trust or any group or
5 combination action as a unit and the plural, as well as the singular
6 number as may be appropriate.

7 **Section 73203. Charges for Carrier Off-Duty Services of**
8 **Customs and Quarantine Officers and Inspectors of Plant Protection**
9 **and Quarantine Section of the Department of Agriculture.**

10 (a) **Charges for Services by Customs and Quarantine**
11 **Officers.** All operations of any person, excluding air carriers
12 and passengers arriving at the Antonio B. Won Pat Guam
13 International Air Terminal and passengers arriving on Guam *via*
14 ocean vessels, that require the services of Customs and
15 Quarantine Agency Officers on any day of the week, upon special
16 request on Sundays, holidays, or between the hours of 5:00 p.m. of
17 any other day and 6:00 a.m. of the following day, shall be charged
18 for services as are rendered by officers as follows:

19 (i) for the first hour or fraction thereof, a rate of
20 three (3) times the officer's, or officers', hourly wage (3.0 x
21 hourly wage rate) for each officer requested to perform off-
22 duty inspection service; *and*

23 (ii) after the first hour, but *only* after fifteen (15)
24 minutes has elapsed, a rate one and a half (1½) times each
25 officer's hourly wage rate during such hour, or each hour

1 thereafter, but *not to exceed* a maximum charge of Two
2 Hundred Seventy-five Dollars (\$275.00) per officer per day.

3 **(b) Charges for Services by Plant Protection and**
4 **Quarantine Inspectors.** All operations of any person,
5 *excluding* air carriers and passengers arriving at the Antonio B.
6 Won Pat Guam International Air Terminal and passengers
7 arriving on Guam via ocean vessels, that require the services of
8 the inspectors of the Plant Protection and Quarantine Section of
9 the Department of Agriculture on any day of the week upon
10 special request by the Director of Customs and Quarantine on
11 Sundays, holidays, or between the hours of 5:00 p.m. of any other
12 day and 6:00 a.m. of the following day, shall be charged for
13 services as are rendered by an inspector(s) of the Plant Protection
14 and Quarantine Section of the Department of Agriculture as
15 follows:

16 (i) for the first hour or fraction thereof, a rate of
17 three (3) times the officer's, or officers', hourly wage (3.0 x
18 hourly wage rate) for each officer requested to perform off-
19 duty inspection service; *and*

20 (ii) after the first hour, but only after fifteen (15)
21 minutes has elapsed, a rate one and a half (1½) times each
22 officer's hourly wage rate during such hour, or each hour
23 thereafter, but *not to exceed* a maximum charge of Two
24 Hundred Seventy-five Dollars (\$275.00) per officer per day.

1 (c) **Non-Performance of Services.** *If* services have
2 been requested and the officer(s) has reported to work, and the
3 services are *not* performed by reason of circumstances beyond the
4 control of the officer(s) concerned, the requesting party shall be
5 charged in accordance with §§73203(a) and (b) on the same basis
6 as though the services had actually been performed during the
7 time the officer was ordered to report for duty and did so report,
8 and the time the officer was notified that the officer's services
9 would *not* be required.

10 (d) **Administrative Surcharge.** In addition to charges
11 authorized under §§73203(a), (b) and (c), a Two Dollar (\$2.00)
12 administrative surcharge per employee shall be assessed to and
13 payable by the persons receiving such services for the cost of
14 processing, collecting and administering this program.

15 **Section 73204. Payment and Penalties.**

16 (a) **Payments Due.** All person(s) requesting the services
17 of Customs and Quarantine Agency Officers, or the inspectors of
18 the Plant Protection and Quarantine Section of the Department of
19 Agriculture, of the government of Guam under §73203, and to
20 whom such services were provided, shall make payments to the
21 '*Treasurer of Guam*' immediately upon the delivery of services.
22 Upon the written request of person(s) receiving the services of
23 Customs and Quarantine Agency Officers, or the inspectors of the
24 Plant Protection and Quarantine Section of the Department of
25 Agriculture, the Director of Customs and Quarantine may

1 authorize person(s) an extension of payment of *up to* thirty (30)
2 days from the date of service(s), *subject to* the penalties and
3 conditions stipulated in §§73204(b) and (c).

4 **(b) Interest Penalty.** Each person who receives
5 customs or plant protection and quarantine inspection services
6 under §73203, and fails to make payment for each such completed
7 service(s) within thirty (30) days of the date of service, or thirty
8 (30) days from the date of extension, shall pay an interest penalty
9 of fifteen percent (15%) per annum to the Treasurer of Guam, on
10 the amount of past due or balance thereof. No interest penalty
11 shall be assessed on payments made in full on or before the
12 thirtieth (30th) day from the date payments are due.

13 **(c) Unpaid Interest.** Interest penalty applicable
14 under §73204(b) which remain unpaid shall accrue to the balance
15 due for purposes of computing current interest due.

16 **Section 73205. Carrier Off-Duty Services Revolving Fund.**

17 **(a) Fund Established.** There is hereby established
18 within the Customs and Quarantine Agency, a fund to be known
19 as the '*Carrier Off-Duty Services Revolving Fund*' which shall be
20 separate and apart from other funds in the government of Guam,
21 and for which independent records shall be maintained.

22 **(b) Deposits.** All money received in accordance with this
23 Act shall be deposited into the Carrier Off-Duty Services
24 Revolving Fund.

1 (c) **Authorized Expense(s).** All authorized expenses
2 for providing customs, agriculture and quarantine service(s)
3 pursuant to this Act, shall be paid by the Treasurer of Guam from
4 the Carrier Off-Duty Services Revolving Fund upon the submittal
5 of vouchers certified by the Director of Customs and Quarantine
6 or the Director of Agriculture. Each officer shall be responsible for
7 all employer retirement contribution which may be applicable on
8 their behalf.

9 (d) **Report.** In the first January after the enactment of
10 this Act, and every six (6) months thereafter, the Director of
11 Customs and Quarantine shall prepare and transmit via *I*
12 *Maga'lahaen Guåhan* to the Speaker of *I Liheslaturan Guåhan* a
13 detailed report on the status of the Carrier Off-Duty Services
14 Revolving Fund to include an itemization of expenditures charged
15 against the Fund."

16 **Section 2.** Each fiscal year the sum of Fifty Thousand Dollars
17 (\$50,000.00) shall be appropriated from the "*Customs, Agriculture and*
18 *Quarantine Inspection Services Charge Fund*" to the "*Carrier Off-Duty Services*
19 *Revolving Fund*" for the purpose of establishing the revolving capital required
20 for the Program. At the end of each fiscal year, the sums appropriated in this
21 Section shall revert to the "*Customs, Agriculture and Quarantine Inspection*
22 *Services Charge Fund.*"

23 **Section 3.** Section 6220 of Article 2, Chapter 6 of Title 4 of the Guam
24 Code Annotated is hereby *repealed and reenacted* to read as follows:

1 **"Section 6220. Customs and Quarantine Agency Officer and**
2 **Plant Protection and Quarantine Officer: Compensation.** Any
3 Officer who has performed carrier off-duty services pursuant to this Act
4 shall be compensated at the rate of three (3.0) times the officer's hourly
5 wage rate for the first hour of service provided, and one and a half times
6 (1½) the officer's hourly wage rate *after* the first hour of said service;
7 *provided*, that the officer shall perform *no less than* fifteen (15) minutes of
8 service for the second hour, or each hour thereafter, before receiving
9 credit and compensation for the full hour."

10 **Section 4.** Section 28112 is hereby *added* to Chapter 28, Division 2 of
11 Title 11 of the Guam Code Annotated to read as follows:

12 **"Section 28112. Continuing Appropriation.** Upon
13 enactment of this Act, and each fiscal year thereafter, sums based on
14 two percent (2%) of the total Use Tax collected in the previous fiscal
15 year shall be appropriated to the "*Customs, Agriculture and Quarantine*
16 *Services Charge Fund*" to cover costs associated with Use Tax collection
17 inspection activities. This appropriation is continuous, but is contingent
18 on the annual submission of a detailed budget to *I Liheslaturan Guåhan*
19 by the Director of the Customs and Quarantine Agency."

20 **Section 5. Appropriations for Rate Study.** There is hereby
21 appropriated from the FY2001 revenues of the Customs, Agricultural and
22 Quarantine Services Fund such sums as are necessary, but *not to exceed* the
23 sum of Three Hundred Fifty-two Thousand Dollars (\$352,000.00) to the
24 Customs and Quarantine Agency for the purpose of conducting a rate study
25 to adopt a revised rate schedule for services provided by the Agency. The

1 scope of the rate study shall include provisions for the recapture of sums
2 appropriated or expended pursuant to this Section upon implementation of a
3 revised rate schedule.

4 **Section 6. Appropriations for Personnel Services.** There is
5 hereby appropriated from the Customs, Agricultural and Quarantine Services
6 Fund the sum of Five Hundred Three Thousand Eight Hundred Forty-three
7 Dollars (\$503,843.00) to the Customs and Quarantine Agency for night
8 differential, hazardous pay, holiday pay and overtime expenses. The
9 Customs and Quarantine Agency is hereby authorized to pay prior years'
10 overtime expenses from appropriations made in this Section.

11 **Section 7. Severability.** *If* any provision of this Law or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this
14 Law which can be given effect without the invalid provisions or application,
15 and to this end the provisions of this Law are severable.

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 410 (COR) "AN ACT TO ADD ARTICLE 2 TO CHAPTER 73, DIVISION 7, OF TITLE 5, TO REPEAL AND REENACT §6220 OF ARTICLE 2, CHAPTER 6 OF TITLE 4 AND TO ADD §28112 TO CHAPTER 28, DIVISION 2 OF TITLE 11, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND," was on the 11th day of May 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by *I Maga'lahaen Guahan* this _____ day of _____, 2000,
at _____ o'clock _____.M.

Assistant Staff Officer
Maga'laha's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 410 (COR)

As substituted by the Committee on
Housing, General Government Services
and Foreign Affairs, and amended by the
Author and further amended on the Floor.

Introduced by:

K. S. Moylan
J. C. Salas
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F. B. Aguon, Jr.
E. C. Bermudes
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**AN ACT TO ADD ARTICLE 2 TO CHAPTER 73,
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CODE ANNOTATED, RELATIVE TO
ESTABLISHING A CARRIER OFF-DUTY
SERVICES REVOLVING FUND.**

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

1 Section 1. Article 2 is hereby *added* to Chapter 73, Division 7 of Title 5
2 of the Guam Code Annotated to read as follows:

3 **"ARTICLE 2.**

4 **CARRIER OFF-DUTY SERVICES REVOLVING FUND.**

5 Section 73201. **Title.**

6 Section 73202. **Definitions.**

7 Section 73203. **Charges for Carrier Off-Duty Services of**
8 **Customs and Quarantine Agency**
9 **Officers.**

10 Section 73204. **Payment and Penalties.**

11 Section 73205. **Carrier Off-Duty Services Revolving**
12 **Fund.**

13 Section 73201. **Title.** This Article may be cited and
14 referred to as '*The Carrier Off-Duty Services Revolving Fund Act.*'

15 Section 73202. **Definitions, Generally.** Whenever
16 used in this Chapter, *unless* otherwise required by the context:

17 (a) '*Off-Duty officer*' means an officer of the Customs and
18 Quarantine Agency, exclusive of the Director of Customs and the
19 Chief of Customs, or an inspector of the Plant Protection and
20 Quarantine Section of the Department of Agriculture, who is *not*
21 actively fulfilling any scheduled and/or assigned task, and who is
22 available to perform service(s) outside of that person's assigned or
23 scheduled work hours.

24 (b) '*Officer*' means a Customs and Quarantine Officer duly
25 employed by the Customs and Quarantine Agency, or an

1 inspector of the Plant Protection and Quarantine Section of the
2 Department of Agriculture, government of Guam.

3 (c) 'Person' includes any individual, firm, co-partnership,
4 joint venture, association, corporation, trust or any group or
5 combination action as a unit and the plural, as well as the singular
6 number as may be appropriate.

7 **Section 73203. Charges for Carrier Off-Duty Services of**
8 **Customs and Quarantine Officers and Inspectors of Plant Protection**
9 **and Quarantine Section of the Department of Agriculture.**

10 (a) **Charges for Services by Customs and Quarantine**
11 **Officers.** All operations of any person, excluding air carriers
12 and passengers arriving at the Antonio B. Won Pat Guam
13 International Air Terminal and passengers arriving on Guam *via*
14 ocean vessels, that require the services of Customs and
15 Quarantine Agency Officers on any day of the week, upon special
16 request on Sundays, holidays, or between the hours of 5:00 p.m. of
17 any other day and 6:00 a.m. of the following day, shall be charged
18 for services as are rendered by officers as follows:

19 (i) for the first hour or fraction thereof, a rate of
20 three (3) times the officer's, or officers', hourly wage (3.0 x
21 hourly wage rate) for each officer requested to perform off-
22 duty inspection service; *and*

23 (ii) after the first hour, but *only* after fifteen (15)
24 minutes has elapsed, a rate one and a half (1½) times each
25 officer's hourly wage rate during such hour, or each hour

1 thereafter, but *not to exceed* a maximum charge of Two
2 Hundred Seventy-five Dollars (\$275.00) per officer per day.

3 **(b) Charges for Services by Plant Protection and**
4 **Quarantine Inspectors.** All operations of any person,
5 *excluding* air carriers and passengers arriving at the Antonio B.
6 Won Pat Guam International Air Terminal and passengers
7 arriving on Guam via ocean vessels, that require the services of
8 the inspectors of the Plant Protection and Quarantine Section of
9 the Department of Agriculture on any day of the week upon
10 special request by the Director of Customs and Quarantine on
11 Sundays, holidays, or between the hours of 5:00 p.m. of any other
12 day and 6:00 a.m. of the following day, shall be charged for
13 services as are rendered by an inspector(s) of the Plant Protection
14 and Quarantine Section of the Department of Agriculture as
15 follows:

16 (i) for the first hour or fraction thereof, a rate of
17 three (3) times the officer's, or officers', hourly wage (3.0 x
18 hourly wage rate) for each officer requested to perform off-
19 duty inspection service; *and*

20 (ii) after the first hour, but only after fifteen (15)
21 minutes has elapsed, a rate one and a half (1½) times each
22 officer's hourly wage rate during such hour, or each hour
23 thereafter, but *not to exceed* a maximum charge of Two
24 Hundred Seventy-five Dollars (\$275.00) per officer per day.

1 **(c) Non-Performance of Services.** *If* services have
2 been requested and the officer(s) has reported to work, and the
3 services are *not* performed by reason of circumstances beyond the
4 control of the officer(s) concerned, the requesting party shall be
5 charged in accordance with §§73203(a) and (b) on the same basis
6 as though the services had actually been performed during the
7 time the officer was ordered to report for duty and did so report,
8 and the time the officer was notified that the officer's services
9 would *not* be required.

10 **(d) Administrative Surcharge.** In addition to charges
11 authorized under §§73203(a), (b) and (c), a Two Dollar (\$2.00)
12 administrative surcharge per employee shall be assessed to and
13 payable by the persons receiving such services for the cost of
14 processing, collecting and administering this program.

15 **Section 73204. Payment and Penalties.**

16 **(a) Payments Due.** All person(s) requesting the services
17 of Customs and Quarantine Agency Officers, or the inspectors of
18 the Plant Protection and Quarantine Section of the Department of
19 Agriculture, of the government of Guam under §73203, and to
20 whom such services were provided, shall make payments to the
21 '*Treasurer of Guam*' immediately upon the delivery of services.
22 Upon the written request of person(s) receiving the services of
23 Customs and Quarantine Agency Officers, or the inspectors of the
24 Plant Protection and Quarantine Section of the Department of
25 Agriculture, the Director of Customs and Quarantine may

1 authorize person(s) an extension of payment of *up to* thirty (30)
2 days from the date of service(s), *subject to* the penalties and
3 conditions stipulated in §§73204(b) and (c).

4 **(b) Interest Penalty.** Each person who receives
5 customs or plant protection and quarantine inspection services
6 under §73203, and fails to make payment for each such completed
7 service(s) within thirty (30) days of the date of service, or thirty
8 (30) days from the date of extension, shall pay an interest penalty
9 of fifteen percent (15%) per annum to the Treasurer of Guam, on
10 the amount of past due or balance thereof. No interest penalty
11 shall be assessed on payments made in full on or before the
12 thirtieth (30th) day from the date payments are due.

13 **(c) Unpaid Interest.** Interest penalty applicable
14 under §73204(b) which remain unpaid shall accrue to the balance
15 due for purposes of computing current interest due.

16 **Section 73205. Carrier Off-Duty Services Revolving Fund.**

17 **(a) Fund Established.** There is hereby established
18 within the Customs and Quarantine Agency, a fund to be known
19 as the '*Carrier Off-Duty Services Revolving Fund*' which shall be
20 separate and apart from other funds in the government of Guam,
21 and for which independent records shall be maintained.

22 **(b) Deposits.** All money received in accordance with this
23 Act shall be deposited into the Carrier Off-Duty Services
24 Revolving Fund.

1 **(c) Authorized Expense(s).** All authorized expenses
2 for providing customs, agriculture and quarantine service(s)
3 pursuant to this Act, shall be paid by the Treasurer of Guam from
4 the Carrier Off-Duty Services Revolving Fund upon the submittal
5 of vouchers certified by the Director of Customs and Quarantine
6 or the Director of Agriculture. Each officer shall be responsible for
7 all employer retirement contribution which may be applicable on
8 their behalf.

9 **(d) Report.** In the first January after the enactment of
10 this Act, and every six (6) months thereafter, the Director of
11 Customs and Quarantine shall prepare and transmit via *I*
12 *Maga'lahaen Guåhan* to the Speaker of *I Liheslaturan Guåhan* a
13 detailed report on the status of the Carrier Off-Duty Services
14 Revolving Fund to include an itemization of expenditures charged
15 against the Fund."

16 **Section 2.** Each fiscal year the sum of Fifty Thousand Dollars
17 (\$50,000.00) shall be appropriated from the "*Customs, Agriculture and*
18 *Quarantine Inspection Services Charge Fund*" to the "*Carrier Off-Duty Services*
19 *Revolving Fund*" for the purpose of establishing the revolving capital required
20 for the Program. At the end of each fiscal year, the sums appropriated in this
21 Section shall revert to the "*Customs, Agriculture and Quarantine Inspection*
22 *Services Charge Fund*."

23 **Section 3.** Section 6220 of Article 2, Chapter 6 of Title 4 of the Guam
24 Code Annotated is hereby *repealed and reenacted* to read as follows:

1 **"Section 6220. Customs and Quarantine Agency Officer and**
2 **Plant Protection and Quarantine Officer: Compensation.** Any
3 Officer who has performed carrier off-duty services pursuant to this Act
4 shall be compensated at the rate of three (3.0) times the officer's hourly
5 wage rate for the first hour of service provided, and one and a half times
6 (1½) the officer's hourly wage rate *after* the first hour of said service;
7 *provided*, that the officer shall perform *no less than* fifteen (15) minutes of
8 service for the second hour, or each hour thereafter, before receiving
9 credit and compensation for the full hour."

10 **Section 4.** Section 28112 is hereby *added* to Chapter 28, Division 2 of
11 Title 11 of the Guam Code Annotated to read as follows:

12 **"Section 28112. Continuing Appropriation.** Upon
13 enactment of this Act, and each fiscal year thereafter, sums based on
14 two percent (2%) of the total Use Tax collected in the previous fiscal
15 year shall be appropriated to the "*Customs, Agriculture and Quarantine*
16 *Services Charge Fund*" to cover costs associated with Use Tax collection
17 inspection activities. This appropriation is continuous, but is contingent
18 on the annual submission of a detailed budget to *I Liheslaturan Guåhan*
19 by the Director of the Customs and Quarantine Agency."

20 **Section 5. Appropriations for Rate Study.** There is hereby
21 appropriated from the FY2001 revenues of the Customs, Agricultural and
22 Quarantine Services Fund such sums as are necessary, but *not to exceed* the
23 sum of Three Hundred Fifty-two Thousand Dollars (\$352,000.00) to the
24 Customs and Quarantine Agency for the purpose of conducting a rate study
25 to adopt a revised rate schedule for services provided by the Agency. The

1 scope of the rate study shall include provisions for the recapture of sums
2 appropriated or expended pursuant to this Section upon implementation of a
3 revised rate schedule.

4 **Section 6. Appropriations for Personnel Services.** There is
5 hereby appropriated from the Customs, Agricultural and Quarantine Services
6 Fund the sum of Five Hundred Three Thousand Eight Hundred Forty-three
7 Dollars (\$503,843.00) to the Customs and Quarantine Agency for night
8 differential, hazardous pay, holiday pay and overtime expenses. The
9 Customs and Quarantine Agency is hereby authorized to pay prior years'
10 overtime expenses from appropriations made in this Section.

11 **Section 7. Severability.** *If* any provision of this Law or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this
14 Law which can be given effect without the invalid provisions or application,
15 and to this end the provisions of this Law are severable.

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 5/11/00 *6*

VOTING SHEET

Bill No. 410(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II					EA
UNPINGCO, Antonio R.	✓				

TOTAL

14 0 0 0 1 EA

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

May 9, 2000

(DATE)

Memorandum

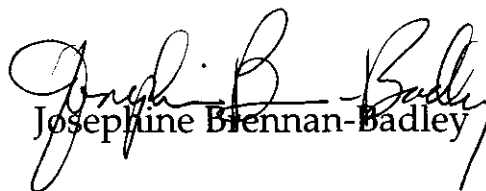
To: Senator Kaleo S. Moylan

From: Clerk of the Legislature

Subject: Report on Bill No. 410(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 410(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

5/9/00


received

Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature

May 4, 2000

Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko Na Liheslaturan Guåhan
Hagåtña, Guam 96910

VIA: Chairperson, Committee on Rules, Government Reform, Reorganization
and Federal Affairs

Dear Mr. Speaker:

The Committee on Housing, General Government Services and Foreign Affairs, to which was referred Bill No. 410 (COR), "AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO *REPEAL AND REENACT* SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO *ADD* A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted by the Committee.

The Committee votes are as follows:

<u>-10-</u>	To Do Pass:
<u>-0-</u>	Not to Pass
<u>-0-</u>	Abstain
<u>-0-</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Thank you,

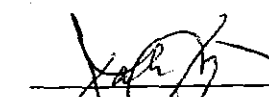
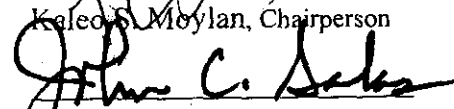
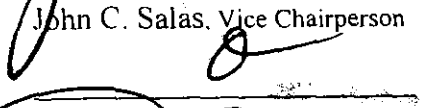
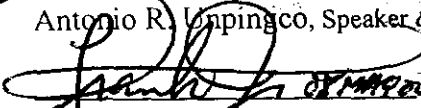
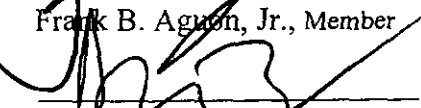
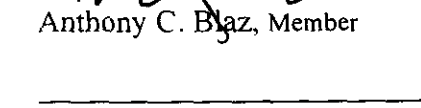
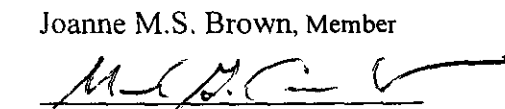
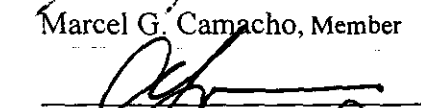
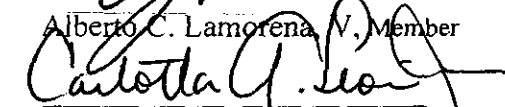
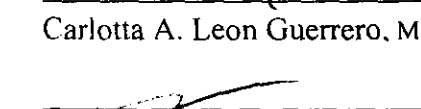
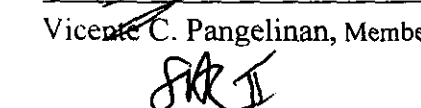

KALEO S. MOYLAN
Chairperson

Enclosure:

**Committee on Housing,
General Government Services and Foreign Affairs
Vote Sheet on
Substitute Bill No. 410 (COR)**

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	IN CLIA FILE
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 Kaleo S. Moylan, Chairperson	↓			
 John C. Salas, Vice Chairperson	✓			
 Antonio R. Umpingco, Speaker & Ex-Officio	✓			
 Frank B. Aguirre, Jr., Member	✓			
 Anthony C. Blaz, Member	✓			
 Joanne M.S. Brown, Member				
 Marcel G. Camacho, Member	✓			
 Alberto C. Lamorena, Member	↓			
 Carlotta A. Leon Guerrero, Member	→ ✓			
 Vicente C. Pangelinan, Member	✓			
 Simon A. Sanchez, II, Member	✓			

*Committee on Housing,
General Government Services and Foreign Affairs
Report On
Substitute Bill No. 410 (COR)*

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED.

Introduced by Senators
K. S. Moylan, J. C. Salas, and V. C. Pangelinan

PUBLIC HEARING: The Committee on Housing, General Government Services, to which was referred Bill No. 410 (COR), “AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED,” conducted a public hearing on Wednesday, April 26, 2000 at 9:30 a.m. in the Legislative Public Hearing Room, Hagatña, Guam.

MEMBERS PRESENT: Senator Kaleo S. Moylan, Chairperson of the Committee on Housing, General Government Services and Foreign Affairs convened the hearing promptly at 9:30 a.m. Also in attendance were Senators Vicente C. Pangelinan, Alberto C. Lamorena, V., Joanne M.S. Brown, Simon A. Sanchez, II, and Frank B. Aguon, Jr.

TESTIMONY: Part I. Oral Testimony: Appearing before the Committee to provide oral testimony by order of presentation were:

- A. **Captain E. T. Flores** (Customs RET.) - recommended certain language be incorporated into the Bill to provide clarification with respect to the definition of an off-duty officer, found in page 2, line 13 of Section 1, subsection 73202(b), add the phrase *“regardless of his or her pay range”* after the word “officer”. Also, in line 23, subsection (d) of the same, add after the word “unit”, *“and any individual, master or operator of a sea vessel or designated representative of a sea vessel including yachts and boats arriving from outside the territory of Guam.”* Captain Flores also recommended adding the definition of the word service to this section whereby the term *“service” means the inspection by Customs officers of arriving air and sea cargo, postal materials and cargo, military and merchant sea vessels inclusive of any size yachts and boats.”*

Captain Flores continued his presentation by recommending that compensation for Customs off-duty services between Monday and Saturday except holidays falling on such days, be set at three times (3.0 x hr. wage) for the first hour or any fraction thereof and one and a half times (1.5 x hr. wage) for each hour thereafter and two times the rate (2.0 x hr. wage) for Sundays and holidays.

- B. **Annie Mesa Makepeace** - Not in favor of Bill 410 due to the financial restrictions contained in the Bill and suggested that the original draft as proposed by Customs be used for a substitute measure.

[Note: The problem with this however is that the Committee has disposed of that version as an earlier draft not cognizant of the theme of cost containment and the current economic conditions facing businesses in Guam.]

- C. **Torgun Smith** - Recommended that the Bill is needed to assist carriers with the business of moving cargo expediently out of the airport but also expressed concern over the added costs to be born by the carriers especially small operators who do not have the luxury of spreading added clearance costs or who simply cannot afford the cost of off-duty clearance by Customs. Mr. Smith also suggested that the hours of operations be changed to accommodate “peak demand” hours at the airport.

- D. **Kenneth Ray Paulino** - Supports the intent and most provisions of the Bill but suggested that an officer must work at least fifteen minutes into the hour before being compensated for the full hour rate. By removing the phrase “a fraction thereof and replacing it with “a minimum of fifteen minutes into the next hour,” certain potential for abuse would be prevented. This section refers to the rate of compensation language found in Bill 410.

- E. **Kevin Aoki** - expressed interest in having the regular operating hours of Customs Cargo Unit to begin at 6:00 a.m. and extend beyond 5:00 p.m. perhaps to 7 p.m. or 8 p.m.. The reason for this would be to accommodate express air cargo which have certain delivery time constraints (i.e., 12 noon delivery for express documents). Mr. Aoki did not raise any specific objections to Bill 410 but simply sought clarification with respect to operating hours and Customs flexibility to provide service when needed or requested by companies like FedEx.

Part II. Written Testimony. Numerous individuals in particular Customs officers, appeared at the public hearing and provided the Committee with written testimony. The list of individuals and or officers submitting written testimony for the record are:

Officers:	James T. McDonald	Tomas Quintanilla
	Gerard V. Aflague	Eric J. Delfin
	Luis Camacho	Ricky P. Mendiola
	Edward T. Flores (RET.)	Daniel P. Salas
	Paul J. Toves	Francis U. Fejarang
	Edwin T. Fejeran	Robert C. Yutig
	Philip SN Taijeron	Darlene Merfalen
	Franklin J. Quinata	Jaime D.S. Paulino
	David A. Reyes	

Director John M. Quinata was reported to be off-island however his testimony was delivered by Acting Director James T. McDonald. Several private sector representatives of transport and shipping companies also submitted written testimony to the Committee. These are: Greg Domon, General Manager, DHL Worldwide

Express; Joe Rios, Operations Manager, Matson Navigation Company; and Eugene H. Santos. All written testimonies are appended to this report.

Upon receiving all oral and written testimonies, the Committee offered both parties (Customs and Quarantine Agency and Carriers) the opportunity to discuss the issue(s) placed before the Committee relative to the rate of payment and hours of operation with the expectation that a compromise could be achieved.

The position presented by Customs is to incorporate into Bill No. 410, the rate of three time (3x) the hourly wage rate and 1.5 times for each hour thereafter while keeping the hours of operation status quo.

The position of the Carriers is that they are amenable to paying the rate suggested by Customs, however, they would want to have the hours of operation for Customs Air Cargo to be set at 6:00 a.m. to 5:00 p.m. thereby meeting peak demand requirements of the industry.

Given this scenario, the Committee suggested that Customs and the Carriers meet and resolve the issue(s) at hand, relative to the rate of payment and hours of operations, *and* to provide the Committee with their final recommendation with 48 hours of the hearing date.

The input received from the Carriers was to modify the hours of operation even if certain costs would have to be borne. The input received from Customs is to adopt the suggested rate of pay without changing the hours of operation. This illustrated to the Committee the inability for the two parties to reach a suitable compromise, thus compelling the Committee to rectify this impasse.

FINDINGS AND SECTION ANALYSIS: The Committee findings and analysis are as follows:

Section 1. This Section adds a new Article 2 to Chapter 73, Division 7, Part 3 of Title 5 of the Guam Code Annotated establishing a "*Carrier Off-Duty Services Revolving Fund.*"

Section 73201. Cites new Article 2 as "*The Carrier Off-Duty Services Revolving Fund Act.*"

- Section 73202.** Defines certain words and phrases used throughout legislation.
- Section 73203.** Establishes Charges for Carrier Off-Duty Services of
- Section 73204.** Provides for Payment and Penalties.
- Section 73205.** Establishes within the Department of Customs and Quarantine, a fund to be known as the “Carrier Off-duty Services Revolving Fund.” The Fund is maintained separate and apart from other funds in the government of Guam, and independent records must be maintained.
- Section 2.** Provides that each fiscal year, the sum of Fifty Thousand Dollars (\$50,000.00) is to be appropriated from the “*Customs, Agriculture, and Quarantine Inspection Services Charge Fund*” to the “*Carrier Off-duty Services Revolving Fund.*” At the end of the each fiscal year, the sums appropriated in this section shall revert to the “*Customs, Agriculture, and Quarantine Inspection Services Charge Fund*”.
- Section 3.** Repeals and reenacts Section 6220, Article 2, Chapter 6 of Title 4 of the Guam Code Annotated relative to providing that any Officer who has performed carrier off-duty services pursuant to this Act shall be compensated at the rate of one and a half times the officer’s current hourly wage rate (1.5 x employees hourly wage rate) for each off-duty hour of service performed.”
- Section 4.** Adds a new Section 28112 to Chapter 28 of Title 11 of the Guam Code Annotated. This new Section provides for a continuing appropriation on two percent (2%) of the total Use Tax collected in the previous fiscal year to cover administrative costs associated with Use Tax Collection activities. Although the appropriation is continuous its expenditure is contingent on the annual submission of a detailed budget to *I Liheslaturan Guåhan* from the Director of the Customs and Quarantine Agency.

Section 5. Severability. *If* any provision of this Law is found to be invalid or contrary to law, the remaining provisions can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

RECOMMENDATION: The Committee, having reviewed the testimonies presented at the public hearing, does hereby recommend to the Guam Legislature that Bill No. 410 (COR), "AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO *REPEAL AND REENACT* SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO *ADD* A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED," be passed as substituted.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 410 (COR)

As substituted by the Committee on
Housing, General Government Services
and Foreign Affairs.

Introduced by:

K. S. Moylan ✕

J. C. Salas

V. C. Pangelinan

F. B. Aquino

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER
73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM
CODE ANNOTATED, RELATIVE TO
ESTABLISHING A CARRIER OFF-DUTY SERVICES
REVOLVING FUND AND TO *REPEAL AND
REENACT* SECTION 6220, ARTICLE 2, OF
CHAPTER 6 OF TITLE 4 OF THE GUAM CODE
ANNOTATED AND TO *ADD* A NEW SECTION 28112
TO CHAPTER 28 OF TITLE 11 OF THE GUAM
CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 2 is hereby *added* to Chapter 73, Division 7, Part 3
of Title 5 of the Guam Code Annotated to read as follows:

“Article 2.

Carrier Off-Duty Services Revolving Fund.

Section 73201. Title.

Section 73202. Definitions.

1 (e) *Service* means inspection by Customs officers of arriving
2 air and sea cargo, postal materials and shipments, military, merchant and
3 private vessels, yachts and boats of various tonnage or size.

4 **Section 73203. Charges for Carrier Off-Duty Services of Customs**
5 **and Quarantine Officers. (a) Charges for Services.** All persons,
6 excluding air carriers arriving at the Guam International Air Terminal and
7 passengers arriving to Guam via ocean vessels, whose operations require the
8 services of Customs and Quarantine Agency Officers of the government of
9 Guam on any day of the week upon special request, Sundays, holidays, or
10 between the hours of 5:00 p.m. of any other day and 6:00 a.m. of the following
11 day, shall be charged for services as are rendered by CQA officer or officers as
12 follows:

13 (i) for the first hour or fraction thereof, a rate of three times the
14 officer's or officers' hourly wage (3.0 x hourly wage rate) for each
15 officer requested to perform off-duty inspection service; and,

16 (ii) after the first hour but only after fifteen minutes of said
17 service has elapsed, a rate one and a half times each officers hourly wage
18 rate during such hour or each hour thereafter, but not to exceed a
19 maximum charge of Two Hundred and seventy-five dollars (\$275.00)
20 per officer per day.

21 **(b) Non-performance of Services.** If services have been
22 requested and the officer or officers has reported to work, and the services are
23 not performed by reason of circumstances beyond the control of the officer(s)
24 concerned, the requesting party shall be charged in accordance with §73203(a)
25 on the same basis as though the services had actually been performed during

1 the time the officer was ordered to report for duty and did so report, and the
2 time he was notified that his services would not be required.

3 **Section 73204. Payment and Penalties. (a) Payments Due.**

4 All person(s) requesting the services of Customs and Quarantine Agency
5 Officers of the government of Guam under §73203 and to whom such services
6 were provided, shall make payments to the Treasurer of Guam immediately
7 upon the delivery of services. Upon the written request of person(s) receiving
8 the services of Customs and Quarantine Agency Officers, the Director of
9 Customs may authorize person(s) an extension of payment of up to thirty (30)
10 days from the date of service(s) subject to the penalties and conditions
11 stipulated in §73204 (b) and (c).

12 **(b) Interest Penalty.** Each person who receives customs
13 services under §73203, and fails to make payment for each such completed
14 service(s) within thirty (30) days of the date of service or thirty (30) days from
15 the date of extension shall pay an interest penalty of fifteen percent (15%) per
16 annum to the Treasurer of Guam, on the amount of past due or balance thereof.
17 No interest penalty shall be assessed on payments made in full on or before the
18 thirtieth (30th) day from the date payments are due.

19 **(c) Unpaid Interest.** Interest penalty applicable under
20 §73204(b) which remain unpaid shall accrue to the balance due for purposes of
21 computing current interest due.

22 **Section 73205. Carrier Off-Duty Services Revolving Fund.**

23 **(a) Fund Established.** There is hereby established within the
24 Department of Customs and Quarantine, a fund to be known as the “Carrier
25 Off-Duty Services Revolving Fund” which shall be separate and apart from

1 other funds in the government of Guam, and for which independent records
2 shall be maintained.

3 (b) **Deposits.** All money received in accordance with this Act shall
4 be deposited into the "Carrier Off-Duty Services Revolving Fund".

5 (c) **Authorized Expense(s).** All authorized expenses for
6 providing Customs and Quarantine Agency service(s) pursuant to this Act,
7 shall be paid by the Treasurer of Guam from the Carrier Off-Duty Services
8 Revolving Fund upon the submittal of vouchers certified by the Director of
9 Customs and Quarantine

10 (d) **Report.** In the first January after the enactment of this Act,
11 and every six (6) months thereafter, the Director of Customs and Quarantine
12 shall prepare and transmit via *I Maga'lahaen Guåhan* to the Speaker of *I*
13 *Lihselaturan Guåhan* a detail report on the status of the Carrier Off-Duty
14 Services Revolving Fund to include an itemization of expenditures charged
15 against the Fund."

16 **Section 2.** Each fiscal year, the sum of Fifty Thousand Dollars (\$50,000.00)
17 shall be appropriated from the "***Customs, Agriculture, and Quarantine Inspection***
18 ***Services Charge Fund***", to the "***Carrier Off-Duty Services Revolving Fund***" for the
19 purpose of establishing necessary revolving capital required for the program. At the
20 end of the each fiscal year, the sums appropriated in this section shall revert to the
21 "***Customs, Agriculture, and Quarantine Inspection Services Charge Fund.***"

22 **Section 3.** Section 6220 of Article 2, Chapter 6 of Title 4 of the Guam Code
23 Annotated is hereby *repealed and reenacted* to read as follows:

24 "Section 6220. **Customs and Quarantine Agency Officer:**
25 **Compensation.** Any Officer who has performed carrier off-duty services

1 pursuant to this Act shall be compensated at the rate of three (3.0) times the
2 officer's hourly wage rate for the first hour of service provided and one and a
3 half times (1.5) the officer's hourly wage rate for the second hour of said
4 service provided that the officer performs no less than fifteen (15) minutes of
5 service for the second hour or each hour thereafter before receiving credit and
6 compensation for the full hour.

7 **Section 4.** A new Section 28112 is hereby *added* to Chapter 28 of Title 11 of
8 the Guam Code Annotated to read as follows:

9 **"Section 28112. Continuing Appropriation.** Upon enactment of
10 this Act, and each fiscal year thereafter, sums based on two percent (2%) of the
11 total Use Tax collected in the previous fiscal year shall be appropriated to the
12 **"Customs, Agriculture, and Quarantine Services Charge Fund"** to cover
13 administrative costs associated with Use Tax Collection activities. This
14 appropriation is continuous but is contingent on the annual submission of a
15 detailed budget to *I Liheslaturan Guåhan* from the Director of the Customs and
16 Quarantine Agency."

17 **Section 5. Severability.** *If* any provision of this Law or its application
18 to any person or circumstance is found to be invalid or contrary to law, such
19 invalidity shall *not* affect other provisions or applications of this Law which can be
20 given effect without the invalid provisions or application, and to this end the
21 provisions of this Law are severable.

**MINA BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session**

Bill No. 410(COR)

Introduced by:

Clerk of the Legislature

K.S. Moylan *H*
J.C. Salas *JCS*
V.C. Pangelinan

ACKNOWLEDGEMENT RECEIPT
Received by: *JCS*
Time: *4:20 pm*
Date: *4/7/00*

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED.

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

2 **Section 1.** A new Article 2 is hereby *added* to Chapter 73, Division
3 Part 3 of Title 5 of the Guam Code Annotated to read as follows:

4 **"Article 2.**

5 **Carrier Off-Duty Services Revolving Fund.**

6 **Section 73201.** **Title.**

7 **Section 73202.** **Definitions.**

8 **Section 73203.** **Charges for Carrier Off-Duty Services**

9 **—Customs and Quarantine Agency Office**

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Section 73204. Payment and Penalties.

Section 73205. Carrier Off-Duty Services Revolving Fund.

Section 73201. Title. This Article may be cited and referred to as "*The Carrier Off-Duty Services Revolving Fund Act.*"

Section 73202. Definitions, Generally. Whenever used in this Chapter, unless otherwise required by the context:

(a) *Shipper* means a person and/or his or her agent(s) responsible for the shipment of inbound and outbound cargo through Guam's airports or seaports.

(b) *Off-duty officer* means an officer of the Customs and Quarantine Agency who is not actively fulfilling any scheduled and assigned task and who is available to perform services outside of his or her assigned or scheduled work hours.

(c) *Officer* means a Customs and Quarantine Officer duly employed by the Customs and Quarantine Agency, Government of Guam.

(d) *Person* includes any individual, firm, co-partnership, joint venture, association, corporation, trust or any group or combination acting as a unit, and the plural as well as the singular number as may be appropriate.

1 **Section 73203. Charges for Carrier Off-Duty Services of**
2 **Customs and Quarantine Officers. (a) Charges for Services.**

3 All persons, excluding air carriers arriving at the Guam
4 International Air Terminal and passengers arriving to Guam via
5 ocean vessels, whose operations require the services of Customs
6 and Quarantine Agency Officers of the government of Guam on
7 any day of the week upon special request, Sundays, holidays, or
8 between the hours of 5:00 p.m. of any other day and 8:00 a.m. of
9 the following day, shall be charged for services as are rendered by
10 CQA officer or officers as follow:

11 (i) for the first hour or fraction thereof of such services, a
12 rate of sixty-five dollars (\$65.00) per hour for each officer
13 requested to perform service; and,

14 (ii) after the first hour or fraction thereof, a rate of thirty
15 dollars (\$30.00) per hour for each hour or a fraction thereof for
16 each officer but not to exceed a maximum charge of two-hundred
17 and seventy-five dollars (\$275.00) per officer per day.

18 (iii) no officer shall be eligible to perform carrier off-duty
19 services as provided for in this Act unless such officer has
20 completed or will complete a minimum of forty (40) hours of work
21 during his or her normally scheduled or assigned work week.

22 (iv) The Customs and Quarantine Agency shall schedule
23 each eligible officer completing 40 hours of regular time to no
24 more than two off-duty service assignments per pay period.

1 **(b) Non-performance of Services.** If services have
2 been requested and the officer or officers has reported to
3 work, and the services are not performed by reason of
4 circumstances beyond the control of the officer(s)
5 concerned, the requesting party shall be charged in
6 accordance with §73203(a) on the same basis as though
7 the services had actually been performed during the time
8 the officer was ordered to report for duty and did so
9 report, and the time he was notified that his services
10 would not be required.

11 **(c) Restrictions to Charge Imposition.** Charges for
12 services authorized by this Section shall be imposed only
13 after all other overtime appropriations made to the
14 Customs & Quarantine Agency for the operating fiscal
15 year have been exhausted.

16 **Section 73204. Payment and Penalties. (a) Payment:**
17 **Due.** All person(s) requesting the services of Customs and
18 Quarantine Agency Officers of the government of Guam under
19 §73203 and to whom such services were provided, shall make
20 payments to the Treasurer of Guam immediately upon the
21 delivery of services. Upon the written request of person(s)
22 receiving the services of Customs and Quarantine Agency
23 Officers, the Director of Customs may authorize person(s) a
24 extension of payment of up to thirty (30) days from the date of

1 service(s) subject to the penalties and conditions stipulated in
2 §73204 (b) and (c).

3 (b) Interest Penalty. Each person who receives
4 ~~customs services under §73203, and fails to make payment for~~
5 each such completed service(s) within thirty (30) days of the date
6 of service or thirty (30) days from the date of extension shall pay
7 an interest penalty of fifteen percent (15%) per annum to the
8 Treasurer of Guam, on the amount of past due or balance thereof.
9 No interest penalty shall be assessed on payments made in full on
10 or before the thirtieth (30th) day from the date payments are due.

11 (c) Unpaid Interest. Interest penalty applicable
12 under §73204(b) which remain unpaid shall accrue to the balance
13 due for purposes of computing current interest due.

14 Section 73205. Carrier Off-Duty Services Revolving
15 Fund.(a) Fund Established. There is hereby established
16 within the Department of Customs and Quarantine, a fund to be
17 known as the "Carrier Off-duty Services Revolving Fund" which
18 shall be separate and apart from other funds in the government of
19 Guam, and for which independent records shall be maintained.

20 (b) Deposits. All money received in accordance with this
21 Act shall be deposited into the "Carrier Off-duty Services
22 Revolving Fund".

23 (c) Authorized Expense(s). All authorized expenses
24 for providing Customs and Quarantine Agency service(s)

1 pursuant to this Act, shall be paid by the Treasurer of Guam from
2 the Carrier Off-duty Services Revolving Fund upon the submittal
3 of vouchers certified by the Director of Customs and Quarantine

4 (d) ~~Report.~~ In the first January after the enactment of
5 this Act, and every six (6) months thereafter, the Director of
6 Customs and Quarantine shall prepare and transmit via *I*
7 *Maga'lahaen Guåhan* to the Speaker of *I Liheslaturan Guåhan* a detail
8 report on the status of the Carrier Off-duty Services Revolving
9 Fund to include an itemization of expenditures charged against
10 the Fund."

11 **Section 2.** Each fiscal year, the sum of Fifty Thousand Dollars
12 (\$50,000.00) shall be appropriated from the "Customs, Agriculture, and
13 Quarantine Inspection Services Charge Fund" to the "Carrier Off-duty
14 Services Revolving Fund" for the purpose of establishing necessary revolving
15 capital required for the program. At the end of the each fiscal year, the sums
16 appropriated in this section shall revert to the "Customs, Agriculture, and
17 Quarantine Inspection Services Charge Fund".

18 **Section 3.** Section 6220 of Article 2, Chapter 6 of Title 4 of the Guarr
19 Code Annotated is hereby *repealed and reenacted* to read as follows:

20 "Section 6220. Customs and Quarantine Agency Officer
21 **Compensation.** Any Officer who has performed carrier off-duty
22 services pursuant to this Act shall be compensated at the rate of one and
23 a half times the officer's current hourly wage rate (1.5 x employee
24 hourly wage rate) for each off-duty hour of service performed.

1 **Section 4.** A new §28112 is hereby added to Chapter 28 of Title 11 of
2 the Guam Code Annotated to read as follows:

3 **"§28112. Continuing Appropriation.** Upon enactment of this
4 Act, and each fiscal year thereafter, sums based on two percent (2%) of
5 the total Use Tax collected in the previous fiscal year shall be
6 appropriated to the "Customs, Agriculture, and Quarantine Services
7 Charge Fund" to cover administrative costs associated with Use Tax
8 Collection activities. This appropriation is continuous but is contingent
9 on the annual submission of a detailed budget to *I Lehislaturan Guåhan*
10 from the Director of the Customs and Quarantine Agency."

11 **Section 5. Severability.** *If* any provision of this Law or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this
14 Law which can be given effect without the invalid provisions or application,
15 and to this end the provisions of this Law are severable.



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidira

*Senator Mark Forbes, Chairman
Kabisiyon Mayordt*

19 APR 2000

MEMORANDUM

TO: Chairman
Committee on Housing, General Government Services and Foreign Affairs

FROM: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 410

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

GUAM LEGISLATURE OFFICE OF SENATOR KALEO S. MOYLAN ACKNOWLEDGEMENT RECEIPT Date: <u>4/20/2000</u> Time: <u>12:25 p.m.</u> Received by: <u>Clon</u>
--

you call 911 for assistance, can assistance," the statement said.

Moylan seeks compromise in Customs air cargo controversy

By Jay Pascua
Variety News Staff

THE CHAIR of the Legislature's Committee on Housing, General Government Services and Foreign Affairs, Sen. Kaleo Moylan, is looking for a compromise between the Department of Customs and Quarantine and freight forwarders and couriers over Customs air cargo operations.

The department instituted new hours after several of its air cargo officers opted to take the early out incentives. Freight forwarders and couriers objected to the new hours.

Yesterday, the committee held a public hearing to obtain testimony on Bill 410.

The measure would establish a "Carrier Off-Duty Services Revolving Fund."

The legislation originally stated that air carriers needing services "upon special request, Sundays, holidays, or between the hours of 5 p.m. of any other day and 8 a.m. of the following day, shall be charged for services."

The draft of the bill would charge a rate of \$65 per hour for each officer providing the service for the first hour. After the first hour \$30 would be charged for each additional hour not to exceed \$275 per officer per day.

Moylan (R-Dededo) said he would like the companies and Customs to work out an agreement for inclusion in his bill to establish the revolving fund.

"The issue comes down to what's a fair compromise and the compensation for the Customs officer, for the off-duty hours to service the freight forwarders during holidays and weekends and during hours that cargo comes in that are not regular normal hours and what is fair to the freight

forwarders and as what should be the hours of operation," Moylan said.

According to Moylan, freight forwarders would like to have the hours change from the current 8 a.m. to 5 p.m. schedule.

TNT Express Worldwide General Manager Torgun Smith during his testimony before the committee told senators he would support the bill only if the hours of operation for the department's air cargo division were changed.

"I am opposed to the bill if the regular duty hours are starting at 8 a.m. because the peak of the business starts at 6 [a.m.]," Smith said.

Smith said his company would like to clear cargo at 6 a.m. to have it on the road by 8 a.m.

Moylan said officers would like to be compensated similar to U.S. Customs officers by getting paid three times more as an overtime rate.

Several local Customs officers were present during the public hearing but none stepped forward to provide testimony.

"Officially they cannot comment but that's what I need to know. What is the compromise? And once we reach that compromise I think the bill works but if you are not going to talk you're not going to let us know what the compromise is. Then you are being unfair to the consumers in the end who supports Customs operations and Customs will continue to get hurt," Moylan said.

Sen. Ben Pangelinan (D-Barrigada) during the public hearing urged Customs officers to step forward and give their opinion despite Executive Order 2000-07 or what he called the "gag order."



Sen. Kaleo Moylan

"The [Customs] director is not here to represent the official position of the administration and those that know the operation such as the officers are hesitant to come up because of that gag order and how it may or may not apply to them. So, we have a situation where we're going to make some decisions that may or may not work which could easily be improved in terms of the decision we make," Pangelinan said.

Moylan said Bill 410 is a "stop gap" measure and a temporary solution while a request for proposal is in the works that would allow a company to look into the Customs and Quarantine users fee.

Moylan in previous interviews with Variety said small companies are charged the same amount for one package as big companies with one container full of similar packages.

He said smaller companies have argued the fee is not being fairly administered.

The committee has given the department 48 hours to disagree with the "three times salary" and 6 a.m. to 5 p.m. hours of operation compromise or come up with an alternative solution.

four-cutting ceremony last
 at the new school, and Act-
 g Gov. Madeleine Bordallo de-
 ered the keynote address.

GUAM

**Islandwide Science
 Air Forms due**

Today is the deadline to submit
 any forms for the 22nd Guam
 Annual Islandwide Science Fair.
 Completed entry forms must be
 turned into the central files office
 at the governor's complex in
 Agaña.

The science fair will be held
 from 8 a.m. to 5 p.m. May 13, at
 the University of Guam Science
 Building.
 Elementary, middle, junior high
 and high school students from all
 private, public and DODFA
 schools are welcome to enter the
 competition.

Copies of rules and entry forms
 are available through science
 teachers, Shell stations, Pay-less
 markets and McDonald's restau-
 rants.
 Categories for the fair include
 biology and earth science; physi-
 cal science, computers and math;
 human/medical; animal/plant;
 chemistry; and energy, inventions,
 electronics and photography pro-
 jects. For more information, call
 477-3648, 349-5410 or 735-2850.

Pacific Daily News

Clearing the record
 We care about accuracy. If you
 would like to clear the record,
 call the Pacific Daily News at
 477-9711, ext. 412.

Above: Richard Blas is carried
 by fellow students during a trust
 exercise during the 10th Annual
 Youth for Youth Conference yes-
 terday at the Hyatt Hotel in Tu-
 man. Conference staffers Juwee
 Aotlig and Joleen Muna were
 waiting at the end of the line to
 hold Blas up. The three-day event
 draws 350 students from middle
 and high schools in Guam, Tin-
 ian, Rota and Palau.

Right: Roxanne Agustin explains
 an exercise called "Gang Vio-
 lence" during the 10th Annual
 Youth for Youth Conference yes-
 terday at the Hyatt Regency in Tu-
 man.

the eighth-grader said. "It's really
 trying to send out a message."



Ed Crisostomo/Pacific Daily News

Shortened hours at customs agency remains

hours. According to Pacific Daily
 News files, Quinata had said that
 eight cargo inspectors and seven air-
 port customs officers could not be
 replaced because of the govern-
 ment's hiring freeze.
 Sen. Kaleo Moy-
 lan, R-Dededo, in-
 troduced a bill ear-
 ly last month that
 would allow offi-
 cers to be paid for
 off-duty work including cargo in-
 spections. McDonald said that there
 was a public hearing on the bill last
 week, and if and when it is passed,
 it could take some of the strain off
 the under-staffed department.
 "It would help because we're
 short of manpower at this time," he
 said. "That's why (Director Quina-
 ta) is holding off on that. He has not
 confirmed anything yet."

By Tanya M.C. Mendiola
Pacific Daily News

**Whatever
 Happened to**

John Quinata, customs director,
 was off island last week, attending
 a management conference with an-
 other customs officer,
 and was unavailable for
 comment.
 The department reg-
 ularly sends officers
 away for training, but
 because of the manpower shortage,
 McDonald said the department has
 put upcoming off-island officer
 training on hold.

CALL US

▲ Whatever Happened to is
 a weekly feature designed to
 update our readers on a wide
 range of issues. The Pacific
 Daily News welcomes sug-
 gestions for this feature. To
 submit suggestions, contact
 Brenda Sommer, assistant lo-
 cal news editor.
 ▲ Telephone: 477-9711
 ext. 417
 ▲ Fax 477-3079
 ▲ E-mail
 bsommer@pdpdngum.com

For the past 10 years, the De-
 partment of Mental Health and the
 non-profit youth organization have
 worked together to hold the con-
 ferences for Guam and regional
 youth, Osborn said.
 This year's theme was "Reach
 Out" and had been planned for the
 past eight months by teen facilita-
 tors who organized the events.
 "This conference is planned by
 the teens," Osborn said. "They
 chose all the subjects. They know
 better (than anyone else) what they
 are dealing with."
 One of the objectives of the con-
 ference is to raise awareness, said
 Charles Paulino, an adviser from
 Agueda Johnston Middle School.
 "A lot of the students are un-
 aware (about the issues)," Pauli-
 no said. "It triggers communica-
 tion among peers and their parents."

Mina'Bente Singko Na Liheslaturan Guåhan
25th Guam Legislature
Committee on Housing, General Government Services an Foreign Affairs

Testimonies Submitted to the Committee on Bill No. 410

Bill No. 410 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED."

Gerard V. Aflague

Luis Camacho

Edward T. Flores, Retired Customs
Officer

Greg Domon, General Manager, DHL

Annie Mesa Makepeace, Asst General
Manager, J.J. Moving Services,
Inc.

Paul J. Toves

John M. Quinata, Director of Customs

Edwin T. Fejeran

Robert C. Yutig

James T. McDonald

Tomas Quintanilla

Eric John Delfin

Ricky P. Mendiola

Daniel P. Salas

David A. Reyes

Eugene H. Santos

Darlene Merfalen

Philip SN Tajjeron, Jr.

Francis U. Fejarang

Franklin J. Quinata

Jaime D.S. Paulino, Jr.

Legislative Testimony

Testimony of Gerard V. Aflague
Legislative Bill 410
Customs Carrier Overtime Compensation
April 26, 2000, Wednesday
Committee on Governmental Affairs
Legislative Hearing Room

Good Morning, Chairman Moylan and Committee members, my name is Gerard Aflague. Although a customs officer by career, I am here testifying as a private citizen, and not on behalf of the Customs and Quarantine Agency. At the outset, allow me to state that I am here to testify against Bill No 410 as written, unless changes to the bill as suggested below are made.

As I have reviewed the innards of the proposed bill, I noticed that it was significantly different from what was originally submitted as proposed language by the Customs and Quarantine Agency. The intent of this legislation was to make customs services to our customers more accessible, commensurate with the costs of providing that service, while at the same time, providing expert and timely inspections as needed to ultimately provide for the movement of commerce as was intended. In my opinion, the freeze on government overtime, together with the lack of customs inspection personnel as a result of early retirement and early out programs have resulted in untimely inspections and service. To add to this dilemma, we are experiencing inadequate revenues from customs cargo fees to cover expenditures...this bill as introduced into law, will not address significant issues of fair compensation and reasonable service rates. Until such issues have been ironed out by amending this bill to more amiable terms, this bill if passed as written, will frustrate both agency employees because of unfair compensation, and customers because of ludicrously outrageous service rates.

Just as a note...if I recall correctly, freight forwarders who reviewed our initial proposal were in unanimous support of its language and intent...considering that they were to be the ultimate benefactors of the services. Agreeing to the payment of 3 times the hourly wage for the first hour...and then some. I can only assume that increased profits of customers would result from timely customs deliveries of cargo, etc. Additionally, as officers perform inspections, they will be compensated in full, for what is essentially termed "*Recall Duty*"...when returning to work away from normal work hours, many times for short stints, and at times, during strange and ridiculous hours of the night.

There are many issues in the present language of the bill that I must raise here today that need revisiting and possibly amendments.

Referencing *Section 73203, subsection (i)*: Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.

I feel that the first hour rate or a fraction thereof should reflect the rate of the officer performing the duty multiplied by 3 times. It is my belief that persons performing such work are of different pay structures, and their salary earned through time in service and rank should reflect that difference. In addition, I feel that this would be more agreeable to our customers, since a majority of our officers fall within the \$10-\$15 bracket, which would bring the first hour rate to about \$30-\$45. This change would significantly reduce the charge and be more affordable for all customers of our services... as this is in line with national customs service fees. In my opinion this rate accounts for direct and indirect inspection costs by the officer himself, for providing clearance, including cost of officer's salary, private auto and fuel expenses, personal tools such as flashlights and knives, and other indirect costs associated with this service such as performing short stint inspections and awaking during ungodly hours of the night. In sum, the cost of calling back an officer outside of regular duty hours to provide an inspection service makes for a good incentive encouraging participation in the program...thus providing timely services all-around. Remember, if the rate is too low, officers will not participate in the program, and too high, consumers will not agree to requesting services outside of regular business hours. Thus, we would then have a situation where we are today...overworked and underpaid employees. As such, this rate of 3 times the hour is a rate most equitable across the board.

Referencing *Section 73203, subsection (ii)*: Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.

I feel that this \$30 rate after the first hour...should be replaced with ...at a rate of 1.5 the officer's hourly wage. Again, this is to provide for a fair and equitable charge agreeable to both the officer and the customer for the service provide by the officer, and the service received by the customer.

Referencing *Section 73203, subsection (iv)*: Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.

I feel that capping overtime to no more than two off-duty assignments per pay period provided in law will make the law too stringent and inflexible, thus, causing the agency to exhaust all its manpower pool. Together with other stringent safeguards, such as having to work a total of 40 actual work hours, etc. Such safeguards should be provided for in rules and regulations, allowing for flexibility and ease at which the rules could be adjusted with ever changing factors. Cementing such stringent guidelines into statute may prove detrimental to this program success.

Referencing *Section 73203, subsection (iv) (c)*. Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.

I feel that allowing the imposition of this carrier overtime only upon the exhaustion of all other overtime appropriations to the CQA is not logically sound. It would be critically important to provide an avenue for our agency to seek overtime

Bill No. 410 – Revised by Senator Moylan's Office

1. **Section 73203 (a)(i)(ii). Charges of Services.** This section allows CQA Officers to charge \$65.00 for the first hours and \$30.00 for each additional hour or a fraction thereof not to exceed \$275.00.

Recommendation: That the Senators vote and accept CQA's original recommendation stated in Section 73202 (a)(i)(ii). Charges of Services. Charge the hourly wage of three (3) hours of service by whichever officer is performing such service.

Justification: I feel that the charge of \$65.00 regardless of pay of the officer performing the service is excessive and an over burden to the consumers.

Granted that the highest paid Lieutenant (Lt) in Customs currently earns \$24.25 per hour X 3 will make it \$72.75 for the first hour charge, this will exceed the recommendation of \$65.00 in Bill 410. However, if you take the lowest paid Customs Officer I at \$9.60 per hour X 3 will make it only \$28.80 for the first hour charge, this will be one half less than the recommendation of \$65.00.

It will be rare, if at all, that the highest paid Lt in Customs be called upon to perform this duty. But if it is necessary, it will be better to charge in excess of \$7.25 once in awhile than to exceed by \$36.20 on a continuing basis.

2. **Section 73203 (a) (iii). No officer shall be eligible to perform carrier off-duty services as provided for in this Act unless such officer has completed or will complete a minimum of forth (40) hours of work during his or her normally scheduled or assigned work week.**

Recommendation: This section should be clarified or deleted from the Bill.

Justification: This Section needs to be clarified. What happens if the officer, after performing such service, takes Annual or Sick Leave. Does he or she go unpaid?

In the past, the Agency has made provisions in standard operating procedures or policy letters where as, officers who called in sick, were not permitted to perform carrier overtime until they have physically worked Eight (8) hours of regular duty. ~~In my opinion, restrictions made by this Section of the Bill should be left to the Agency to establish regulations.~~

In addition, once this service is provided, the officer should not be penalized should he take annual leave or be sick thereafter.

3. **Section 73203 (a)(iv).** The Customs and Quarantine Agency shall schedule each eligible officer completing 40 hours of regular time to no more than two off-duty service assignments per pay period.

Recommendation: Delete this section.

Justification: Why limit the officers or tie the hands of the Agency to this restriction.

First of all if this bill becomes law as is and compensation to the officers is only 1.5 their hourly rate there are going to be some officers that will not be willing to perform this duty.

Second, there are some officers that work to live and not live to work and regardless of what is offered will not accept to work any additional hours if it can be avoided.

Third there are those officers that live to work but because of personal commitments, at a particular time, will not be able to work. Who then will the Agency select if all those available have already worked their two assignments?

4. **Section 73203(c).** Restrictions to Charge Imposition. Charges for services authorized by this Section shall be imposed only after all other overtime appropriations made to the Customs & Quarantine Agency for the operating fiscal year have been exhausted.

Recommendation: Delete this section from Bill 410.

Justification: I feel that the shortage in overtime appropriations for the operating fiscal year is what generated this Bill in the first place.

Bill 410 is primarily targeting only two areas in Customs and that is Cargo and Maritime Sections. What about the Special Enforcement Division and the operations at the Airport?

What if all other overtime appropriation have been exhausted and the officer finds contraband on the last hour of his shift? Do we tell them – good job -now you work for free in processing the offender?

Who pays for this overtime?

-
5. **Section 6220.** Customs and Quarantine Agency Officer: Compensation. Any Officer who has performed carrier off-duty services pursuant to this act shall be compensated at the rate of one and a half times the officer's current hourly wage rate (1.5 x employees hourly rate) for each off-duty hour of service performed.

Recommendation 1: That the Senators vote and accept CQA's original recommendation stated in Section 73202 (c). Administrative Surcharge. In addition to charges authorized under §73202(a) and (b), a two (\$2.00) administrative surcharge per employee shall be assessed to and payable by the persons receiving such services for the cost of processing, collecting and administrating this program.

or

Recommendation 2: Change CQA' original recommendation to read as follows: Administrative Surcharge. In addition to charges authorized under §73202(a) and (b), a five (\$5.00) administrative surcharge per employee shall be assessed to and payable by the employee providing such service for the cost of processing, collecting and administrating this program.

Justification: Why charge \$65.00 or three (3) times the officer's rate if the officer is only to get 1.5 of his or her hourly rate. If the service is provided by the officer, he or she should be paid for such service and if the charge is \$65.00 or three times the officer's hourly rate, the officer should be paid that amount.

Assuming (and I hate that word assume) that the extra charge is for administrative processing. Recommendation #2, will solve this issue. Let the officer pay for the administrative surcharge. As for the Government making extra money, this is accomplished when the officer pays income tax.

NOTE: The deference is first of all \$3.00 and secondly, the second recommendation is that the officer performing the service will pay the \$5.00

Edward T. Flores
Chief Customs Officer, Retired

Date April 26, 2000

Comments to Bill No. 410 - Carrier Bill

Mr. Chairman:

I am here as a retiree of the Customs and Quarantine Agency concerned with just and fair charges to the importers and other persons; and, with equal overtime assignments, efficient performance, appropriate overtime pay, and retirement benefits of our fine officers of the Customs & Quarantine Agency.

My comments to Bill 410 are as follows:

Section 73202. Definitions, Generally.

Under (c) Off-duty officer, add "regardless of his pay range" after the word "officer".

Under (d) Person. In ref. to Section 73203, I believe the intent of this bill includes inspection service provided to vessels and pleasure boats. If this is correct then this section of the bill should add between the words includes and any individual "(d) Person includes 'master and operator or its designated representative of vessels, yatch and other small boats arriving from outside of Guam' and any other individual . . . be appropriate.

Add another subsection to define service:

(e) Service means inspection by Customs officers of arriving air and sea cargo, postal matters, military and merchant vessels, yatch, and small boats.

Section 73203. Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.

I believe the most appropriate charges to persons requiring service would be the first hour or fraction multiplied by three (3) hours on any day including holidays; and, for any hour or fraction thereof: (a) one and one-half (1.5) times the hourly wage rate of the officer for services rendered between Monday and Saturday except holidays falling on these days and (b) two times the hourly wage rate of the officer for sevicies rendered on Sundays and Holidays (this would allow Treasurer of Guam to pay the officer double time for work performed on these days).

This overtime charge is the least among U.S. Customs and U.S. Immigration overtime policy. I ask for your favor to reconsider the initial customs proposal. Our fine men and women diligently stand guard at our island's front line of defense and they should be given similar if not equal overtime pay with their federal counterparts.

This change would reduce the \$65.00 to \$54.00 and \$30.00 to \$27.00 but provide a \$36.00 charge for Sundays and Holidays (based on \$18.00 average hourly rate of customs officers).

Still under this section, I would recommend removing subsection (iii) and (iv). When work is required someone must do it. I believe accountability and overtime ceiling of perhaps \$5,000 for each officer is the issue.

The Director should create and maintain a wheel of all officers on overtime. The amount of money each officer makes is promptly recorded in the wheel. As the wheel is updated daily, the officer with the lowest amount earned would be the first person to receive the overtime assignment for the day. Once the ceiling is reached, that officer will not be allowed to work overtime thus allowing other eligible officers at the bottom of the wheel the opportunity for overtime assignment.

Section 73204. Payment and Penalties.

(b) Interest Penalty. Our officers must be paid on time and our commitment to support this requires encouragement for prompt payment. I recommend two percent (2%) penalty for each month following the 30 days grace. The longer the bill is not paid the more money has to be forked out of the person's pocket.

Section 73205. Carrier Off-Duty Services Revolving Fund.

I recommend that the officer's retirement contribution be considered as part of the authorized expense and paid to the Retirement Fund by the Treasurer of Guam from the Fund.

Section 6220. Customs and Quarantine Agency Officer: Compensation.

If our Government Code Annotated prevents us from paying our officers similar if not equal to U.S. Customs and Immigration Inspectors overtime rate, then let's change that law and pay our officers the pay they wholeheartedly deserve:

- (1) For the first hour or fraction thereof of such services the hourly wage rate of three (3) hours of service by whichever officer if performing such service between Monday thru Sunday and Holidays;

- (2) In addition to the first hour charge for any hour or fraction therefore over one (1) hour: (a) one and one-half (1.5) times the hourly wage rate of whichever officer performing such services between Monday and Saturday except holidays falling on these days and (b) two (2) times the hourly wage rate of whichever officer performing such services on Sundays and holidays.

Mr. Chairman, this concludes my testimony and hope it meets with your favor. And I sincerely thank you and the members of your panel.


Edward T. Flores

APR 07 2000

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

Bill No. 412(CO)

Introduced by:

K.S. Moylan
J.C. Salas
V.C. Pangelinan

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new Article 2 is hereby *added* to Chapter 73, Division 7,
3 Part 3 of Title 5 of the Guam Code Annotated to read as follows:

4 "Article 2.

5 Carrier Off-Duty Services Revolving Fund.

6 Section 73201. Title.

7 Section 73202. Definitions.

8 Section 73203. Charges for Carrier Off-Duty Services of
9 Customs and Quarantine Agency Officers.

1 All persons, excluding air carriers arriving at the Guam
2 International Air Terminal and passengers arriving to Guam via
3 ocean vessels, whose operations require the services of Customs
4 and Quarantine Agency Officers of the government of Guam on
5 any day of the week upon special request, Sundays, holidays, or
6 between the hours of 5:00 p.m. of any other day and 8:00 a.m. of
7 the following day, shall be charged for services as are rendered by
8 CQA officer or officers as follow:

9 (i) for the first hour or fraction thereof of such services, a
10 rate of sixty-five dollars (\$65.00) per hour for each officer
11 requested to perform service; and,

12 (ii) after the first hour or fraction thereof, a rate of thirty
13 dollars (\$30.00) per hour for each hour or a fraction thereof for
14 each officer but not to exceed a maximum charge of two-hundred
15 and seventy-five dollars (\$275.00) per officer per day.

16 (iii) no officer shall be eligible to perform carrier off-duty
17 services as provided for in this Act unless such officer has
18 completed or will complete a minimum of forty (40) hours of work
19 during his or her normally scheduled or assigned work week.

20 (iv) The Customs and Quarantine Agency shall schedule
21 each eligible officer completing 40 hours of regular time to no
22 more than two off-duty service assignments per pay period.

23 **(b) Non-performance of Services.** If services have
24 been requested and the officer or officers has reported to
25 work, and the services are not performed by reason of

1 circumstances beyond the control of the officer(s)
2 concerned, the requesting party shall be charged in
3 accordance with §73203(a) on the same basis as though
4 the services had actually been performed during the time
5 the officer was ordered to report for duty and did so
6 report, and the time he was notified that his services
7 would not be required.

8 **(c) Restrictions to Charge Imposition.** Charges for
9 services authorized by this Section shall be imposed only
10 after all other overtime appropriations made to the
11 Customs & Quarantine Agency for the operating fiscal
12 year have been exhausted.

13 **Section 73204. Payment and Penalties. (a) Payments**
14 **Due.** All person(s) requesting the services of Customs and
15 Quarantine Agency Officers of the government of Guam under
16 §73203 and to whom such services were provided, shall make
17 payments to the Treasurer of Guam immediately upon the
18 delivery of services. Upon the written request of person(s)
19 receiving the services of Customs and Quarantine Agency
20 Officers, the Director of Customs may authorize person(s) an
21 extension of payment of up to thirty (30) days from the date of
22 service(s) subject to the penalties and conditions stipulated in
23 §73204 (b) and (c).

24 **(b) Interest Penalty.** Each person who receives
25 customs services under §73203, and fails to make payment for

1 each such completed service(s) within thirty (30) days of the date
2 of service or thirty (30) days from the date of extension shall pay
3 an interest penalty of fifteen percent (15%) per annum to the
4 Treasurer of Guam, on the amount of past due or balance thereof.
5 No interest penalty shall be assessed on payments made in full on
6 or before the thirtieth (30th) day from the date payments are due.

7 (c) **Unpaid Interest.** Interest penalty applicable
8 under §73204(b) which remain unpaid shall accrue to the balance
9 due for purposes of computing current interest due.

10 **Section 73205. Carrier Off-Duty Services Revolving**
11 **Fund.(a) Fund Established.** There is hereby established
12 within the Department of Customs and Quarantine, a fund to be
13 known as the "Carrier Off-duty Services Revolving Fund" which
14 shall be separate and apart from other funds in the government of
15 Guam, and for which independent records shall be maintained.

16 (b) **Deposits.** All money received in accordance with this
17 Act shall be deposited into the "Carrier Off-duty Services
18 Revolving Fund".

19 (c) **Authorized Expense(s).** All authorized expenses
20 for providing Customs and Quarantine Agency service(s)
21 pursuant to this Act, shall be paid by the Treasurer of Guam from
22 the Carrier Off-duty Services Revolving Fund upon the submittal
23 of vouchers certified by the Director of Customs and Quarantine

24 (d) **Report.** In the first January after the enactment of
25 this Act, and every six (6) months thereafter, the Director of

1 Customs and Quarantine shall prepare and transmit via I
2 *Maga'lahañ Guåhan* to the Speaker of *I Liheslaturan Guåhan* a detail
3 report on the status of the Carrier Off-duty Services Revolving
4 Fund to include an itemization of expenditures charged against
5 the Fund."

6 **Section 2.** Each fiscal year, the sum of Fifty Thousand Dollars
7 (\$50,000.00) shall be appropriated from the "Customs, Agriculture, and
8 Quarantine Inspection Services Charge Fund" to the "Carrier Off-duty
9 Services Revolving Fund" for the purpose of establishing necessary revolving
10 capital required for the program. At the end of the each fiscal year, the sums
11 appropriated in this section shall revert to the "Customs, Agriculture, and
12 Quarantine Inspection Services Charge Fund".

13 **Section 3.** Section 6220 of Article 2, Chapter 6 of Title 4 of the Guam
14 Code Annotated is hereby *repealed and reenacted* to read as follows:

15 **"Section 6220. Customs and Quarantine Agency Officer:**
16 **Compensation.** Any Officer who has performed carrier off-duty
17 services pursuant to this Act shall be compensated at the rate of one and
18 a half times the officer's current hourly wage rate (1.5 x employees
19 hourly wage rate) for each off-duty hour of service performed.

20 **Section 4.** A new §28112 is hereby added to Chapter 28 of Title 11 of
21 the Guam Code Annotated to read as follows:

22 **"§28112. Continuing Appropriation.** Upon enactment of this
23 Act , and each fiscal year thereafter, sums based on two percent (2%) of
24 the total Use Tax collected in the previous fiscal year shall be
25 appropriated to the "Customs, Agriculture, and Quarantine Services

1 Charge Fund” to cover administrative costs associated with Use Tax
2 Collection activities. This appropriation is continuous but is contingent
3 on the annual submission of a detailed budget to *I Lehislaturan Guåhan*
4 from the Director of the Customs and Quarantine Agency.”

5 **Section 5. Severability.** *If* any provision of this Law or its
6 application to any person or circumstance is found to be invalid or contrary to
7 law, such invalidity shall *not* affect other provisions or applications of this
8 Law which can be given effect without the invalid provisions or application,
9 and to this end the provisions of this Law are severable.



Memorandum

To: Guam Legislature
From: Greg Dornon
Date: 04/25/00
Re: Overtime Legislation

Dear Sir or Madam:

I'm very sorry that I'll be off island on April 26th as I have looked forward to this hearing for quite sometime. In my absence, please be assured that Ken Paulino has full authority to speak on DHL's behalf.

In the briefest of terms, DHL completely supports the need for legislation that will allow for customs clearance whenever a private company or an individual needs it. With regards to this specific legislation, DHL would like to see a much higher portion of the overtime fee go directly to the customs officer, perhaps 2.5 times the wage for the first hour. We would also like to see an amendment requiring that airport cargo customs be open for agreed upon hours before they could access the overtime services. Perhaps 6 AM to 5 PM Monday through Friday would be a good starting point.

In summary, it is DHL's opinion that an option for customs overtime is crucial to support the economy in the Guam. While this legislation may not be perfect, it is a good starting point, and with a couple of minor amendments, could become an outstanding compromise solution.

Thank you for your kind consideration of this letter.

Regards,

A handwritten signature in black ink that reads 'Greg Dornon'.

Greg Dornon / General Manager

DHL Worldwide Express
P.O. Box 7296
Tamuning, Guam 96931
(671) 646-1765
Fax (671) 646-9354

J.J. Moving Service, Inc.

P.O. Box 22681
G.M.F., Guam 96921
Phone: (671) 646-3714/5/6
Fax: (671) 646-3718

April 26, 2000

Public Hearing
Bill 410 - The Carrier Off Duty Service Revolving Fund Act

Good Morning,

My name is Annie Mesa Makepeace and I am the Assist. General Manager and one of the owners of JJ Moving Service, Inc. also known as JJ Trucking Service.

I come before you to testify in support of ^{the original draft bill that was submitted in Dec. 1999} [REDACTED]

As the manager of a trucking company, I would like to see ^{the original draft} [REDACTED] passed simply because it offers availability to our customers and all clients in receipt of cargo/containers.

If a customer/consignee is willing to pay for the immediate expedition of their cargo/container then we at JJ Moving Service, Inc as a "service oriented" business would like to assist in the request of our customers.

In business the time of delivery is just as important as the goods itself; therefore, if Custom & Quarantine Officers are able to clear cargo this will expedite the release of the merchandise making it available for consumption or sales which in turn will benefit the economy. Ex: Gross Receipt Tax

In addition, it allows customers/consignees to utilize the chassis provided to them by the carrier and trucking company within the specified time frame; otherwise, they will be required to pay chassis detention due to the limited time given to off-load without cargo clearance. Please note that this has a trickling effect on the consumer simply because the more the customer/consignee pays for the release of their cargo, the higher the product sales are to the public affecting the already poor economy.

Currently, the Customs & Quarantine service window closes at 3:00pm at the Port Authority of Guam due to the manpower shortage in order to complete the daily office work; however, as a trucking company, we are not able to provide services needed to our clients should they provide us their documents after 3:00pm for the release of their cargo/container.

It is to my understanding that this bill [REDACTED]

Thank you for your time.

Sincerely,


Annie Mesa Makepeace
Assist. General Manager

has too many restrictions; therefore, I
am not in support of the bill 410

TESTIMONY OF PAUL J. TOVES
on
BILL 410 – CUSTOMS CARRIER OFF-DUTY SERVICE CHARGES

Good morning ladies and gentlemen, Mr. Chairman, and members of this Committee. My name is Paul Toves, and I would like to thank you for this opportunity to comment on Bill 410 - An act to establish a "Carrier Off-Duty Service Program" for the Customs and Quarantine Agency. Although I work for Customs, I am here today on my own accord to present my own personal views on this bill, and to perhaps offer suggestions that might be useful in helping make this program as practical as possible for everyone.

The concept of an off-duty service program is not new to Guam, but rather was once a feasible alternative that helped address the unique needs of the transportation and shipping industries when government manpower and resources were in short supply. Reinstating this program today could not have come at a better time as we are once again faced with those same challenges in the areas of air and sea cargo transportation.

With today's state of economy, we are all faced with the challenge of trying to make the best with what little resources we have. Some people are more challenged than others, but the bottom line is, we are all being affected in one way or another. It is very encouraging to see the government and business community working together in a cooperative effort to address these challenges, and to develop different ways to improve conditions where we can all move forward together.

A good example of this cooperative effort is a task force put together in January last year comprised of members from Customs, members from the freight forwarding industry, carriers, and a member from the 25th Guam Legislature. The purpose of this task force was to improve operations in our cargo areas, and to develop different ways to overcome obstacles being faced in those operations. One of the biggest challenges was the business communities need for quick and reliable services, upon special request, and the government's limited flexibility to do so on top of services already being provided to the general public.

As a group, the task force submitted draft legislation for what has become known as the "Carrier Off-duty Services Charge" program. This program was constructed with several key objectives in mind:

First, it was written so that carrier's and importers have the flexibility to obtain special clearance services any time of the day or night from off-duty

officers, in addition to the services already available between the hours of 8 to 5.

Second, it was written so that the Agency has continuous flexibility to provide these special clearance services upon demand, without creating any additional cost burden to the government, or consuming limited manpower resources in these areas.

Third, the language was written in such a way so as to spread out the workload in the cargo areas, and to help reduce congestion and service demand during regular hours of operation.

And lastly, the language was written in such a way so as to properly compensate/incite officers to provide these services on short notice, any time of the day or night, and to ensure that customers requesting these services receive them promptly, and effectively, in accordance with their needs.

As Bill 410 is written today, many revisions were made to the original language of the program as submitted by the Task Force. Because of this, the program's primary objectives have been inadvertently skewed, and perhaps even lost due to these changes.

For instance, under section 73203(a)(iii and iv), the new provisions limit the number of times an officer can provide customers with these services. As indicated earlier, the primary intent of this program was to facilitate services to customers at their request... not to restrict them. Often times it is not easy locating an officer to provide these services, especially on short notice any time of the day or night whenever a customer might want them. Because of this, we oftentimes need to resort to officers that may have already performed more than two services, and must do so in order to provide the customer with the services they are requesting. If regulating this area of the program is needed, perhaps the rules and regulations process would be a better way of doing so.

The very design of this program is contingent upon the customer's choice to use it instead of using general public services. With this, a natural control mechanism does exist and rests with the customers. We should not, however, install provisions that would restrict the agency from providing these services when a customer wants to use them.

Another provision of concern is section 73203(c) where it requires that customers cannot use this program unless the Agency exhausts all of its government overtime appropriations. Customs is a law enforcement agency where the availability of overtime resources remain an important part of the

operations throughout the year. These resources must always be available to address narcotic seizures, arrests and operations, to augment staffing at different areas of operations, and for officers to complete their duties when they extend beyond regular working hours. For the same reason above, this program is supposed to alleviate barriers that prevent customers from requesting, and receiving, these special clearance services should they want to use them. This restriction, however, essentially prevents them from doing so... even if the bill were enacted.

Lastly, under section 6220 it stipulates that the officer will be paid 1.5 his hourly wage rate for each hour of service. This rate, however, does not take into consideration many important factors inherent to the program, or the uniqueness of providing these types of services at the discretion and call of customers. Under this program, officers will be called in on short notice to work for about an hour any time of the day or night, and to provide these services to customers who would rather use them instead of clearing during regular operating hours.

Because of these unique conditions, I am confident that both the agency and the business community recognized how important it is that officers are properly compensated for their time and effort, and are given reasonable incentive to ensure that they are always willing and ready to sacrifice their personal off-duty/family time to come in whenever a customer should want them. The very nature of being on-call 24 hours a day and providing these types of services in sporadic 1-hour segments would be very disruptive for anyone. At 1.5 (approximately \$15), this program offers little to no incentive/return for the officer, especially their families, who all will be making these sacrifices for them to come in and provide these services.

Without the flexibility to provide these services to customers should they want them, or to provide proper compensation/incentive to officers who will be rendering these services, this program would be difficult, if not impossible to implement. Because of that, not only might customers not be able to receive the services they seek, but they will also not be able to tap into a wealth of manpower resources, spread out workloads, or reduce congestion and service demands in the cargo areas during regular hours of operation.


Many here today might say that they support the concept of an Off-Duty Service Program because yes... it is needed. Many here today might say to give Customs the flexibility to provide these services whenever a customer might want them, because yes... that is a primary objective and it is needed too. And many here today might say to give officers the proper compensation and incentive to come in at anytime of the day or night to service them, because yes... that assurance is just as important also. All of

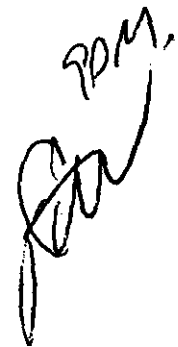
these elements are in the original language submitted to the legislature, because again... many here today were part of that drafting process.

The current bill, as it is written today, creates conditions that are not conducive towards facilitating the primary design of this program as most would like it to be. Unless necessary changes are made, the agency, business community, and the People of Guam may not be able to fully realize the numerous benefits that this program has to offer.

For these reasons, I kindly urge members of this committee and senators of the Twenty-fifth Guam Legislature to re-evaluate bill 410, and make it a program that is both practical and feasible for everyone. In this regard, I humbly suggest reinstating the original language drafted by the Task Force as a start in that direction.

Thank you.


PAUL J. TOVES
Concerned Citizen



WRITTEN TESTIMONY OF
JOHN M. QUINATA, DIRECTOR OF CUSTOMS
on
BILL 410 – CUSTOMS CARRIER OFF-DUTY SERVICE CHARGES

Buenas yan Saludas members of the Committee on Housing, General Government Services, and Foreign Affairs, and Senators of the Twenty-fifth Guam Legislature! On behalf of the Customs and Quarantine Agency, I would like to thank you for this opportunity to provide our concerns on Bill 410, an act to implement a "Carrier Off-Duty Service Charge Revolving Fund", among others. At the outset, I would like to express to the committee that the Agency fully supports the reason and intent of an off-duty service program in our operations. Unfortunately, however, as it is written today, we cannot support this bill unless amendments are made in several critical areas of concern.

In December 1999, the Customs and Quarantine Agency submitted to the Legislature draft legislation to implement a program that permits carriers and importers alike the opportunity to request/acquire the services of off-duty customs officers, at their own expense, in addition to services already provided for the general public.

This draft legislation was prepared and developed by a joint CQA/FF Task Force comprised of representatives from the Customs and Quarantine Agency, the Freight Forwarding Community, the air carriers, and a representative from the 25th Guam Legislature. The primary design and intent of our draft legislation was to:

1. provide carriers and importers the **flexibility to obtain dedicated customs services** outside of regular operating hours in addition to those already available to the general public;
2. provide the Customs and Quarantine Agency with the flexibility to accommodate these special services **without creating any additional cost burden to the government** or reducing limited resources available in these areas;
3. **reduce workload and service congestion** during regular hours of operation as a byproduct of these special services; and
4. properly compensate, and provide **incentives for off-duty officers** to provide these special services at **any time of the night and day**, upon special request, in addition to their regular tour of duty assignments.

This legislation became necessary as a result of carriers/importers desire for special clearance services in addition to those available to the general public,

as well as the limitations faced by the Agency for entertaining special requests as a result of scarce manpower and funding constraints.

On April 7, 2000, a modified version of legislation was introduced by the legislature relative to implementing an off-duty services program. Unfortunately, the bill that was introduced, Bill 410, is not only substantially different from the original language submitted, but makes a significant departure from the primary design and intent of this program. In short, the current language as it is written today is so restrictive that it reinforces the barriers we face rather than alleviating them.

First, there is no flexibility for carriers/importers to obtain special/dedicated clearance services.

Under Bill 410, the flexibility for carriers and importers to secure these services, upon special request, is severely limited by several provisions.

Under section 73203(a)(i and ii), it establishes charges at \$65 dollars per officer for the first hour, and \$30 per officer for each fraction of the hour thereafter. Without knowing the breakdown as to how these figures were determined, it would seem as though the level of charges would inhibit the average person, and perhaps even private businesses, from utilizing this program for the sole reason that the charges appear to be excessive.

Under the original legislation, the proposed charging scheme is three times the first hour of the officer's hourly wage, and time and a half (1.5) for each fraction of the hour thereafter. This charge structure is similar to that used by the U.S. Immigrations and U.S. Customs Services, it is reasonable, affordable, and familiar (identical to the old charge structure in place for twenty years), and accurately takes into consideration the preparation, travel, briefing, night differential, holiday, hazardous, and service time pay that the officer is subject to as a result of providing these services.

Second, this bill likewise imposes serious restrictions upon the Agency in providing these special services even though a customer may desire or request them.

Under section 73203(a)(iii and iv) it provides that "... no officer shall be eligible to perform carrier off-duty services... unless such officer has completed or will complete a minimum of forty (40) during his or her normally scheduled or assigned work week..." and "... The Customs and Quarantine Agency shall schedule each eligible officer completing 40 hours of regular time to no more than two off-duty service assignments per pay period...".

Again, these provisions are overly restrictive in the sense that:

1. in the event an officer takes even 1 hour leave of absence for whatever reason, they are no longer eligible to provide services under this program for two weeks. Consequently, this provision alone drastically reduces the number of eligible officers to provide these special services; and
2. this reduction in eligible officers is magnified even further by the limit of "no more than two off-duty service assignments per pay period" imposed by the bill.

Based upon our professional experience with this type of program, with these two limitations in place, the Agency will quickly and frequently find itself exhausting all eligible resources, and once again be in a position where we are unable to provide these services to customers, even when they want to pay for them.

For these reasons, these provisions must be stricken from the bill. This program is strictly an off-duty service fee separate and apart from regular government overtime, and should not be co-mingled as being the same. If regulating the amount of overtime an officer performs under this program is an objective, such controls are more appropriately addressed internally through the rules and regulations process, subject to the review and approval of the legislature. It should not be part of statute.

Third, authorization to provide special services under this program is severely limited, if not prevented.

Under section 73203(c), it stipulates that "...Charges for services authorized by this section shall be imposed only after all other overtime appropriations... have been exhausted...".

This provision makes it virtually impossible for any person to obtain special services under this program, and offers no flexibility for the Agency to do so even when requested.

First, the Agency has a responsibility to manage and allocate its resources as effectively and efficiently as possible in order to support the entirety of its operations throughout the year. Overtime appropriations are an extremely important element in law enforcement, and is inherent to our operations at all our ports of entry. Government overtime funding must always be available throughout the year in order to address those foreseen and unforeseen circumstances which warrant officers to perform overtime in order to carry out their duties and responsibilities. Good examples as to why overtime

resources must always remain available are for narcotic seizures and arrests, contraband seizures, narcotics operations, airport operations when staff levels are short, and other similar activities that do not fall under this program,... even if it were enacted. Some of the important questions are: Who is responsible for paying the officer when narcotics are found during one of these services? Who will pay the narcotics officers that must be called in to carry out their responsibilities under these circumstances? And who will pay the officers when these operations extend beyond 8 hours, which is often the case? These are only some of the concerns that must be taken into consideration.

For these reasons, it would not be of sound fiscal or operational management to exhaust overtime resources from a customs law enforcement standpoint, and we do not foresee ourselves doing so even with an off-duty service program in place.

In view of this requirement, as well as our operational need to keep government overtime resources available throughout the year, it does not seem likely that services under this program will ever become available to customers, even if this bill becomes law. Even under the most extreme of circumstances where the Agency happens to exhaust its overtime appropriation, services under this program, at best, will not be available until perhaps the last month of the fiscal year. These provisions too, must likewise be stricken from the bill in order for it to function properly.

And lastly, the compensation to officers do not adequately address costs, conditions, or incentives.

Under section 73203, it provides a charging structure of \$65 for the first hour of service or fraction thereof, and \$30 for each fraction of the hours thereafter. Under section 6220, however, it stipulates that "... Any Officer who has performed carrier off-duty services pursuant to this Act shall be compensated at the rate of one and a half times... for each off-duty hour of service performed."

First, the charge assessed upon users is significantly different from the rate of actual compensation to the officer... a difference of approximately \$35 to \$45 on average. We do not know the rationale behind this difference, or why the change from the original language. We do know, however, that the original design and intent of this legislation was not for the government to make money, but rather was designed to keep charges as reasonable as possible, while at the same time, properly compensate officers for the unique circumstances under which they will be required to provide these services.

Unlike other government agencies, services under this program are very different from those where employees perform extended blocks of overtime. This program was intended to address the specific needs of individuals whenever and wherever they might need them, and because of that, services provided under this program are spontaneous and unpredictable, consist of intermittently short periods of service, any time of the day or night, and remain subject to the unique conditions and needs of those who use them.

Because of these unique circumstances, the cost/benefit factor is equally important to the officer that we rely on to provide these services. Imagine yourself, after a long days work, having to get up in the middle of the night, shower, iron your uniform, driving to the airport from Yigo or Santa Rita, working for an hour, driving all the way back home, and doing it all again that same morning for your regular duty assignment... all for what... an extra \$15. The officer's home time is interrupted, he loses sleep, loses gas, loses time with his family, loses money, and the list goes on and on. The cost versus benefit for the officer is just not there. At time and a half... \$15,... many in this room would rather forego the headache. This type of situation is not uncommon... officers avoid answering their phones, officers call in sick, officers take leave, officers cannot be reached etc. \$15 does not go very far today. In the end, everyone loses.

On the other hand, government agencies that work under similar, if not identical, circumstances, recognize the importance of adequate compensation to the officers. For instance, U.S. Immigrations compensates their officers with a half-day's pay, regardless if the service takes one hour, or two. Our version, however, basically mirrors U.S. Customs' in the sense that U.S. Customs Officers are paid three times their hourly wage rate as "call back compensation" in addition to 2 times their hourly wage rate per hour. In comparison, our proposal is much more affordable, and should be reinstated where officers are properly compensated for the services they will be providing.

When we drafted this bill with the Freight Forwarders, the carriers, and Senator Moylan, we drafted and designed the program to be something where the business community, private citizens, the carriers, the government, and even the officers come out ahead. In essence... a win-win situation for everyone.

The revised language in this bill, however, prevents these conditions from existing, and essentially creates a program where:

- carrier's and importers have no flexibility to obtain special/dedicated clearance services whenever they should need

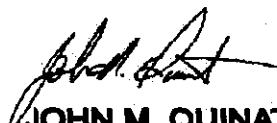
- them, anytime of the day or night, in addition to those services made available to the general public;
- the Government has no flexibility to provide special clearance services, even though customers request them and want to pay for them;
 - the Government and cargo facilities have no flexibility to reduce/relieve workload and cargo congestion within these areas for regular operating hours; and lastly,
 - there is no incentive or proper compensation to officers who wake up in the middle of the night to provide these services on short notice, at any time of the day or night.

These elements are *inherent* to the success of the program, and must be reinstated. Otherwise, the program will not be useful to anyone. In this regard, we kindly urge the members of this committee to reconsider construction of bill 410 to coincide with the original language, design, and intent of the program as submitted. We are not privy as to why substantial changes were deemed necessary, but remain confident that developing a program beneficial to all the parties affected is truly in the hearts of all of us.

For this reason, we again, kindly urge this committee to replace bill 410 with the original language that was drafted and submitted by the CQA/Freight Forwarder task force, or perhaps even working with the administration to develop more agreeable language for the program. I am confident that through this effort, each concern can be properly addressed to the satisfaction of all parties involved.

With this, I look forward to the necessary adjustments, and thank you for your kind attention.

Sincerely,


JOHN M. QUINATA
Director of Customs



Good morning Senators

My name is Erwin T. Fejeran and I am here to offer testimony on bill 410 "The Carrier Off-Duty Services Revolving Fund". What I am about to say is my own opinion and does not necessarily reflect the opinion of the Guam Customs & Quarantine Agency, of which I am employed by as a Customs & Quarantine officer and I am here on my personal time. There are certain sections of this bill that I feel need to be covered in greater detail being that the bill appears to be too general in the language and undermines the intent of the bill.

First of all what is the intent of the bill? I feel that the intent of the bill is to provide extra services to the importers or consignees. These services are needed to ensure that their business timelines are met in such as prompt deliveries. The other reason would be to ensure that the burden of payment does not fall on the general fund rather falling on the individual importer or consignee to pay the officers for services rendered.

Page #3 section 73203 subsection (A) (iii & IV)

I think that to have the bill regulate who can perform overtime and how many times each officer can perform the duty is not inline with the intent of the bill. I worked on a overtime pool during my first year in Customs and was able to work at the minimum of three overtime assignments a week because of other officers declining to perform, officers on leave status, or officers not being able to be contacted. Therefore I believe that this section may contradict the intent of this bill if officers are limited to (2) two off-duty assignments per pay period we may not have enough officers to provide this service to the consignees or importers. There are times that I could be called to perform two overtime assignments in one day. This leaves me waiting until the next pay period to be able to perform the overtime; this may or may not sound important. Due to the regulations of the bill, and if no one else is able to perform the duty and yet I am available it would limit my ability to maximize my income to better provide for my family. I believe that the burden to control the overtime scheduling should fall on the internal rules and regulations.

Page #3 section 73203 subsection (c)

The bill stipulates that this program cannot be utilized unless all overtime appropriations are first exhausted. I do not understand the intent of this provision. I question the need to exhaust all the overtime funds provided by the government when payments will be made by the consignee or importer. In these times of government economic turmoil we should try to save money especially if other means are available for overtime payments to be made, which would free up the \$50,000 to used so that other payments can be made.

Page#5 section 6220

The bill states that officers are to be compensated at the rate of one and a half times the officer's current hourly wage rate (1.5 x hourly wage) for each hour of service performed.

So if my present rate is \$9.50 multiplied by 1.5 for each hour I work and I worked a two-hour period, I should receive \$28.00 extra in my check. (Correct/Incorrect) Now according to the bill the importer shall pay \$65.00 for the first hour and \$30.00 for the second hour which totals: \$95.00 if you subtract the \$28.00 that I will receive in my check it still leaves an excess of \$67.00 where would that money go and why. The payment method in this bill does not entice me to perform the overtime especially if I have to wake up at 4:00 am and drive from Dededo to Cabras Island (Seaport) for one hours pay and it take 30minutes there and back I would lose 1 hour. Now if I were to get paid three time my hourly wage for the first hour and 1.5 every hour thereafter that I will most definitely be motivated to perform the duty.

Page#6 Subsection 28112

Continuing appropriations, the bill stipulates that 2% of the total use tax collected per year shall be appropriated to Customs for the administrative cost of collecting the tax.

I believe the maybe that figure could be raised to 5%. I have on many occasions while executing a Use Tax form, been challenged by consignees and having to explain the reason why the items are being taxed and still have consignees question the procedure. The extra time it takes to explain the use tax laws and process the forms takes me away from being able to conduct other inspection in a timely manner. Which all falls back to time and efficiency. The bill also stipulates that this money is to go to the Customs, Agriculture, and Quarantine Services Charge fund. Nothing against our friends at Agriculture but they do not execute use tax forms or process payments, so why can't the money be placed in an account solely for Customs purposes.

I think that there is a genuine concern by this body to assist the public and Customs Officers like myself in creating a means to provide the greatly needed services to numerous businesses and consignees. But due to the number of discrepancies that I outlined I do not support this bill and ask that you please ratify the discrepancies before it is voted into law, I have faith that you will all have me and the public in mind when you act on this bill. Thank you for this opportunity to be a part our democratic form of government, and may your conscience, be your guide.


Erwin T. Fejeran

**TESTIMONY
ON
BILL NO. 410**

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED.

Good morning, Mr. Chairman, Members of the Committee on Governmental Operations, Ladies and Gentlemen:

My name is Robert C. Yutig, and I am here today as a private citizen, customs officer of the Customs and Quarantine Agency, and taxpayer to testify against certain sections of Bill No. 410 of the Carrier Off-Duty Services Revolving Fund. I strongly believe that the significance of this legislation is primarily to provide highly demanded inspection and clearance services to public and the private vendors, and to rightly compensate those customs officers who provide such services beyond the normal work duty schedule. While the intent of the Bill is certainly significant, there are certain sections that must be addressed prior to its enactment. As follows:

1. Article 2, Section 73203, (iv), Charges for Carrier Off-Duty Services of Customs and Quarantine Agency Officers. Based on past experience, officers may need to work more than two service assignments per pay period in order to meet increasing demands for expeditious inspection and clearance of

merchandise, goods, and commodities especially when the carrier (vendor) is paying for quality service. It is not sound management practice to place such a restriction when past experience has already proven that officers work more than two assignments per pay period. Imposing such a restriction would only serve to hinder rather than help operations. A decision like this should be left to the discretion of management of the Customs and Quarantine Agency.

2. Section 73203 (c) should be amended to restrict charges to this revolving fund to those activities or functions directly attributed to air and sea cargo inspections and clearances without regard to any other appropriated overtime funding streams. Other appropriated overtime funding should be utilized for other customs and quarantine functions separate from cargo clearances. Such other functions include adequate manning levels for passenger clearances, surveillance and drug busts, etc.
3. Section 3, specifically Section 6220, Customs and Quarantine Agency Officer: Compensation. If any officer is only to be compensated at the rate of one and a half times the officer's current hourly wage rate for each off-duty hour of service performed, then why are carriers being charged \$65 per hour for the first hour, and \$30 per hour for every hour thereafter not to exceed a maximum charge of \$275 per officer per day? Where is the excess going to and for what purpose? Will it be used for officer's fringe benefits? Can the difference be explained?

Senators, we are constantly and consistently reminded to demonstrate dependable and quality customer service to the public and the business community at all times. The budget of the Government of Guam is inadequate to fund these services that the citizens demand. We have a mission to accomplish, and if we desire to see our island progress then we must become proactive in seeking only the finest for our people. If we want to see Guam as globally competitive, then we

must put aside individual agenda and collectively pursue what is best for our people and our island.

Guam will continue to be the hub of the Pacific -- the first U.S. soil in Asia -- and we must show investors that the branches of our government are there to support them. Guam is already an attraction for the countless visitors that arrive each day, but we need to become more diversified so that we can look forward to a brighter future.

Si Yu'os Ma'ase',



Robert C. Yutig

WRITTEN TESTIMONY

By: James T. McDonald

Bill 410 Customs Carrier Off-Duty Service Charges

Good morning members of the Committee on Housing, General Government Services, and Foreign Affairs, and Senators of the Twenty-Fifty Guam Legislature!

I would like to express my personal opinion on **Bill 410** because I cannot support this bill unless amendments are made in several critical areas of concern.

I support the draft legislation that was prepared December 1999 and developed by a joint CQA/FF Task Force comprised of Representative from the Customs and Quarantine Agency, the Freight Forwarding Community, the Air Carriers, and a representative from the 25th Guam Legislature.

The draft legislation provided carriers and importers the flexibility to obtain dedicated customs services outside of regular operating hours without creating any additional cost burden to the government and reduces workload and service congestion. Also, the draft properly compensates and provide incentives for off-duty officers.

The **Bill** that was introduced on April 17, 2000 is not only substantially different from the original language submitted, it is so restrictive that it reinforces the barriers we face rather than alleviating them.

1. If an officer takes one hour leave of absence for whatever reason, they are no longer eligible to provide services under this program for two weeks.
2. Also, the officer cannot perform more than two off-duty service assignments per pay period.

Based upon my past experience this restriction would not work properly because not every office will volunteer to work during their off-duty hours. So we will end up calling the same officers over and over again.

For this reason, I kindly urge this committee to replace **Bill 410** with the original language drafted and submitted by the CQA/Freight Forwarders Task Force.

I want to thank this committee for allowing me to express my personal opinion.

Sincerely,


JAMES T. MCDONALD

Testimony on Bill 410: "The Carrier Off-Duty Services Revolving Fund"

Honorable members, firstly, I would like to start with a sincere "*Hafa Adai*" and that everyone present is in the best of health.

I would like to offer to you my testimony in regards to the carrier off-duty services revolving fund and citing the following sections.

On section 73203 (a) (iii) (iv) of the proposed Act of the Bill, it states that:

- (iii) no officer shall be eligible to perform carrier off-duty services as provided for in this Act unless such officer has completed a minimum of forty (40) hours of work his/hers normally scheduled or assigned work week.
- (iv) The Customs & Quarantine Agency shall schedule each eligible officer completing 40 hours of regular time to no more than two off-duty service assignments per pay period.

With the above given parts of the section of the bill, I feel that this will cause me to loose my turn on the schedule (List) of eligibility. The Customs Agency (Airport Office) stays open twenty-four hours, seven days a week. Which is why shift work is in place. Not all officers have the same days off. If my name comes up for carrier off-duty service, and I have not worked the minimum 40 hours required. I will loose the opportunity. And then, even if I have worked the required minimum hours for the week, my services might not be needed due to none availability of a *Shipper*. Given that, I may never get a chance to work the Carrier Off-Duty Services.

With the limit of "No more than two off-duty service assignments per pay period, this will definitely have a big impact on me. If my name comes up for off-duty assignment more than twice in one pay period, and I have worked the minimal required hours, then I should be allowed to provide that service. With the continued rise of our economy, the more I income I generate for my family, the better off we will be.

I therefore recommend that iii & iv of Section 73203 be excluded.

Section 73204 Payments and Penalties (a) (b).

- (a) Payments. The Director of Customs should not entertain the possibility of anyone requesting an extension for payments. A shipper who requests for my services, should be able to make payment upon receipt of my service. If I did not cause the shipper any delay in service, he/she should not cause any delay in payment.
- (b) Interest Penalty. Same. An added extension to the extension will only cause me to be more frustrated. This may cause a shipper to make this a habit that may later lead to legal actions taken against them.

I therefore recommend that Section 73204 (a) (b) be excluded.

Section 6220. Customs & Quarantine Agency Officer:

Compensation. Any officer who has performed carrier off-duty services pursuant to this Act shall be compensated at the rate of one and a half times the officer's current hourly wage rate for each off-duty hour of service performed. This section totally contradicts the language used in (i) (ii) of section 73203 that states:

- (i) for the first hour or fraction thereof of such services, a rate of sixty-five dollars (\$65.00) per hour for each officer requested to perform service; and,
- (ii) after the first hour or fraction thereof, a rate of thirty dollars (\$30.00) per hour or a fraction thereof for each officer but not to exceed a maximum charge of two-hundred and fifty (\$250.00) per officer per day.

My question is, where is the rest of the money going to?

I totally disagree with this Section, therefore, I recommend it be excluded.

§28112 Continuing Appropriation.

The Agriculture Department does not execute "Use Tax" charges to shippers, companies or individuals. It is not in their law. I feel that this is just a sneaky way of routing the collected monies from our agency to an agency that cannot support or justify their existence.

This concludes my testimony.

Un Donkulu Na Agridesimientu.

Thomas P. Quinstanilla
R - F '11.

Bill No. 410

"Carrier Off-Duty Services Revolving Fund Act"

Hafa Adai, Buenas yan Saludas! Mr. Chairman, members of the Committee on Housing, General Government Services, and Foreign Affairs, and Senators of the Twenty-Fifth Guam Legislature!

I am Eric John Naputi Delfin and I submit this written testimony on my behalf as a private citizen although I am currently employed by the Guam Customs & Quarantine Agency. This is solely my own opinion.

I will ONLY be in favor of Bill No. 410 with these recommendations.

In the earlier days of our Agency, which was formerly just a division within the Department of Commerce, the Customs and Quarantine personnel performed off-duty cargo and passenger clearances with the premise of being compensated by the person(s) for which the service was provided for. This was not only advantageous for them, as they could rely on the service to be provided on demand and subsequently provided at *no cost* to the Government of Guam.

The whole intention of the program being introduced through **Bill No. 410** is commendable however, it has its shortfalls. Several months ago, a Task Force comprised of representatives from the Customs and Quarantine Agency, the Freight Forwarding community, Air and Sea Carriers, and members of the 25th Guam Legislature prepared draft legislation of **Bill No. 410** that was acceptable to those affected by the program. Several items were changed within the legislation that would restrict its implementation of **Bill No. 410** such as:

Section 73203 (Charges for Services)

(Now Stating) Subsection A (III) No officer shall be able to perform carrier off-duty services as provided for in this Act unless such officer has completed or will complete a minimum of forty (40) hours of work during his or her normally scheduled or assigned work week.

(Reccommendation)

This section should not reflect such language for it restricts the number officers that may perform the service.

(Now Stating) Subsection A (IV) The Customs and Quarantine Agency shall schedule each eligible officer completing 40 hours of regular time to no more than two (2) off-duty service assignments per pay period.

(Reccommendation)

There should be no limit to the amount of times an officer can perform the service.

(Now Stating) **Subsection C** Charges for services authorized by this Section shall be imposed only after all other overtime appropriations made to the Customs & Quarantine Agency for the operating fiscal year have been exhausted.

(Recommendation)

Deletion of this section and allowing the Customs and Quarantine Agency use its current overtime appropriations as needed for other services not provided by Bill No. 410.

Section 6220 (Customs and Quarantine Officer: Compensation)

(Now Stating) Any officer who has performed carrier off-duty services pursuant to this Act shall be compensated at the rate of one and a half times the officer current hourly wage rate (1.5 x employees hourly wage rate) for each off-duty hour of service performed.

(Recommendation)

This section should be revised to reflect that the charges collected by this Act shall also be the compensation for the Service provided per officer or three (3) times their hourly rate for the first hour and 1.5 times their hourly rate thereafter.

I appeal to all of you to revisit this bill and make the necessary amendments to ensure the proper implementation of Bill No. 410. I also remind you that it was a unanimous agreement between the freight forwarding community and this governments' representatives in support of Bill No. 410 in its previous draft form.

Thank you and Si Yu'os Ma'ase.



Eric John Naputi Delfin

Legislative Testimony

Testimony of Ricky P. Mendiola
Legislative Bill 410
Customs Carrier Overtime Compensation
April 26, 2000, Wednesday
Committee on Governmental Affairs
Legislative Hearing Room

Good Morning, Chairman Moylan and Committee members, my name is Ricky Mendiola. I am here testifying as a private citizen, and not on behalf of the Customs and Quarantine Agency. I am here to testify against Bill No 410 as written, unless changes to the bill as suggested below are made.

As I have reviewed the legislative proposed bill 410, I noticed that it was significantly different from what was originally submitted as proposed language by the Customs and Quarantine Agency. The intent of this legislation was to make customs services to our customers more accessible, commensurate with the costs of providing that service, while at the same time, providing expert and timely inspections as needed to ultimately provide for the movement of commerce as was intended. In my opinion, the freeze on government overtime, together with the lack of customs inspection personnel as a result of early retirement and early out programs have resulted in untimely inspections and service. To add to this dilemma, we are experiencing inadequate revenues from customs cargo fees to cover expenditures...this bill as introduced into law, will not address significant issues of fair compensation and reasonable service rates. Until such issues have been ironed out by amending this bill to more amiable terms, this bill if passed as written, will frustrate both agency employees because of unfair compensation, and customers because of ludicrously outrageous service rates.

Just as a note...if I recall correctly, freight forwarders who reviewed our initial proposal were in unanimous support of its language and intent...considering that they were to be the ultimate benefactors of the services. Agreeing to the payment of 3 times the hourly wage for the first hour...and then some. I can only assume that increased profits of customers would result from timely customs deliveries of cargo, etc. Additionally, as officers perform inspections, they will be compensated in full, for what is essentially termed "*Recall Duty*"...when returning to work away from normal work hours, many times for short stints, and at times, during strange and ridiculous hours of the night.

There are many issues in the present language of the bill that I must raise here today that need revisiting and possibly amendments.

Referencing *Section 73203, subsection (i): Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.*

I feel that the first hour rate or a fraction thereof should reflect the rate of the officer performing the duty multiplied by 3 times. It is my belief that persons performing such work are of different pay structures, and their salary earned through time in service and rank should reflect that difference. In addition, I feel that this would be more agreeable to our customers, since a majority of our officers fall within the \$10-\$15 bracket, which would bring the first hour rate to about \$30-\$45. This change would significantly reduce the charge and be more affordable for all customers of our services... as this is in line with national customs service fees. It is my belief that this rate accounts for direct and indirect inspection costs by the officer himself. For instance; providing clearance, including cost of officer's salary, private auto and fuel expenses, personal tools such as flashlights, knives, etc., and other indirect costs associated with this service such as performing short stint inspections and awaking during ungodly hours of the night. In sum, the cost of calling back an officer outside of regular duty hours to provide an inspection service makes for a good incentive encouraging participation in the program...thus providing timely services all-around. Remember, if the rate is too low, officers will not participate in the program, and too high, consumers will not agree to request for services outside of regular business hours. Thus, we would then have a situation where we are today...overworked and underpaid employees. As such, this rate of 3 times the hour is a rate most equitable across the board.

Referencing *Section 73203, subsection (ii): Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.*

I feel that this \$30 rate after the first hour...should be replaced with ...at a rate of 1.5 the officer's hourly wage. Again, this is to provide for a fair and equitable charge agreeable to both the officer and the customer for the service provide by the officer, and the service received by the customer.

Referencing *Section 73203, subsection (iv): Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.*

I feel that capping overtime to no more than two off-duty assignments per pay period provided in law will make the law too stringent and inflexible, thus, causing the agency to exhaust all its manpower pool. Together with other stringent safeguards, such as having to work a total of 40 actual work hours, etc. Such safeguards should be provided for in rules and regulations, allowing for flexibility and ease at which the rules could be adjusted with ever changing factors. Cementing such stringent guidelines into statute may prove detrimental to this program success.

Referencing *Section 73203, subsection (iv) (c). Charges for Carrier Off-Duty Services of Customs and Quarantine Officers.*

I feel that allowing the imposition of this carrier overtime only upon the exhaustion of all other overtime appropriations to the CQA is not logically sound. It

would be critically important to provide an avenue for our agency to seek overtime funding, in instances where carrier overtime is not allowable, or where services are required but not normally requested by customers. Such examples include compensation for hours spent processing drugs and arrestees, conducting inventory of cargo to ensure full accountability of freight, containers, etc...and other administrative duties that would not be chargeable to one particular customer, but are just as important to daily operations outside of normal business hours.

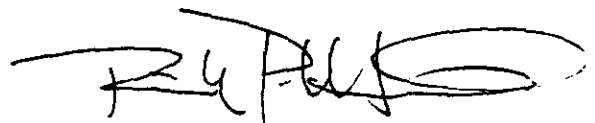
Therefore, I recommend striking this subsection completely and allowing for the agency to use its discretion where needed.

Referencing *Section 6220*. Customs and Quarantine Agency Officer: Compensation

I feel that charging a rate of \$65 per officer for the first hour or fraction thereof, then compensating the officer's services by 1.5 their hourly wage rate is an injustice to the officer himself who worked for his or her full wage. In the bill as written, this rate structure would essentially pay the officer a little over 1/3 of what he collects, assuming he or she is earning a regular hourly wage of \$10. Thus giving the government fund more than 2/3 of what was collected for what I would assume is administrative costs and related expenses to run the program. That is 36% of the money collected for the officer and 64% for the government, on 3 hours of inspection or service request. The rate should reflect 3 times the hourly rate for the first hour or fraction thereof, and 1.5 times for the subsequent hours worked. Additionally, I feel that if any administrative fees are to be figured from the charge, that it should be a reasonable percentage of the total cost of service provided then be used toward the expenditures for the program based on calculated expenses.

Therefore, I recommend amending this section. With respect to administrative charges, I recommend including an administrative charge based on a percentage of the total charge calculated and set in rules and regulations to allow for adjustments as needed.

In closing, I feel that we must strike a balance between the service and the quality of inspections we provide, versus the charges we assess to the customers being served. If my recommendations should be taken altogether, the new bill as amended would provide for a win-win situation for all parties...including the officer, the customer, and the government of Guam. Just as a small note to you all, I have given the government my cooperation and dedication. When my increment was stalled for 2 years without hope of any compensation, I did not complain. I put the government's needs ahead of my own and my family and I suffered to keep up with the cost of living. Now, it is time for you as a legislative body to do right by considering and taking in what I had to say. Just think, I have to take on a second job just so that my kids can live comfortably and be properly educated. Me, a Customs Officer considered in a professional field, enforcing both local and federal laws for over 5 different entities (Agriculture, Public Health, EPA, ATF, DOT, etc.), working a second job as a security guard. Thank you and Si Yu'us Ma'ase.



Legislative Testimony

Testimony of Daniel P. Salas
Legislative Bill 410
Customs Carrier Overtime Compensation
April 26, 2000, Wednesday
Committee on Governmental Affairs
Legislative Hearing Room

Good Morning, Chairman Moylan and Committee members, my name is Daniel P. Salas. I am employed as a Customs Officer with the Guam Customs and Quarantine Agency, however, I am here testifying as a private citizen, and not on behalf of the Customs and Quarantine Agency. I am here to testify **against** Bill No. 410, unless some revisions are made to the bill. I have indicated some of my opinions that I feel should be made to the bill.

I reviewed the proposed bill and noticed that there were some differences from the version that was originally submitted by the Customs and Quarantine Agency. Due to the freeze on government overtime, the early retirement and early out programs, as well as the hiring freeze, inspections and services that the agency and it's officers provide have occurred with many problems that have been addressed by the employees themselves. This bill will not address significant issues of fair compensation and reasonable service rates. Until these issues have been addressed by amending the bill, this bill if passed as written, will cause some situations of demoralization and lack of motivation among the agency officers and employees. Although I am sure my colleagues have addressed many other issues of the proposed bill, and that I share some of the same ideas as theirs, I would like to address some of my own concerns.

Several issues of the proposed bill, that in my opinion, that need revision and possibly amending are listed as follows:

Referencing *Section 73204, Payment and Penalties, subsection (b) Interest Penalty, pg. 5:*

The current bill indicates that a (15%) interest penalty fee will be charged to each person that receives service(s) under §73203 and fails to make payment for each such completed service(s). The bill does not mention what entity would collect the interest penalty fees or where the revenue from the collected fees would be sent.

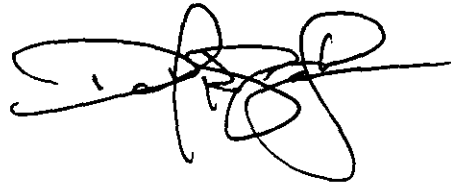
I feel that the collected revenues from said interest penalties should be deposited in the Carrier Off-Duty Services Revolving Fund exclusively. The deposited revenues would help improve the capital of the fund that would in turn give more employees of the agency an opportunity to participate in the program.

Referencing *Section 73205, Carrier Off-Duty Services Revolving Fund, subsection (a): Funds Established, pg. 5.*

The bill indicates "the 'Carrier Off-Duty Services Revolving Fund' shall be separate and apart from other funds in the government of Guam. The bill does not mention as to whether or not an agency, department, or any other entity within the government of Guam is capable of tapping into the funds for other purposes other than Customs and Quarantine Agency concerns.

I feel that an amendment be made to the bill restricting access of other entities of the government of Guam to the revenues of the fund. The fund should only be accessible and available to the Customs and Quarantine Agency.

I hope that the issues that I have mentioned and brought to attention be considered for the proposed bill to be either revised or amended. Thank you and Si Yu'us Ma'ase.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Bill No. 410
"Carrier Off-Duty Services Revolving Fund Act"

Hafa Adai, Buenas yan Saludas! Mr. Chairman, members of the Committee on Housing, General Government Services, and Foreign Affairs, and Senators of the Twenty-Fifth Guam Legislature!

I am David A. Reyes and I submit this written testimony on my behalf as a private citizen although I am currently employed by the Guam Customs & Quarantine Agency. This is solely my own opinion.

I will ONLY be in favor of Bill No. 410 with these recommendations.

In the earlier days of our Agency, which was formerly just a division within the Department of Commerce, the Customs and Quarantine personnel performed off-duty cargo and passenger clearances with the premise of being compensated by the person(s) for which the service was provided for. This was not only advantageous for them, as they could rely on the service to be provided on demand and subsequently provided at *no cost* to the Government of Guam.

The whole intention of the program being introduced through **Bill No. 410** is commendable however, it has its shortfalls. Several months ago, a Task Force comprised of representatives from the Customs and Quarantine Agency, the Freight Forwarding community, Air and Sea Carriers, and members of the 25th Guam Legislature prepared draft legislation of **Bill No. 410** that was acceptable to those affected by the program. Several items were changed within the legislation that would restrict its implementation of **Bill No. 410** such as:

Section 73203 (Charges for Services)

(Now Stating) **Subsection A (III)** No officer shall be able to perform carrier off-duty services as provided for in this Act unless such officer has completed or will complete a minimum of forty (40) hours of work during his or her normally scheduled or assigned work week.

(Reccommendation)

This section should not reflect such language for it restricts the number officers that may perform the service.

(Now Stating) **Subsection A (IV)** The Customs and Quarantine Agency shall schedule each eligible officer completing 40 hours of regular time to no more than two (2) off-duty service assignments per pay period.

(Reccommendation)

There should be no limit to the amount of times an officer can perform the service.

(Now Stating) **Subsection C** Charges for services authorized by this Section shall be imposed only after all other overtime appropriations made to the Customs & Quarantine Agency for the operating fiscal year have been exhausted.

(Recommendation)

Deletion of this section and allowing the Customs and Quarantine Agency use its current overtime appropriations as needed for other services not provided by Bill No. 410.

Section 6220 (Customs and Quarantine Officer: Compensation)

(Now Stating) Any officer who has performed carrier off-duty services pursuant to this Act shall be compensated at the rate of one and a half times the officer current hourly wage rate (1.5 x employees hourly wage rate) for each off-duty hour of service performed.

(Recommendation)

This section should be revised to reflect that the charges collected by this Act shall also be the compensation for the Service provided per officer or three (3) times their hourly rate for the first hour and 1.5 times their hourly rate thereafter.

I appeal to all of you to revisit this bill and make the necessary amendments to ensure the proper implementation of Bill No. 410. I also remind you that it was a unanimous agreement between the freight forwarding community and this governments' representatives in support of Bill No. 410 in its previous draft form.

Thank you and Si Yu'os Ma'ase.

David A. Reyes

TESTIMONY ON BILL 410

APRIL 26, 2000

Dear Mr. Chairman, and members of the committee;

My name is Eugene H. Santos, and I am representing myself as a taxpayer and a proprietor of a small business operation here on Guam, whose primary resources are imported from the U.S.


I am in opposition and not in favor of Bill 410.

I am primarily concern about the fees that will be inevitably be assessed and passed onto the consumers of Carrier Services, such as DHX, DHL, TNT, or clearances any port of entries. These fees will not only put a strain on my business, but today I already face the challenges of competing with large corporate enterprises such as K-Mart and Ace Hardware who have a national buying power and could transport goods without feeling the pinch on local taxes and Importation fees. This bill will certainly put me out on the streets and fighting a hard battle to become self sustaining without the reliance on government to bail me out.

A month ago, it was quoted that the Customs & Quarantine agreed to continue with its regular business schedule of operations regarding the clearances of commodities from any ports of entry. Than a week or so, they reneged this commitment, advocating for a push to have the Carrier Services pay for the off duty services of Customs and Quarantine Officers, citing the lack of manpower. Certainly this appears negligent on their part to avow to such a commitment in the first place, but now they appear to be uncompromising. Now, just who do you think will be levied the burden of this fiasco? I will. And so will the many small business who are struggling to stay afloat in these hard economic times.

The Customs and Quarantine Agency recently started collecting on fees that were implemented not even a year ago, and again they are going to hit the Carrier Services with fees that will adversely affect me again. The services that Customs and Quarantine provide is mandated by law and I feel that by implementing this new measure there is a certainty that this will eventually be abused by the administration or whatever administration it may be.

I strongly urge you, Mr. Chairman-Senator Moylan and the members of the Committee- to withdraw this measure-and moot. This is not in the best interest of the small business owners of this island and Fdefinitely goes against the principle of having the government perform its duty and services to the people of this island.



April 26, 2000

Good morning Mr. Chairman and committee members. My name is Darlene Merfalen and I am an employee of the Guam Customs and Quarantine Agency. I am here today to testify on Bill No. 410-Carrier Bill. I am quite sure that this committee took considerable time in drafting Bill No. 410. However, there are several sections in this bill that I am concern with. I wish to address Section 6220. Customs and Quarantine Agency Officer: Compensation. I disagree with the compensation rate of (1.5 x employees hourly wage rate) for each off-duty hour of service performed. I feel this is equation for compensation is not fair. With this rate, I would not be interested in performing any off-duty carrier service. I would recommend to the committee to consider compensating me at (2 x my hourly wage rate) for the first hour of off-duty carrier service performed and (1.5 x my hourly wage rate) after the first hour or fraction thereof. At least with this rate I am willing to drop what I am doing to earn extra money. Even at this recommended rate of compensation from the lowest hourly wage rate to the highest hourly wage rate of a uniform officer, there is a substantial sum for the Customs Agency. From the \$65.00 subtract \$20.40 (2 x lowest hourly wage rate) equals \$44.60 which the Customs Agency receives. With this equation even the highest hourly wage rate the difference from \$65.00 still provides the Customs Agency a sum of money. I feel that this is a fair compensation equation.

Also Section 73203. Charges for Carrier Off-Duty Services of Customs and Quarantine Officers parts (ii) to (iv) regarding the eligibility requirements and monetary limitation, I feel that this should not be dictated by statute but rather an in house policy depicting the guidelines set forth by my Director. To include this part in the bill places a constraint and not the flexibility necessary to run this program effectively and efficiently.

I am happy that this committee is including Section 4 Subsection 28112. Continuing Appropriation to this bill. However, I would like to recommend that the (2%) of the total Use Tax collected be increase not less than (5%). Also the money appropriated should not be deposited into the Customs Agriculture, and Quarantine Services Charge Fund but is deposited separate from this account. The Department of Agriculture employees

stationed at at the various Customs Ports of Entry do not performed any services relating to Use Tax collection, therefore I feel that they should not be compensated for services they do not perform. But any appropriation deposited into the Customs, Agriculture, and Quarantine Services Charge Fund, Dept. of Agriculture will automatically be entitled to a certain percentage.

In closing, Mr. Chairman and committee members that you would consider the recommendations I have provided because there is a need to change portions of Bill 410. Thank you very much.


DARLENE R. MERFALEN

TESTIMONY on Bill 410 - "The Carrier Off-Duty Services Revolving Fund"

By: Philip S.N. Taijeron, Jr.

It is not customary of me to make testimony based on assumptive reasoning. I am forced to, however, due to the timeliness and manner within which I was given this information. I am assuming that there was a group of intellectuals and maybe even experts aside from those who will truly be affected by this bill who in their infinite wisdom and knowledge have managed to construct this document.

Quickly, you assume that I am mocking this committee or even sarcasm may be the label associated with my testimony. My style of presentation comes as a result of my desire to convey upon you my displeasure with not being consulted and even worse not being considered.

Immediately after my review of Bill 410, I wondered if we had somehow been taken back to medieval times, a time when feudal lords controlled hoards of indentured servants. Landlords, who by the sweat of the brow of their servants and the backbreaking tasks these servants performed, lived the life of imperialism, luxury and glutton.

My mind meandered to some thoughts on the mechanics of slavery, but my recollection of lessons learned in history ceased that thought, because I remembered that slavery was abolished.

But then the term "MODIFIED SLAVERY" came to mind when I had to consider the intent and type of logic used by the scholars who may have been attempting to "bamboozle" the people who would be most affected by this legislation. I qualify this statement by my review of the language contained in **subsection (a) (i) of section 73203** and the manner in which it conflicts with the language in **section 73205's section 3** and, which by it's placement leads me to wonder if someone was attempting to pull the carpet out from under my feet.

In short, I deciphered it to imply that I will perform the labor by myself and depending on when I'm done, I'm going to get paid, but not the full amount that I will be charging the individual requiring the service. According to the language, I will charge sixty-five dollars (\$65.00) for the first hour and thirty dollars (\$30.00) for every hour after that, but not to exceed two hundred and seventy-five dollars (\$275.00), but, then there is the part that states that I'll only be compensated at time and a half of my hourly wage rate. The math tells me that there will be **some loose change**.

If this is the case, my question is who is going to pocket the loose change? Loose change which presents a concern for two groups of people, 1) the clients who require the off-duty service and 2) the customs officers who will perform the service. Notice that nowhere in this bill is the third party identified. Gosh, I wonder who it is?

There may be many of them but one concern that may be presented by the clients of the off-duty service would be, "If the officer who performs the service is only going to be paid time and a half of his hourly wage rate then where is the cost study which justifies the sixty-five dollars, since there are no officers that I know of whose time and half rate equals sixty-five dollars?"

One of the thoughts and concerns of a customs officer could be "for time and half, it is not worth my time to wake up at an ungodly hour, prepare my uniform, get dressed up for less than two hours, drive back to work in the middle of the night and then have to wake up early to go back to work in the morning, and then someone, who never lifts a finger pockets the loose change." The concerns could go on and on.

To reiterate my concern: "Who will be pocketing the rest of the money?"

The response, but not the answer, I'm sure you have. That's specifically my point and the reason for my sarcasm! Throughout this document there are particulars and specifics for varying issues, even to the point of stating how many times an officer may be scheduled to perform off duty service. But when it came to "whose pocket the money would be going into?" there were no specifics. Gosh, how convenient.

My assumption is that it was strategically left out so that some medievalist may prosper off the sweat of my brow.

Putting an end to the sarcasm please allow me at this point to dispense with the drama and theatrics of **MY style of presentation**, for now that I have your attention, I wish to point out the specific parts of this bill that I have concern with.

The flaws associated with your bill are as follows:

As previously mentioned the inconsistency between the sixty-five dollar (\$65.00) charge indicated in **subsection (a) (i) of section 73203** and the compensation at time and half indicated in **section 6220 from section 3 of section 73205** is not acceptable. If the officer performs the work and the charge is executed then he should be compensated by the full amount of the charge.

Subsection (a) (iii) section 73203 states that an officer may perform off-duty services after the officer has completed 40 hours. This is truly an administrative concern and has no true impact on the service to be provided. Because officers work schedules are extended over a five-day period, there will be instances where an officer may not be capable of performing overtime due to the manner in which their days off are scheduled. This in itself should justify the removal of this stipulation.

If it must be censored, then the only requirement would be for the officer to have to complete eight (8) hours of work before being eligible to perform off-duty services. However, I feel that this concern is inappropriate as legislation should be an issue for the rules and regulation process.

Subsection (a) (iv) of section 73203 states that the Agency shall schedule each eligible officer to no more than two assignments per pay period. Once again, the completion of the forty hours issue arises. As I stated earlier, this is a rules and regulation issue.

Extended, the intent of this part needs further explanation. What is the intent and what is the restriction it is intended to affect? In it's current style it needs to be removed.

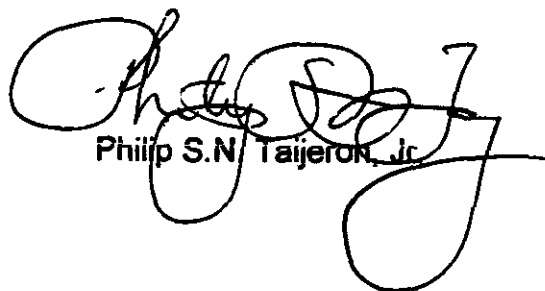
Subsection (c) of section 7323 states the manner in which charges shall be imposed. This language is vague and once again the intent of this part is not logical. I am confused as to why charges for off-duty services "shall be imposed only after all other overtime appropriations made to the Customs and Quarantine Agency for the operating fiscal year have been exhausted." I interpret this to mean that no money collected for these services may be extracted from the revolving fund until overtime appropriations have been exhausted. That's like trying to make a square fit into a circle. It contradicts the purpose of having a revolving fund. The two are completely different. Or is this the reason for the lack of specificity as to who pockets the loose change. If you want to be specific, specify that the fund shall only be used for the purpose of paying the officers who provide the service. Uninvolved persons should not be able to stick their greedy hands into a pot of money, which is not theirs to begin with.

§28112 from section 4 of section 73205 should increase the amount of appropriation from 2% to 3% and this money should not be appropriated to the Customs, Agriculture, and Quarantine fund because Customs is the only entity involved in the fund that performs actions for the collection of use tax. I recommend that this money be placed into a fund created specifically for addressing the concerns of the use tax. It could be called the "Customs Use Tax Fund"

It was not my intent to chastise the efforts of those who put together this bill but it is my intent to recommend that in the future during statutory construction get with the experts on the issue or at least get with a majority of those who will be affected by the legislation and don't wait for the public hearing to get with them.

To assist this committee in producing a bill that would solve all our problems, I recommend that this committee seriously take a look at the proposal, sent to you by the Customs Agency, which addresses this problem. For if you were to pull out all the quirks in this bill, aside from the rider, you would find the very proposal sent to you by the Customs Agency.

I, thank-you for your time.



Philip S.N. Taijeron, Jr.

WRITTEN TESTIMONY

The Revised Version of the Customs Off-Duty Service Charge will not be in the public's best interest and is an insult to the hard working officers of the Customs and Quarantine Agency.

You will not get officers to come in to work for overtime purposes because of the mere fact that they are allowed only two (2) overtime periods in a pay period. Some officers will not come in for overtime for the simple reason that they just don't want to work overtime. Some officers will come in but, after you have exhausted the resources, who are you going to call in? Some officers will not come into work for just time and half. Is this a way of providing service to the public?

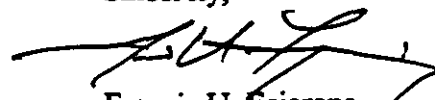
For some officers, this is a waste of their time. They will not feel that they are being properly compensated for their services.

Individuals requesting for overtime services will not get the service required or needed. Giving the officers just time and half for their time is very unfair and impractical.

Senators pay the full amount of the service charge to the officers and don't place any restrictions on the amount of overtime they can perform. The benefits will be, a long line of officers to perform overtime, very satisfied customers, and increase taxes from the officers increased salaries.

So therefore, I am not in support of this bill.

Sincerely,



Francis U. Fejarang

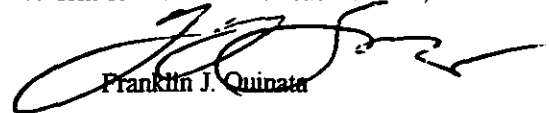
**WRITTEN TESTIMONY
BILL NO. 410 -CARRIER BILL**

TO: The 25th Guam Legislature

FROM: Franklin J. Quinata

I, Franklin J. Quinata, an officer of the Customs and Quarantine Agency and a resident of Dededo would like to express my own reservation and written opinion concerning Bill No. 410 - Carrier Off -Duty Services Revolving Fund. I am not in total support of the bill which had been revised by the good Senator Kaleo Moylan's committee. Upon reviewing the intent of the bill, I feel whole heartily that certain sections of this proposed bill should be amended with respect of the restrictive measures which are in place. I firmly support the first hour rate of (sixty-five dollars) \$65.00 per hour for each officer requested to perform service and after the first hour or fraction thereof, the rate of (thirty dollars) \$30.00 for each hour, however, I do not support the section which states that each officer is not to exceed a maximum charge of two-hundred and seventy-five dollars (\$275.00) per officer per day. This section should be carefully reviewed on a case by case basis beyond the scope of the inspection which a seizure has occurred beyond the allotted time. My question to the committee is " How will I be compensated for the extra hours processing an offender of the offense or the crime committed". Through taxing I feel that the Government of Guam would still benefit from the earnings of the officers payroll checks. Furthermore, I do not support that each eligible officer completing (forty) 40 hours of regular time to no more than two off-duty service assignments per pay period. I affirm with deep conviction that I **SHOULD NOT** be restricted from performing extra days and or extra hours at anytime upon the request of the public for the expedition of their cargo clearance!!! I feel the public would be best served if the officer is available at anytime of the day and not to have his hands tied because he was mandated to only perform two off-duty days of the pay period. In addition to this I **FIRMLY DO NOT SUPPORT** Section 6620 because it does not reflect an accurate account for the officer's time and resources in the performance of his duties and it does not serve in my interest to be compensated at the rate of one and a half times the (I) officer's current hourly wage rate for each of my off-duty hour of service performed. I respectfully request that the committee consider amending the above stated and look upon not only the need to be properly compensated, but to fairly and equally heard as to serve the public and to protect the vital interest of this beautiful isla we call home, Guam. Thank you for hearing my concerns and have a nice day.

Resident of Dededo and Peace Officer,


Franklin J. Quinata

WRITTEN TESTIMONY

The reason why I feel that this overtime will not be conducive to the Island of Guam and it's people, is the mere fact that, they will not get the proper service and protection that they deserve.

When I say service, I mean that you will not get officers to come in to work for overtime purposes because of the mere fact that they are allowed only two (2) overtime periods in a pay period. Some officers will not come in for overtime for the mere reason that they just don't want to work overtime. Some officers will come in but, after you have exhausted the resources, who are you going to call in? Some officers will not come into work for just time and half.

For some officers, this is a waste of their time. They will not feel that they are being properly compensated for their services and the protection that this island deserves. To wake up in the wee early mornings to do their jobs, as a sworn in officer is tough enough, but to come in for overtime services, they will not in bother to think of coming in. They will feel that they are not being justly compensated for the time and effort they put in to serve the public and this island.

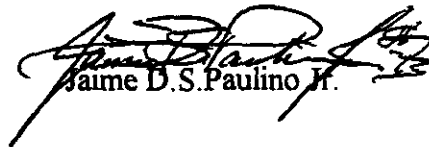
Therefore, the individuals requesting for overtime services will not get the service required or needed. As a public servant for the past fourteen years, I know the importance of providing service for the public, but I also know that I do not want to be missed represented by this legislature. You are doing this island an injustice, thinking that by reducing our overtime hours and giving the officers just time and half for their time is very unfair and impractical.

The amount of seizures of contraband and illegal merchandise, not to include illicit narcotics, has dwindled. In the past, officers did not have to worry about staying back because they know that they will be compensated properly. Their minds were free from thinking that they would have to hurry up their inspection, they knew that they could take their time and do the job right without rushing their inspection. Being compensated properly was furthest from their minds. Without having to worry about not being compensated properly, interceptions of illegal merchandise and narcotics where high. As it is and our records show for its self the interceptions are very low. Now, the officers worry about being not compensated, so they hurry up their inspection and by hurrying up their inspection, items that need to be seized, to include narcotics is slipping by because of this thinking.

If you where in my shoes, you would not want to receive a telephone call early in the morning requesting your presence for overtime services when you know that the time and service you provide to the public is not a fair and just compensation. You would not want to wake up in the middle of the night, and drive all the way from Inarajan thinking and knowing that when you do come in, that you will only receive \$15.00 dollars for your services. You'll know then that you have lost more than just money. You have lost valuable time with your family, you have lost money that pays for the gas and you have lost valuable sleep time. You will have the natural human mentality of thinking "I am not being compensated properly for the time and effort I put in" and with that thinking, the public and island once again will not get the service and protection it deserves.

So therefore, I am not in support of this bill.

Sincerely,


Jaime D.S. Paulino II.

Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature

April 20, 2000

OFFICE COPY

The Honorable Madeleine Z. Bordallo
Acting Governor
R. J. Bordallo Governor's Complex
Agana, Guam 96932

RECEIVED
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Re: Committee Public Hearing

Dear Governor Bordallo:

This is to inform you that the Committee on Housing, General Government Services and Foreign Affairs has scheduled a public hearing on Wednesday, April 26, 2000, commencing at 9:00 a.m., in the Guam Legislature Public Hearing Room. As your appointments directly affect the operations of the government of Guam, the Committee members and I request that your nominees and interested cabinet officials be in attendance.

A copy of the hearing Agenda is enclosed for your review.

Thank you,



KALEO S. MOYLAN

Enclosure

Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bonto Singko Na Liheslaturan Guahan
Twenty-Fifth Guam Legislature

April 20, 2000

The Honorable Madeleine Z. Bordallo
Acting Governor
R. J. Bordallo Governor's Complex
Agana, Guam 96932

Re: Committee Public Hearing

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A copy of the hearing Agenda is enclosed for your review.

Thank you,


KALEO S. MOYLAN

Enclosure

Tel. (671) 472-3342/3 • Fax (671) 472-3440
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Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature

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ATTORNEY GENERAL'S OFFICE

April 20, 2000

OFFICE COPY

Mr. John F. Tarantino
Attorney General
Department of Law
Agana, Guam 96910

Re: Committee Public Hearing

Dear Mr. Tarantino:

This is to inform you that the Committee on Housing, General Government Services and Foreign Affairs has scheduled a public hearing on Wednesday, April 26, 2000, commencing at 9:00 a.m., in the Guam Legislature Public Hearing Room. A copy of the hearing Agenda is enclosed for your review.

Thank you,



KALEO S. MOYLAN

Enclosure:

Senator Kaleo S. Moylan
Chairperson, Committee on using,
General Government Services and Foreign Affairs
Mina'Kone Single Na Likesaurusan Oukhon
Twenty-Fifth Guam Legislature

FACSIMILE COVER SHEET

April 20, 2000

To: Mr. John Tarantino
Attorney General of Guam
Fax: (671) 472-2493
Subject: Committee Public Hearing

Total Pages including Facsimile Cover Sheet: ten (-10-).

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Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bente Singko Na Liheslaturan Guahan
Twenty-Fifth Guam Legislature

April 20, 2000

OFFICE COPY

Mr. John M. Quinata
Director
Customs and Quarantine Agency
Tiyan, Guam 96921

Re: Committee Public Hearing

Dear Mr. Quinata:

This is to inform you that the Committee on Housing, General Government Services and Foreign Affairs to which was referred Bill No. 410 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED," has scheduled a public hearing on Wednesday, April 26, 2000, commencing at 9:00 a.m., in the Guam Legislature Public Hearing Room. As the legislation affects the customs industry, the Committee members and I request that you attend and submit your written comments.

A copy of the hearing Agenda is enclosed for your review.

Thank you,


KALEO S. MOYLAN

Enclosure

Senator Kaleo S. Moylan
Chairperson, Committee on Education,
General Government Services and Foreign Affairs
Mina'Sana Single Na Likelikean Ginshan
Twenty-Fifth Guam Legislature

FACSIMILE COVER SHEET

April 20, 2000

To: **Mr. John M. Quinata**
Director, Customs and Quarantine Agency
Fax: **(671) 475-6227**
Subject: **Committee Public Hearing**

Total Pages including Facsimile Cover Sheet: ten (-10-).

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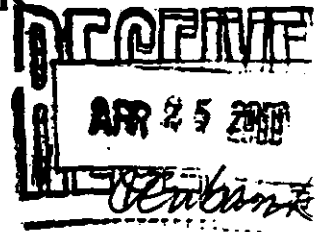
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Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature



April 20, 2000

OFFICE COPY

Mr. Joseph Rivera
Director
Bureau of Budget and Management Research
R. J. Bordallo Governor's Complex
Hagåtña, Guam 96932

Re: Request for Fiscal Notes

Dear Mr. Rivera:

Please find attached a copy of Bill 410 (COR) referred to the Committee on Housing, General Government Services and Foreign Affairs which I respectfully request issuance of a Fiscal Note.

Thank you,

KALEO S. MOYLAN

Attachment :

Senator Kaleo S. Mowlan
Chairperson, Committee on Planning,
General Government Services and Foreign Affairs
Mina' Bone Singsha No I. Akelelurean (Gadlan)
Twenty-Fifth Guam Legislature

FACSIMILE COVER SHEET

April 20, 2000

To: Mr. Joseph Rivas
 Acting Director, BBMR
 Fax: (671) 472-2825
 Subject: Fiscal Note

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TOTAL 0:02'27" 10

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Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina'Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

To: FedEx, Fax 633-0125
DHL, Fax 664-9354
Pan Oceania Ltd., Fax 649-3012
Emery, Fax 646-6360
TNT, Fax 649-3012

Sealand, Fax 477-7848
Matson, Fax 477-5965
Northwest Airlines Fax 649-0942
Continental Airlines, Fax 642-8973

Guam Chamber of Commerce, Fax 472-6202

Re: Committee Public Hearing

This is to inform you that the Committee on Housing, General Government Services and Foreign Affairs to which was referred Bill No. 410 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED," has scheduled a public hearing on Wednesday, April 26, 2000, commencing at 9:00 a.m., in the Guam Legislature Public Hearing Room. As the legislation affects your industry, the Committee members and I request your participation and input at the hearing.

A copy of the hearing Agenda is enclosed for your review.

Thank you,


KALEO S. MOYLAN

Attachment:

Senator Kaleo S. Moylan
 Chairperson, Committee on Housing, General Government Services and Foreign Affairs
Mina 'Bento Singha Nu Lihelaturan Guåhan
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

To: FedEx, Fax 633-0125
 DHL, Fax 664-9354
 Pan Oceania Ltd., Fax 649-3012
 Emery, Fax 646-6360
 TNT, Fax 649-3012

Sealand, Fax 477-7848
 Matson, Fax 477-5965
 Northwest Airlines Fax 649-0942
 Continental Airlines, Fax 642-8973

Guam Chamber of Commerce, Fax 472-6202

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KALEO S. MOYLAN

Attachment:

Tel. (671) 472-3342/3 • Fax (671) 472-3440
 Sinajana Shopping Mall • Phase II • Suite 16B • 777 Route 4 • Sinajana, Guam 96926 U.S.A.

TRANSMISSION REPORT

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TOTAL PAGES SCANNED : 9
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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	+6716497635	4-24-00 9:58AM	2'35"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'35" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Senator Kaleo S. Moylan
 Chairperson, Committee on Housing,
 General Government Services and Foreign Affairs
Mina Banto Singko Na Legislaturaon Guam
 Twenty-Ninth Guam Legislature

April 20, 2000

MEMORANDUM

To: FedEx, Fax 633-0125
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Sealand, Fax 477-7848
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 Continental Airlines, Fax ~~642-8973~~ 649-76

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TRANSMISSION REPORT

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TOTAL PAGES SCANNED : 9
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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	06420873	4-20-00 4:49PM	0'00"	0/ 9		CALL UNSUCCESSFUL 0167 0020

TOTAL 0:00'00" 0

NOTE:
 No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Senator Kaleo S. Moylan
 Chairperson, Committee on Housing, General Government Services and Foreign Affairs
Mina' Bonta Singsha Na Likolekolekan Tadhon
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	34775965	4-20-00 4:24PM	4'18"	9/ 9	EC	COMPLETED 9600

TOTAL 0:04'18" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
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Senator Kaleo S. Moylan
 Chairperson, Committee on Housing,
 General Government Services and Foreign Affairs
Mina' Bunt Singko Na Likasaurus Guahan
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	TNT EXPRESS WORLDWDE	4-20- 0 3:51PM	2'24"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'24" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
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Senator Kaleo S. Moylan
 Chairperson, Committee on Housing, General Government Services and Foreign Affairs
Mina' Ruwa Singke Na Lihelhelhelan Judian
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

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1	671 477 7848	4-20- 0 3:41PM	3'17"	9/ 9	EC	COMPLETED 9600

TOTAL 0:03'17" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Senator Kaleo S. Moylan
 Chairperson, Committee on Housing,
 General Government Services and Foreign Affairs
 Miss Bernice Singhe No. 1, Hanalei, Kauai
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	EMERY WORLDWIDE	4-20-00 3:23PM	2'32"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'32" 9

NOTE:
 No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
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Senator Kaleo S. Moylan
 Chairperson, Committee on Housing,
 General Government Services and Foreign Affairs
Mina' Bonec Singko Na Liheslaturaan Guahan
 Twenty-Fifth Guam Legislature

April 20, 2000

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 Sinajuan Shopping Mall • Phase II • Route 16B • 777 Route 4 • Sinajuan, Guam 96926 U.S.A.

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	FEDERAL EXPRESS	4-20- 0 3:20PM	2'32"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'32" 9

NOTE:

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 Twenty-Fifth Guam Legislature

April 20, 2000

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	TNT EXPRESS WORLDWIDE	4-20- 0 3:36PM	2'24"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'24" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
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Senator Kaleo S. Moyla
 Chairperson, Committee on Housing,
 General Government Services and Foreign Affairs
Mina' Banta Singha Na Libensitaren Guåhan
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	671 472 6202	4-20- 0 3:32PM	2'29"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'29" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800bps SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD R1 : RELAY INITIATE RS : RELAY STATION
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Senator Kaleo S. Moylan
 Chairperson, Committee on Housing,
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Mina' Bonea Single No. Legislature Guahan
 Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

To: ✓ FedEx, Fax 633-0125
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 ✓ Pan-Oceanic Ltd., Fax 649-3012
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~~JNI, Fax 649-3012~~
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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	FEDERAL EXPRESS	4-20- 0 1:59PM	0'47"	2/ 2	EC	COMPLETED 14400

TOTAL 0:00'47" 2

NOTE:

No. : OPERATION NUMBER 4B : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
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Senator Kaleo S. Moylan
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Mina' Bente Singhe Nu I-Ahenslataan Uukhaan
 Twenty-Fifth Guam Legislature

April 20, 2000

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***** SEND *****

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	NORTHWEST AIRLINES	4-20- 0 4:30PM	2'33"	9/ 9	EC	COMPLETED 14400

TOTAL 0:02'33" 9

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Senator Kaleo S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature

April 20, 2000

MEMORANDUM

To: All Members, Committee on Housing,
General Government Services and Foreign Affairs

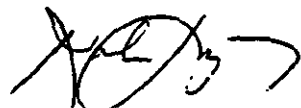
From: The Chairperson,

Subject: Committee Public Hearing

This is to inform you that the Committee on Housing, General Government Services and Foreign Affairs will be conducting a public hearing on Wednesday, April 26 2000, at 9:00 a.m., in the Guam Legislature Public Hearing Room.

A copy of the hearing Agenda is attached for your review.

Thank you,



KALEO S. MOYLAN

Attachment:

cc: All Senators
Clerk of Legislature
Protocol
Media

Senator Kaleo S. Moylan
 Chairperson, Committee on Housing,
 General Government Services and Foreign Affairs
Mina'esan Single Na Legislative Judhan
 Twenty-Fifth Guam Legislature

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KALEO S. MOYLAN

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cc: All Senators
 Clerk of Legislature
 Protocol
 Media

Tel. (671) 472-3443 • Fax (671) 472-3440
 Sinajana Shopping Mall • Phase II • Suite 108 • 777 Route 4 • Sinajana, Guam 96926 U.S.A.

TRANSMISSION REPORT

**THIS DOCUMENT WAS CONFIRMED
 (REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)**

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TOTAL PAGES SCANNED : 2
TOTAL PAGES CONFIRMED : 2

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	CLERK OF LEGIS	4-20- 0 2:57PM	0'46"	2/ 2	EC	COMPLETED 9600

TOTAL 0:00'46" 2

NOTE:

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 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Senator Kalso S. Moylan
Chairperson, Committee on Housing,
General Government Services and Foreign Affairs
Mina' Bonto Singsha Na Liheslaturan Guahan
Twenty-Fifth Guam Legislature

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cc: All Senators
 Clerk of Legislature
 Protocol
 Media

Tel. (671) 472-3342/3 • Fax (671) 472-3440
 Sinsajana Shopping Mall • Phase II • Suite 16B • 777 Route 4 • Sinsajana, Guam 96926 U.S.A.

TRANSMISSION REPORT

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	PROTOCOL	4-20- 0 2:56PM	0'58"	2/ 2	EC	COMPLETED 9600

TOTAL 0:00'58" 2

NOTE:

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 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

STORE & FORWARD REPORT

DATE/TIME
LOCAL TERMINAL ID.
LOCAL NAME
COMPANY LOGO

4-20- 0 4:05PM
671472344
SENATOR K. WOYLA
GUAM LEGISLATURE

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
138	PDN	4-20- 0 3:04PM	0'56"	2/ 2	EC SF	COMPLETED 9600
139	KUAM	3:06PM	0'39"	2/ 2	EC SF	COMPLETED 14400
140	K57/Power 98	3:08PM	1'29"	2/ 2	SF	COMPLETED 9600
141	Hit Radio 100	3:10PM	0'39"	2/ 2	EC SF	COMPLETED 14400
142	KTWG	3:19PM	0'46"	2/ 2	EC SF	COMPLETED 9600
143	MarianasVariety	3:27PM	1'22"	2/ 2	SF	COMPLETED 9600
144	IT&E ONLINE	3:31PM	0'37"	2/ 2	EC SF	COMPLETED 14400
145	KGTF TV	3:35PM	1'05"	2/ 2	SF	COMPLETED 9600
146	KSTO	3:46PM	1'21"	2/ 2	SF	COMPLETED 9600
147	KTGM TV 14	3:50PM	0'41"	2/ 2	EC SF	COMPLETED 14400
148	KPRG	3:55PM	1'21"	2/ 2	SF	COMPLETED 9600
149	KSDA FM Joy 92	3:57PM	0'51"	2/ 2	EC SF	COMPLETED 14400
150	TV MANILA	4:03PM	1'23"	2/ 2	SF	COMPLETED 9600
TOTAL			0:13:10"	26		

DIAL GROUP

No.	DIRECTORY NUMBERS
016	138 139 140 141 142 143 144 145 146 147 148 149 150

NOTE:

No. : DIRECTORY NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD R1 : RELAY INITIATE RS : RELAY STATION
 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY



ACKNOWLEDGEMENT RECEIPT

SUBJECT: April 26, 2000, 9:00 a.m. Wednesday, Committee Public Hearing on Executive Appointment of Vicente T. Champaco, member of the Cockpit License Board, David N. Sanfons, member of the Guam Housing and Urban Renewal Authority Board of Commissioners and Bill Number: 410

DATE: April 24, 2000

SENATORS	DATE	TIME	INITIAL	PRINT NAME
F.B. Aguon				
A.C. Blaz				
J.M.S. Brown				
M.G. Camacho				
A.C. Lamorena				
C. Leon Guerrero	04-24-00	3:07 pm	<i>[Signature]</i>	<i>[Signature]</i>
V.C. Pangelinan				
J.C. Salas	4/24/00	7:40	<i>[Signature]</i>	<i>[Signature]</i>
S.A. Sanchez				
Speaker A.R. Unpingco				
Central Administration Office				
Executive Director				
Legal Counsel				
Audio				
Maintenance				
Archives/Reproduction				
Protocal	4/24/2000	3:05	<i>[Signature]</i>	<i>[Signature]</i>
Clerk of the Legislature				

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
Senator Kaleo S. Moylan, Chairman
Committee on Housing, General Government Services and Foreign Affairs

Public Hearing
9:00 a.m., Wednesday, April 26, 2000

A G E N D A

I. Call to Order:

II. Announcement & Introduction of Members:

III. Executive Appointments:

Mr. Vicente T. Champaco to serve as a member of the Cockpit License Board.

Mr. David N. Sanford to serve as a member of the Guam Housing and Urban Renewal Authority Board of Commissioners.

IV. Legislative Measure:

Bill No. 410 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED."

V. Remarks:

VI. Adjournment:

The Hearing will take place at the Guam Legislature's Public Hearing Room. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Kaleo S. Moylan at 472-3342.

Mina'Bente Singko Na Liheslaturan Guahan

25th Guam Legislature

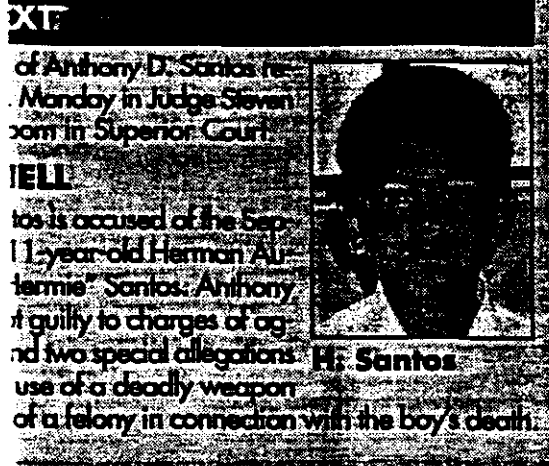
Committee on Housing, General Government Services and Foreign Affairs

Witness Sign in Sheet

Bill No. 410 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 73, DIVISION 7, PART 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND AND TO REPEAL AND REENACT SECTION 6220, ARTICLE 2, OF CHAPTER 6 OF TITLE 4 OF THE GUAM CODE ANNOTATED AND TO ADD A NEW SECTION 28112 TO CHAPTER 28 OF TITLE 11 OF THE GUAM CODE ANNOTATED."

Name	Representing	Testimony (written/oral)
James T. McDonald		WRITTEN
Thomas P. Quintanilla		WRITTEN
ERIC DELFIN		WRITTEN
Rick Mendocia		WRITTEN
DAN SALAS		WRITTEN
DAVE REYES		WRITTEN
EUGENE H. SANTOS	SELF	WRITTEN
Peter Lai	Quality Distributors	WRITTEN favor

Armed men burning



Armed men burning
 of Anthony D. Santos re-
 Monday in Judge Steven
 room in Superior Court
Armed men burning
 Santos is accused of the Sep-
 11-year-old Herman Au-
 termie Santos. Anthony
 guilty to charges of ag-
 and two special allegations
 use of a deadly weapon
 of a felony in connection with the boy's death

However, Med- minutes during the burning, but did

THE PUBLIC

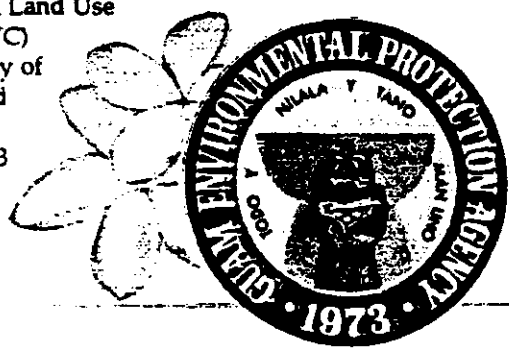
WETLANDS CONSERVATION PLAN (GWCP)

2A) and
 (VCP)
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would also be glad to meet with interested parties. This initial comment period will end 30 days from the date of this notice. A second or final draft of this plan will be presented to the public at various hearings or meetings with the Guam EPA Board of Directors and Guam Planning Council several months from now.

Funding for the plan was provided by the United States Environmental Protection Agency (U.S. EPA) through its 1998 State-Tribal-Local Governments Wetlands Development Grant Program. Wetlands conservation planning, mapping, regulatory development and related activities are required by local Executive Order 90-13. GovGuam currently administers a Wetland Development Permit system through the Guam Land Use Commission (GLUC) under the authority of the GLUC Wetland Areas Regulations (18 GAR Chapter 3 Art. 5).

JESUS T. SALAS
 Administrator



GOVERNMENT MEETINGS

April 21 is Good Friday. No meetings are scheduled.

MENTAL HEALTH PLANNING COUNCIL: Noon, April 24, first-floor conference room, Department of Mental Health and Substance Abuse, Tamuning. Those with disabilities who need special accommodations, etc., should call 647-5407.

BOARD OF COSMETOLOGY: Special executive session meeting noon, April 24, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyon. For more information, call 475-0251/2.

COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION & HUMAN RESOURCES DEVELOPMENT: Confirmation/public hearing

P.O. Box 22439 GMF
 Barrigada 96921
 Tel 472-8863
 Fax 477-9402

475-5437.
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: Public hearing on revision No. 2, FY 2000 Preventive Health Block Grant, 3:30 p.m. April 25, Room 224, Department of Public Health and Social Services, Mangilao. The grant is available for review at the Bureau of Community Health Services, Building 112, H St., Tiyon. For more information, call Peter John Camacho, 735-7305 or Angelina Mument, 475-0671. Those with disabilities who need special accommodations, etc., should call 475-0671 or fax 477-7626.
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 1689 INC.: 5 p.m., April 25, AFGE union office, Naval Station. All members

FORCE: 7 p.m., April 26, Merizo community center. For more information, call 475-9660.

GHURA BOARD OF COMMISSIONERS: 5 p.m., April 26, GHURA conference room. Those with disabilities who need special accommodations, etc., should call Michael Duenas, 477-9851/4 or TTY/TDD 472-3701.

GIAA TAXICAB PERMITTEES: 10 a.m., April 26, GIAA conference rooms 1 and 2.

ALCOHOLIC BEVERAGE CONTROL BOARD: 5 p.m., April 26, Department of Rev. & Tax director's conference room, second floor, Building 13-01, Mariner Ave., Tiyon. Those with disabilities who need special accommodations, etc., should call 475-1790.

COMMITTEE ON HOUSING, GENERAL GOVERNMENT SERVICES AND FOREIGN AFFAIRS: Public hearing 9 a.m., April 26, I Liheslaturan Guahan public hearing room, Hagåtña. Appointments of Vicente T. Champaco as Cockpit License Board member; David N. Sanford as GHURA board of commissioners member; Bill 410. For more information, call 472-3342.

The task force will be holding meetings throughout the island in an effort to inform the public about Free Association for Guam:

Wednesday, April 26, Merizo Community Center.

Friday, April 28, Yigo Senior Citizen Center.

All meetings will take place at 6:30 in the evening.

For more information, contact Edna Camacho at 475-9660.

Mongmong-Toto-Maite Mayor's Office. Mayor Andrew C. Villagomez, 477-6758/9090

The Department of Public Health and Social Services District Nurses will be conducting a community-based Outreach Clinic in the Mongmong-Toto-Maite area on April 26, from 1 to 4 p.m. at the mayor's office. Services include shots for children and teenagers, and senior citizens 55 years and above; free pregnancy testing, counseling for birth control methods; newborn/postpartum care; blood sugar/cholesterol screening (supplies limited); blood pressure checks,

practice is on Thursday between 4:30 p.m. to 5 p.m. at the Eagles Field (Route 15).

• Mayor Blas would like to inform the residents that free mulching is available at the Asan Dump Area across Asan Park.

Agana Heights Mayor's Office. Mayor Paul M. McDonald, 472-8286/6393

• Residents are asked to support the 2000 Agana Heights Senior Citizen, La Raina Candidate, Catalina P. Pal.

• Agana Height's 8th Annual Softball intramural League is around the corner. All interested teams are asked to call the mayor's office for more information—40-and-over category league is also being formed to coincide with the league.

• Registration for the Agana Heights 2000 Fun in the Sun Summer Camp is now accepting applications for Camp counselors and Junior Counselors. Interested individuals 16 years and older are encouraged to drop by the mayor's office for applications.

Symphony concert on May 6

THE 33rd season symphony finale on May 6 at Southern High School will feature the Guam Symphony Orchestra joined by guest musicians from Japan and Saipan, a media release said.

Schubert's 5th Symphony in B-minor will headline the program along with two selections by Mozart for soloists and orchestra.

Sara Grant will perform the clarinet concerto, which is regarded by some as the best woodwind concerto ever written.

Harpist Cynthia Sajnovsky and flutist Christina Wang, both symphony members, will be featured in the Andantino from the Flute and Harp Concerto.

Tickets are \$10 in advance for adults; \$15 at the door; and \$5 for students. Tickets are available at Bestseller Books in Hagatña and Micronesia Mall, China Arts, Colorful Country Creations in the Hilton and Dededo, and at UOG Triton Bookstore.

MINA BENTE SINGKO NA LIHESLATURAN GUAHAN

Senator Kaleo S. Moylan,
Chairman

Committee on Housing
General Government Services and
Foreign Affairs

Public Hearing
9:00 a.m., Wednesday, April 26, 2000

AGENDA

Appointments:

Vicente T. Champaco to serve as a member of the Cockpit License Board.

David N. Sanford to serve as a member of the Guam Housing and Urban Renewal Authority Board of Commissioners.

and

Bill No. 410 (COR)
AN ACT TO AD A NEW ARTICLE 2 TO TITLE 5 GCA RELATIVE TO ESTABLISHING A CARRIER OFF-DUTY SERVICES REVOLVING FUND.

The Hearing will take place at the Guam Legislature Public Hearing Room located at Hagatña. Individuals requiring special accommodations, auxiliary aids or service are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

EGG HUNTERS. Jayson and Mara eagerly search

IN THE SUPERIOR COURT OF
GUAM

ROSALINE G. CARANTO,
Plaintiff,

vs.

CARLO G. CARANTO,
Defendant.

SUMMONS

TO THE ABOVE-NAMED
DEFENDANT:

DOMESTIC CASE NO. DM0256-00

CARLO G. CARANTO
1944 Cantamar Place San Diego,
California 92154

YOU ARE HEREBY SUMMONED and directed to file with this Court and to serve upon Gary D. Hull, P.C., Suite 903, Pacific News Building, 238 Archbishop Flores Street, Hagatña, Guam, a written answer to the Complaint which is herewith served upon you, within thirty (30) last days after service of this Summons upon you (exclusive of the day of service). If you fail to do so, judgement by default will be taken against you for the relief demanded in the Complaint.

RICHARD B. MARTINEZ
Acting Clerk of Court

By: /s/ ENRIQUE F. AFLAGUE, JR.
Deputy Clerk

Keep Our
Environment
Clean and
Green

LAW OF OF GERAL

202 F&F Commw
213 E. Buena Vista
Dededo, Guam 96
Tel. (671) 637-96
Fax. (671) 637-96

IN THE SUPERIOR
COURT OF GUAM

IN THE MATTER OF
THE ESTATE OF
CLAUDIO A. ...
Deceased

Case No. : No
NOTICE OF

Notice is hereby given that ELEANORA B. ... Executrix of the ... and numbered ... a petition for waiver of ... and final distribution

The executrix ... and final distribution before this court for the 5th day of MAY 2000 9:00 a.m. or as soon as possible. The petition can be filed in the courtroom of the Honorable S. Unpingco Judge of Guam, you are requested to attend the aforesaid petition distribution filed in the Court of Guam. Particulars, and ... present unless you

Dated: APRIL 03, 2000

/s/ CYNTHIA ...
Deputy Clerk Superior Court