



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 10 2000

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:30am</u>
Date	<u>7-10-00</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 428 (COR), "AN ACT TO AMEND §2 OF P.L. NO. 25-28, RELATIVE TO AMENDING THE MERIZO PUBLIC CEMETERY ENABLING LEGISLATION AND ADOPTING ITS RULES AND REGULATIONS", which was **signed** into law **Public Law No. 25-156**.

The rules and regulations contained in this legislation were developed by the Merizo Municipal Planning Council and transmitted to i Liheslatura on April 17, 2000. These rules and regulations would go into effect automatically after 90 calendar days plus 3 legislative days.

The attached legislation contains an amendment deleting the language concerning the San Dimas Parish Council in the law concerning the municipal cemetery, since this is not a proper party to include in the legislation. The rules and regulations and the amendment, as contained in this legislation, was approved by the Merizo Municipal Planning Council, and therefore the legislation has been signed.

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

07014

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. 428 (COR) "AN ACT TO AMEND §2 OF P.L. NO. 25-28, RELATIVE TO AMENDING THE MERIZO PUBLIC CEMETERY ENABLING LEGISLATION AND ADOPTING ITS RULES AND REGULATIONS," was on the 23rd day of June 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 29th day of June, 2000,
at 8:20 o'clock 9 .M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 7-10-00

Public Law No. 25-156

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

Bill No. 428 (COR)

As substituted by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community Affairs.

Introduced by:

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

**AN ACT TO AMEND §2 OF P.L. NO. 25-28,
RELATIVE TO AMENDING THE MERIZO PUBLIC
CEMETERY ENABLING LEGISLATION AND
ADOPTING ITS RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Statement.** Pursuant to the provisions
3 contained in §2 of Public Law Number 25-28, the Merizo Municipal Planning
4 Council and the San Dimas Church Parish Council established the rules and

1 regulations and fee schedule for the Merizo Public Cemetery. However, I
2 *Liheslaturan Guåhan* wishes that the legislation be amended to limit the
3 enactment authority to government of Guam entities. At the same time, I
4 *Liheslaturan Guåhan* does *not* wish to preclude other non-government
5 organizations from participating in the rule making process.

6 On April 17, 2000 I *Liheslaturan Guåhan* received a set of proposed rules
7 and regulations relating to the Merizo Public Cemetery, in furtherance of
8 Public Law Number 25-28. Although changing the rule making procedures
9 via this legislation, I *Liheslaturan Guåhan* does *not* wish to delay the
10 implementation of establishing a procedure for managing the Merizo Public
11 Cemetery and hereby adopts an amended set of regulations, which the
12 Merizo Municipal Planning Council may amend pursuant to the
13 Administrative Adjudication Law, §9303 of Article 3, Chapter 9, Part 1,
14 Division 1 of Title 5 of the Guam Code Annotated, as amended by Public Law
15 Number 24-27, in the future *if* they deem necessary. Information learned from
16 the May 31, 2000 public hearing revealed that the Merizo Public Cemetery
17 and adjacent Merizo Catholic Cemetery are being filled quickly.

18 **Section 2.** Section 3 of Public Law Number 24-127, as repealed and
19 reenacted by §2 of Public Law Number 25-28, is hereby *amended* to read as
20 follows:

21 **"Section 3. Maintenance and Upkeep.** The Merizo
22 Municipal Planning Council is hereby authorized to establish rules and
23 regulations and fee schedule for the use of the Merizo Public Cemetery.
24 Monies generated from the use of the Merizo Public Cemetery shall be

1 Monies generated from the use of the Merizo Public Cemetery shall be
2 used to fund the maintenance and upkeep of the Cemetery. The Merizo
3 Municipal Planning Council shall establish and maintain an account,
4 separate from all other accounts, for all monies received from the use of
5 the Merizo Public Cemetery. The Merizo Municipal Planning Council
6 shall provide the Speaker of *I Liheslaturan Guåhan* and *I Maga'lahen*
7 *Guåhan* with an annual report on the use of funds received from the use
8 of the Merizo Public Cemetery."

9 **Section 3. Adoption of the Merizo Public Cemetery Rules and**
10 **Regulations.** Notwithstanding any other provision of law, *I Liheslaturan*
11 *Guåhan* hereby adopts the Merizo Public Cemetery Rules and Regulations, as
12 amended by *I Liheslaturan Guåhan*, hereto attached as "ATTACHMENT A."

13 **Section 4. Severability.** *If* any provision of this Law or its
14 application to any person or circumstance is found to be invalid or contrary to
15 law, such invalidity shall *not* affect other provisions or applications of this
16 Law which can be given effect without the invalid provisions or application,
17 and to this end the provisions of this Law are severable.



COPY

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

June 28, 2000

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 165(COR), 354(LS), 422(LS), 427(COR), 428(COR) & 439(COR) and Bill Nos. 402(COR), 419(LS) & 423(LS) which were passed by *I Mina'Bente Singko Na Liheslaturan Guahan* on June 23, 2000.

Sincerely,

JOANNE M.S. BROWN


Senator and Legislative Secretary

Enclosure


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. 428 (COR) "AN ACT TO AMEND §2 OF P.L. NO. 25-28, RELATIVE TO AMENDING THE MERIZO PUBLIC CEMETERY ENABLING LEGISLATION AND ADOPTING ITS RULES AND REGULATIONS," was on the 23rd day of June 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 29th day of June, 2000,
at 8:30 o'clock 9 .M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

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

Bill No. 428 (COR)

As substituted by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community Affairs.

Introduced by:

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

**AN ACT TO AMEND §2 OF P.L. NO. 25-28,
RELATIVE TO AMENDING THE MERIZO PUBLIC
CEMETERY ENABLING LEGISLATION AND
ADOPTING ITS RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Statement.** Pursuant to the provisions
3 contained in §2 of Public Law Number 25-28, the Merizo Municipal Planning
4 Council and the San Dimas Church Parish Council established the rules and

PART 3. BURIAL PROCEDURE.

- 3.01 Burial Schedule.** Burials shall be set according to Council schedules.
- 3.02 Interment Fees.** Interment fees for the Merizo Public Cemetery will be assessed in the amount of One Thousand Four Hundred Fifty Dollars (\$1,450.00). The fees include the interment service fee at the crypt services during the interment [Two Hundred Fifty Dollars (\$250.00)], cost of the standard crypt marker [Seven Hundred Dollars (\$700.00)], and the one (1) time fee for maintenance and upkeep [Five Hundred Dollars (\$500)]. The fees will be assessed at the time of the burial registration and crypt assignment. Information of interment fees and payment schedule(s) will be made by the Merizo Municipal Planning Council. The interment fees will be collected and assessed by the Merizo Mayor's Office.
- 3.03 Other Fees.** The Council will reserve the right to assess and review the fee structure(s) to accommodate other cost(s) that might be incurred beyond the described interment fees.

PART 4. PAYMENT SCHEDULE AND DOCUMENTATION.

- 4.01 Documentation List.** The three (3) forms of payment include:
1. The sealing of crypt form that shows the amount due and the due date;
 2. The crypt marker form that shows payment schedule of the initial deposit and the balance due date; *and*
 3. The maintenance upkeep form that shows the one (1) time payment to be paid in installment(s) and the due date.

PART 5. GRAVESITE MARKER: DECORATIONS AND OFFERINGS.

- 5.01** Crypt markers will follow a uniform and standard size and form that is made from marble, with dimensions of twenty-seven inches (27") in length by twenty-eight inches (28") in width and will be placed on the crypt cover. Markers will be placed following the interment services.

PART 6. OPERATIONS.

- 6.01 Maintenance.** The Merizo Municipal Planning Council shall be responsible for the establishment and general maintenance of the Merizo Public Cemetery including the crypts, maintenance of roadways, walkways, curbs, fences, infrastructure, chapel and monuments; and the planting, mowing and trimming of grass, trees and shrubs within the cemetery.
- 6.02 Flags.** The United States of America, the Guam, and the Merizo Village Flags shall be hoisted daily from sunrise to sunset.

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN
(Included in File w/ All Bills Transmitted)

BILL NO. 428(69)

- EXHIBITS ATTACHED 3 Files
- CONFIRM NUMBER OF PAGES 3 pages
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any No

Confirmed By: V/S

Dated: 4/28

FINAL REVIEW:

Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

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. 428 (COR) "AN ACT TO AMEND §2 OF P.L. NO. 25-28, RELATIVE TO AMENDING THE MERIZO PUBLIC CEMETERY ENABLING LEGISLATION AND ADOPTING ITS RULES AND REGULATIONS," was on the 23rd day of June 2000, duly and regularly passed.

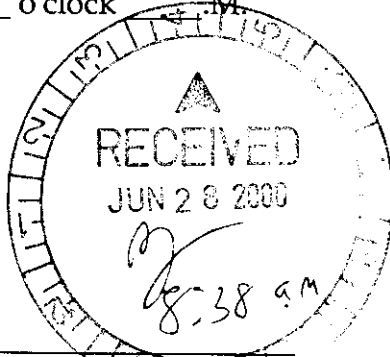
ANTONIO R. UNPINGCO
Speaker

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.

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

Assistant Staff Officer
Maga'lahaen's Office

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 6/27/00
Time: 1:45 pm
Rec'd by: [Signature]
Print Name: Lauren

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 6/23/00

VOTING SHEET

5 Bill No. 428 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
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	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



FILE

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

June 22, 2000

(DATE)

Memorandum

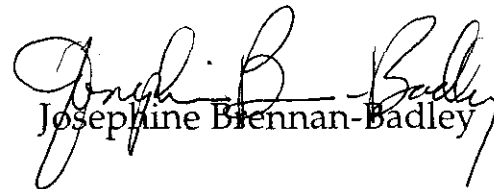
To: Senator Eduardo B Calvo

From: Clerk of the Legislature


Subject: Report on Bill No. 428(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. 428(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

received

6/23/00
11:10-AM



I Mina' Bente Singko Na Liheslaturan Guahan
TWENTY-FIFTH GUAM LEGISLATURE
SENATOR EDDIE BAZA CALVO

Chairman

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM,
MUNICIPAL and COMMUNITY AFFAIRS

E-Mail address: sencalvo@lte.net
120 Father Dueñas Avenue, Capitol Plaza, Suite 109
Hagåtña, Guam 96910

Telephone: (671) 472-4040/4518
Facsimile: (671) 472-4100

June 19, 2000

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Speaker Unpingco:

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs, to which was referred **BILL NO 428 (COR)** "AN ACT TO ESTABLISH THE MERIZO PUBLIC CEMETERY RULES AND REGULATIONS." does hereby report back, with the recommendation **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE.**

SUBSTITUTE BILL NO. 428 (COR) "AN ACT TO *AMEND* §2 OF PUBLIC LAW NUMBER 25-28, RELATIVE TO AMENDING THE MERIZO PUBLIC CEMETERY ENABLING LEGISLATION AND ADOPTING ITS RULES AND REGULATIONS."

Votes of the Committee members are as follows:

To Pass	<u>10</u>	Abstain	<u> </u>	Not Available	<u> 1 </u>
Not to Pass	<u> </u>	Off-Island	<u> </u>		

A copy of the Committee Report is attached for your consideration.

Si Yu'os Ma'åse',

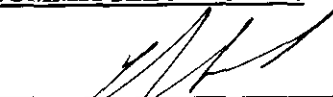
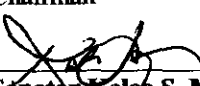

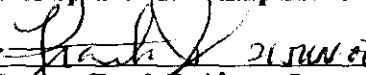
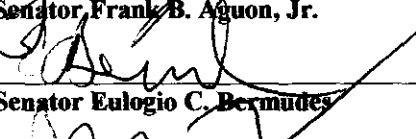

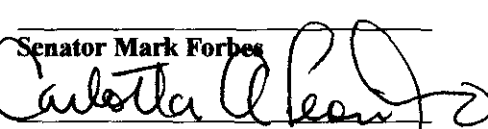

SENATOR EDDIE BAZA CALVO
Chairman

Attachments

**COMMITTEE ON POWER, PUBLIC WORKS,
TAX AND REGULATORY REFORM,
MUNICIPAL AND COMMUNITY AFFAIRS**
Mina Bente Singko Na Liheslaturan Guåhan
155 Hesler Street, Hagåtña, Guam 96910

VOTING SHEET:

SUBSTITUTE BILL NO. 428 (COR) "AN ACT TO AMEND §2 OF PUBLIC LAW NUMBER 25-28, RELATIVE TO AMENDING THE MERIZO PUBLIC CEMETERY ENABLING LEGISLATION AND ADOPTING ITS RULES AND REGULATIONS." (By: E.B. Calvo)

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Senator Eddie Baza Calvo Chairman	✓			
 Senator Kaleo S. Moylan Vice-Chairman	✓			
Speaker Antonio R. Unpingco Ex-Officio Member				
 Vice-Speaker L. R. Kasperbauer	X			
 Senator Frank B. Aguon, Jr.	✓			
 Senator Eulogio C. Bermudez	✓			
Senator Anthony C. Blaz				
 Senator Marcel G. Camacho	✓			
Senator Mark Forbes				
 Senator Carlotta A. Leon Guerrero	✓			
 Senator Simon A. Sanchez, II	✓			

**COMMITTEE ON POWER, PUBLIC WORKS,
TAX AND REGULATORY REFORM,
MUNICIPAL AND COMMUNITY AFFAIRS**
Mina Bente Singko Na Liheslaturan Guåhan
155 Hesler Street, Hagåtña, Guam 96910

COMMITTEE REPORT

ON

BILL NO 428 (COR)

**“AN ACT TO ESTABLISH THE MERIZO PUBLIC CEMETERY
RULES AND REGULATIONS.”** (By: E.B. Calvo)

COMMITTEE MEMBERS

Chairman: Senator Eddie Baza Calvo
Vice-Chairman: Senator Kaleo S. Moylan
Ex-Officio Member: Speaker Antonio R. Unpingco

Senator Frank B. Aguon, Jr.
Senator Anthony C. Blaz
Senator Mark Forbes
Senator Carlotta A. Leon Guerrero

Senator Eulogio C. Bermudes
Senator Marcel G. Camacho
Vice-Speaker Lawrence F. Kasperbauer
Senator Simon A. Sanchez, II

**COMMITTEE ON POWER, PUBLIC WORKS
TAX AND REGULATORY REFORM,
MUNICIPAL AND COMMUNITY AFFAIRS**
Mina Bente Singko Na Liheslaturan Guåhan
155 Hesler Street *Hagåtña*, Guam 96910

BILL NO. 428 (COR)

**“AN ACT TO ESTABLISH THE MERIZO PUBLIC CEMETERY
RULES AND REGULATIONS.” (By: E.B. Calvo)**

I. PUBLIC HEARING

The Mayor of Merizo transmitted the Merizo Public Cemetery Rules and Regulations to *Liheslaturan Guåhan* on 4/17/00. Said rules and regulations were then referred to the Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs (“PPWTRRM&CA”) on 4/20/00. PPWTRRM&CA introduced **BILL NO 428 (COR)** on 5/24/00. A fiscal note was requested from the Bureau of Budget and Management Research on 5/24/00 and as of 6/19/00, PPWTRRM&CA has not received said fiscal note.

PPWTRRM&CA called a public hearing to order at 9:00 a.m., Wednesday, May 31, 2000 to hear testimony on **BILL NO. 428 (COR)**. The hearing was held in the Public Hearing Room of *Liheslaturan Guåhan* in *Hagåtña*. Notices were published on the following dates: 5/31/00 - Pacific Daily News; 5/30/00 - Guam Variety News and Views; 5/30/00 - Pacific Daily News; 5/29/00 - Pacific Daily News and 5/26/00 - Guam Variety News and Views.

The hearing was called to order by Senator Eddie Baza Calvo, Chairman of PPWTRRM&CA. Committee members in attendance included Vice-Speaker Lawrence F. Kasperbauer and Senator Frank B. Aguon, Jr.

II. TESTIMONY

The following appeared before the Committee to testify on Bill 428(COR):

Mr. Jeff Barcinas, representative of the San Dimas Church Parish Council testified orally. Mr. Barcinas pointed out that the Merizo Municipal Planning Council (“MMPC”) and the San Dimas Parish Council (“SDPC”) worked together in formulating the proposed Rules and Regulations for the Merizo Public Cemetery and that they welcomed the opportunity to be involved. However, Mr. Barcinas pointed out that there are issues regarding the separation of church and state such as issues regarding the setting of setting fees, the collecting fees and, to some extent, the management of the public cemetery. There were other issues that he raised regarding who can be buried at the cemetery, such as persons of other religious denominations. Mr. Barcinas stated that the SDPC is clearly aware of what their limitations are with regard to the separation of

church and state and will not get into that portion because that is not their concern. (See Exhibit "II," Transcript.)

Mr. Juan Cruz, a resident and a member of the San Dimas Parish Council testified orally.

Mr. Cruz testified that the Catholic cemetery is full and that the church had to buy an adjacent lot in order to expand the Catholic cemetery, but that additional land only extended the life of the cemetery and is now full. They have had to turn people away because there is no space available for any more burials. It is now a critical situation and something must be done to make space available. (See Exhibit "II," Transcript.)

Mayor Ignacio "Buck" S. Cruz, Mayor of Merizo testified orally in support of the proposed Rules and Regulations for the Merizo Public Cemetery. He stated that the MMPC and the SDPC met and agreed on the proposed Rules and Regulations and conducted a public hearing in Merizo. Mayor Cruz informed the Committee that the parish priest concurred with what was put together (rules and regulations) and hoped that the Senators would agree to what had been submitted. (See Exhibit "II," Transcript.)

Mr. Edward A. Cruz and Ms. Mara L.M. Cruz, both members of the MMPC, submitted brief written statements in support of Bill No. 428 (COR), (See Exhibits "IIP" and "IV" respectively.)

After testimony was heard, Senator Calvo informed those present that he supports the adoption of the Merizo Public Cemetery Rules and Regulations. However, there are some legal issues that were brought up and should be addressed. In this regard, he called the Legislative Legal Council to make a brief statement in regards to the issues brought up by Mr. Barcinas.

Attorney Douglas Moylan, Legislative Legal Council, stated that he reviewed Bill No. 428 (COR) at the request of the PPWTRRM&CA and that he believes that there is a problem with Section 2 of Public Law 25-28. The most glaring problem is the participation of the Catholic Church. He stated that the Organic Act and the U.S. Constitution would probably have a problem with the involvement of a non-government entity in the rule-making process. He said that he is in the process of drafting a proposed amendment to Public Law 25-28 to remove the participation of any non-government entity. He informed PPWTRRM&CA that there are two concerns that need to be addressed and are as follows: (1) a non-government entity participating in the rule-making process and (2) the issue of the separation of church and state. (See Exhibit "II," Transcript.)

III. FINDINGS

The Committee finds that the Catholic Cemetery in Merizo is full and cannot accept any more burials. Public Law 24-127, as amended by Public Law 25-28, provided for government land for a public cemetery in Merizo and for the MMPC to establish the rules and regulations and fee schedule for the Merizo Public Cemetery.

The Committee also finds the involvement of the San Dimas Parish Council, as part of the authority for establishing the rules and regulations and the fee schedule of the public cemetery, presents a legal problem that must be addressed and corrected.

IV. COMMITTEE RECOMMENDATION

Due to the potential legal problems of having the San Dimas Parish Council, an organization of the Catholic Church in Merizo, as part of the authority to establish the rules and regulations for a public institution (the Merizo Public Cemetery) the Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs recommends that Bill No. 428(COR) be amended and hereby reports out **SUBSTITUTE BILL NO. 428 (COR)** to *I Liheslaturan Guåhan*, with the recommendation **TO DO PASS**.

V. EXHIBITS

- **SUBSTITUTE BILL NO. 428 (COR)**
 - **BILL NO. 428 (COR) AS INTRODUCED**
- I.** SIGN-IN SHEET FOR PUBLIC HEARING.
- II.** **TRANSCRIPT OF PUBLIC HEARING ON BILL NO. 428 (COR).**
- III.** **WRITTEN TESTIMONY** submitted by **EDWARD A. CRUZ**, member, MMPC.
- IV.** **WRITTEN TESTIMONY** submitted by **MARA L.M. CRUZ**, member, MMPC.
- V.** **REQUEST FOR FISCAL NOTE.**
- VI.** **PUBLIC HEARING NOTICES.**
- VII.** **MERIZO PUBLIC CEMETERY RULES AND REGULATIONS AS SUBMITTED BY MAYOR CRUZ AND AS REFERRED BY THE COMMITTEE ON RULES TO PPWTRRM&CA.**
- VIII.** **PUBLIC LAW NUMBER 25-28** “AN ACT TO REPEAL AND REENACT §3 OF P.L. NO. 24-127, RELATIVE TO AUTHORIZING THE MERIZO MUNICIPAL PLANNING COUNCIL AND THE SAN DIMAS CHURCH PARISH COUNCIL TO ESTABLISH RULES AND REGULATIONS AND TO CHARGE FEES FOR THE MAINTENANCE AND UPKEEP OF THE MERIZO PUBLIC CEMETERY.”
- IX.** **PUBLIC LAW NUMBER 24-127** “AN ACT TO APPROPRIATE THREE HUNDRED THOUSAND DOLLARS (\$3000,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSES OF CONSTRUCTING THE NECESSARY INFRASTRUCTURE TO THE MERIZO PUBLIC CEMETERY AND AUTHORIZING THE MAINTENANCE AND UPKEEP OF THE MERIZO PUBLIC CEMETERY.”
- X.** **PUBLIC LAW NUMBER 24-27** “AN ACT TO AMEND §9303 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW.”

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

Bill No. 428 (COR)

As substituted by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community Affairs.

Introduced by:

E. B. Calvo

ARUAPINDO
V.C. Pangalinas
E. B. Calvo, Jr.

**AN ACT TO AMEND §2 OF PUBLIC LAW NUMBER
25-28, RELATIVE TO AMENDING THE MERIZO
PUBLIC CEMETERY ENABLING LEGISLATION AND
ADOPTING ITS RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Statement.** Pursuant to the provisions
3 contained in §2 of Public Law Number 25-28, the Merizo Municipal Planning
4 Council and the San Dimas Church Parish Council established the rules and
5 regulations and fee schedule for the Merizo Public Cemetery. However, *I*
6 *Liheslaturan Guåhan* wishes that the legislation be amended to limit the
7 enactment authority to government of Guam entities. At the same time, *I*
8 *Liheslaturan Guåhan* does *not* wish to preclude other non-government
9 organizations from participating in the rule making process.

10 On April 17, 2000 *I Liheslaturan Guåhan* received a set of proposed rules
11 and regulations relating to the Merizo Public Cemetery, in furtherance of
12 Public Law Number 25-28. Although changing the rule making procedures
13 via this legislation, *I Liheslaturan Guåhan* does *not* wish to delay the
14 implementation of establishing a procedure for managing the Merizo Public

1 Cemetery and hereby adopts an amended set of regulations, which the Merizo
2 Municipal Planning Council may amend pursuant to the Administrative
3 Adjudication Law, §9303 of Article 3, Chapter 9, Part 1, Division 1 of Title 5 of
4 the Guam Code Annotated, as amended by Public Law Number 24-27, in the
5 future if they deem necessary. Information learned from the May 31, 2000
6 Public Hearing revealed that the Merizo Public Cemetery and adjacent Merizo
7 Catholic Cemetery is being filled quickly.

8 **Section 2.** Section 3 of Public Law Number 24-127, as repealed and
9 reenacted by §2 of Public Law Number 25-28, is hereby *amended* to read as
10 follows:

11 **"Section 3. Maintenance and Upkeep.** The Merizo
12 Municipal Planning Council ~~and the San Dimas Church Parish Council,~~
13 ~~a not for profit organization, are~~ is hereby authorized to establish rules
14 and regulations and fee schedule for the use of the Merizo Public
15 Cemetery. Monies generated from the use of the Merizo Public
16 Cemetery shall be used to fund the maintenance and upkeep of the
17 Cemetery. The Merizo Municipal Planning Council shall establish and
18 maintain an account, separate from all other accounts, for all monies
19 received from the use of the Merizo Public Cemetery. The Merizo
20 Municipal Planning Council shall provide the Speaker of *I Liheslaturan*
21 *Guåhan* and the *Maga'lahaen Guåhan* with annual report on the use of
22 funds received from the use of the Merizo Public Cemetery."

23 **Section 3. Adoption of the Merizo Public Cemetery Rules and**
24 **Regulations.** Notwithstanding any other provision of law, *I Liheslaturan*

1 *Guåhan* hereby adopts the Merizo Public Cemetery Rules and Regulations, as
2 amended by *I Liheslaturan Guåhan*, hereto attached as "ATTACHMENT A."

3 **Section 4. Severability.** *If* any provision of this Law or its
4 application to any person or circumstance is found to be invalid or contrary to
5 law, such invalidity shall *not* affect other provisions or applications of this
6 Law which can be given effect without the invalid provisions or application,
7 and to this end the provisions of this Law are severable.

“ATTACHMENT A”

MERIZO PUBLIC CEMETERY RULES AND REGULATIONS

PART 1. GENERAL PROVISIONS & DEFINITIONS.

- 1.01 Title.** These rules and regulations shall be cited as the Merizo Public Cemetery Rules and Regulations.
- 1.02 Purpose.** These rules are promulgated to adhere to Public Law Number 24-127, as amended, to maintain and upkeep cemetery grounds.
- 1.03 Scope.** These rules shall apply to the Merizo Community Cemetery that is under the management and control of the Merizo Municipal Planning Council.
- 1.04 Merizo Public Cemetery.** Shall refer to the government of Guam owned cemetery situated on Lot Number 515, Municipality of Merizo, Guam.
- 1.05 Merizo Catholic Cemetery.** Shall refer to the adjacent property Lot Number 141-1, Municipality of Merizo, Guam owned by the Archdiocese of Agana.
- 1.06 Administration.** Shall refer to the Merizo Municipal Planning Council who shall be responsible for the administration of rules and regulations, and to charge fees for the maintenance and upkeep of the Merizo Public Cemetery.
- 1.07 Funeral Director.** Shall refer to the registered commercial funeral service firm who provides services and has been authorized by a designated family representative(s) to act on behalf of the family of the deceased.

PART 2. ELIGIBILITY.

- 2.01 Eligibility for interment** is based on laws passed by the Congress and incorporated in Title 38, United States Code.
- 2.02 Eligibility.** The Merizo Municipal Planning Council shall determine who is eligible for interment at the Merizo Public Cemetery using the following criteria:
1. *Current resident; and*
 2. *Former resident [six (6) months residency and more]; and*
 3. *Descendants of current/former residents; and*
 4. *Special circumstances – convene Council for decision.*

PART 3. BURIAL PROCEDURE.

- 3.01 Burial Schedule.** Burials shall be set according to Council schedules.
- 3.02 Interment Fees.** Interment fees for the Merizo Public Cemetery will be assessed in the amount of One Thousand Four Hundred Fifty Dollars (\$1,450.00). The fees include the interment service fee at the crypt services during the interment [Two Hundred Fifty Dollars (\$250.00)], cost of the standard crypt marker [Seven Hundred Dollars (\$700.00)], and the one (1) time fee for maintenance and upkeep [Five Hundred Dollars (\$500)]. The fees will be assessed at the time of the burial registration and crypt assignment. Information of interment fees and payment schedule(s) will be made by the Merizo Municipal Planning Council. The interment fees will be collected and assessed by the Merizo Mayor's Office.
- 3.03 Other Fees.** The Council will reserve the right to assess and review the fee structure(s) to accommodate other cost(s) that might be incurred beyond the described interment fees.

PART 4. PAYMENT SCHEDULE AND DOCUMENTATION.

- 4.01 Documentation List.** The three (3) forms of payment include:
1. The sealing of crypt form that shows the amount due and the due date; *and*
 2. The crypt marker form that shows payment schedule of the initial deposit and the balance due date; *and*
 3. The maintenance upkeep form that shows the one (1) time payment to be paid in installment(s) and the due date.

PART 5. GRAVESITE MARKER: DECORATIONS AND OFFERINGS.

- 5.01** Crypt markers will follow a uniform and standard size and form that is made from marble, with dimensions of twenty-seven inches (27") in length by twenty-eight inches (28") in width and will be placed on the crypt cover. Markers will be placed following the interment services.

PART 6. OPERATIONS.

- 6.01 Maintenance.** The Merizo Municipal Planning Council shall be responsible for the establishment and general maintenance of the Merizo Public Cemetery including the crypts, maintenance of roadways, walkways, curbs, fences, infrastructure, chapel and monuments; and the planting, mowing and trimming of grass, trees and shrubs within the cemetery.

- 6.02 Flags.** The United States of America, the Guam, and the Merizo Village Flags shall be hoisted daily from sunrise to sunset.
- 6.03 Half-Mast.** The United States of America, the Guam, and the Merizo Village Flags shall be lowered to half-mast at the Merizo Public Cemetery on scheduled burial days and/or as decreed by proclamations issued by the President of the United States of America and *I Maga'lahaen Guahan*.
- 6.04 Chapel.** The Chapel may be used for memorial services.
- 6.05 Activities.** All activities conducted on the grounds of the Merizo Public Cemetery shall reflect reverence and respect. The area is considered a memorial or sacred area. Any individual(s) who deface(s) the cemetery grounds or whose conduct on the cemetery grounds is deemed inappropriate shall face possible fines and appropriate charges.

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

Legislature
KNOWLEDGE RECEIVED
11:45A
5/24/00

Bill No. 428 (COR)

Introduced by:

E.B. CALVO *EBC*

**AN ACT TO ESTABLISH THE MERIZO PUBLIC
CEMETERY RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Statement.** Pursuant to the provisions contained
3 in Section 2 of Public Law Number 25-28, the Merizo Municipal Planning
4 Council and the San Dimas Church Parish Council established the rules and
5 regulations and fee schedule for the Merizo Public Cemetery. And in
6 accordance with the Administrative Adjudication Law, §9303 of Article 3,
7 Chapter 9, Part 1, Division 1 of Title 5 of the Guam Code Annotated, as
8 amended by Public Law Number 24-27, the Merizo Mayor and the Merizo
9 Municipal Planning Council transmitted to *I Liheslaturan Guåhan* the
10 "*MERIZO PUBLIC CEMETERY RULES AND REGULATIONS*" on April 17,
11 2000. *I Liheslaturan Guåhan* hereby agrees with the rules and regulations as
12 presented and seeks to approve said rules and regulations.

13 **Section 2. Approval of the Merizo Public Cemetery Rules and**
14 **Regulations.** *I Liheslaturan Guåhan* hereby approves the Merizo Public
15 Cemetery Rules and Regulations hereto attached as Exhibit "A."

16 **Section 3. Severability.** *If* any provision of this Law or its
17 application to any person or circumstance is found to be invalid or contrary to

1 law, such invalidity shall *not* affect other provisions or applications of this
2 Law which can be given effect without the invalid provisions or application,
3 and to this end the provisions of this Law are severable.

MERIZO PUBLIC CEMETERY

RULES AND REGULATIONS

PART 1. GENERAL PROVISIONS & DEFINITIONS

- 1.01 Title. These rules and regulations may be cited as the Merizo Public Cemetery Rules and Regulations as adopted by the Merizo Municipal Planning Council and the San Dimas Parish Council.
- 1.02 Purpose. These rules are promulgated to adhere to Public Law NO. 24-127, to maintain and upkeep cemetery grounds.
- 1.03 Scope. These rules shall apply to the Merizo Community Cemetery that is under the management and control of the Merizo Municipal Planning Council and the San Dimas Church Parish Council.
- 1.04 Merizo Public Cemetery. Shall refer to the Government of Guam owned cemetery situated on Lot #515 in the Municipality of Merizo.
- 1.05 Merizo Catholic Cemetery. Shall refer to the adjacent property Lot Number 141-1 owned by the Archdiocese of Agana.
- 1.06 Administration. Shall refer to the Merizo Municipal Planning Council and San Dimas Church Parish Council who shall be responsible for the administration of rules and regulations, and to charge fees for the maintenance and upkeep of the Merizo Public Cemetery.
- 1.07 Funeral Director. Shall refer to the registered commercial funeral service firm who provides services and has been authorized by designated family representative to act on behalf of the family of the deceased.

PART 2. ELIGIBILITY.

- 2.01 Eligibility for interment is based on laws passed by the Congress and incorporated in Title 38, United States Code.
- 2.02 Eligibility. The Merizo Municipal Planning Council and the San Dimas Church Parish Council will determine who is eligible for interment at the Merizo Public Cemetery using the following criteria:
1. Born and/or raised residents
 2. Current registered resident.
 3. Former registered resident (six (6) months residency and more)

- ~~4. Descendants of current/former residents~~
5. Special Circumstances - convene Councils for decision.

PART 3. BURIAL PROCEDURE

- 3.01 Responsibility. The funeral director and/or family designee in charge of the burial of any person desiring to be interred in the Merizo Public Cemetery shall give immediate notice of the death of such person to the San Dimas Church. All documents required, along with the application for burial in the Merizo Public Cemetery will be required by the San Dimas Church to record the interment of the deceased in the Merizo Public Cemetery. At least three-(3) working days notice must be given to the requested day of interment.
- 3.02 Crypt and Burial Registry. The San Dimas Church will process the burial registration and crypt assignment for burial in the Merizo Public Cemetery.
- 3.03 Schedule of Burial. When the decedent has been registered for burial and crypt assignment had been made, the San Dimas Church will coordinate and arrange the schedule of interment. The funeral director and/or designated representative needs to obtain the arranged schedule from the San Dimas Church before proceeding with any interment at the Merizo Public Cemetery.
- 3.04 Burial Schedule. Burials will be scheduled between the hours of 9:00 am to 3:30 pm, Monday through Saturday.
- 3.05 Interment Fees. Interment fees for the Merizo Public Cemetery will be assessed in the amount of \$1450. The fees include the interment service fee at the crypt services during the interment (\$250), cost of the standard crypt marker (\$700), and the one time fee for maintenance and upkeep (\$500). The fees will be assessed at the time of the burial registration and crypt assignment. Information of interment fees and payment schedule will be made from the Merizo Municipal Planning Council. The interment fees will be collected and assessed by the Merizo Mayor's Office.
- 3.06 Other Fees. The Councils will reserve the right to assess and review the fee structure to accommodate other cost that might be incurred beyond the described interment fees.

PART 4. PAYMENT SCHEDULE AND DOCUMENTATION.

- 4.01 Documentation List. The three forms of payment include:
1. The scaling of crypt form that shows the amount due and the due date.

2. The crypt marker form that shows payment schedule of the initial deposit and the balance due date.
3. The maintenance upkeep form that shows the one time payment to be paid in installment and the due date.

PART 5. GRAVESITE MARKER: DECORATIONS AND OFFERINGS.

- 5.01 Crypt markers will follow a uniform and standard size and form that is made from marble, with dimensions 27 inches in length by 28 inches in width and will be placed on the crypt cover. Markers will be placed following the interment services.

PART 6. OPERATIONS.

- 6.01 Maintenance. The Merizo Municipal Planning Council shall be responsible for the establishment and general maintenance of the Merizo Public Cemetery including the crypts, maintenance of roadways, walkways, curbs, fences, infrastructure, chapel and monuments; and the planting, mowing and trimming of grass, trees and shrubs within the cemetery.
- 6.02 Flags. The United States, the Guam, and the Merizo village flags shall be hoisted daily from sunrise to sunset.
- 6.03 Half Mast. The United States, the Guam, and the Merizo village flags shall be lowered to half-mast at the Merizo Public Cemetery on scheduled burial days and/or as decreed by Presidential and Governor's proclamations.
- 6.04 Chapel. The Chapel may be used for memorial services. The schedule and use of the Chapel can be arranged at the San Dimas Catholic Church.
- 6.05 Activities. All activities conducted and expected on the grounds of the Merizo Public Cemetery and the Merizo Catholic Cemetery must be appropriate and reflects reverence and respect. The area is considered a memorial or sacred area. Any individual (s) who program an activity that defaced or is not considered appropriate on the respective grounds will be faced with possible fines and will face appropriate charges.

**COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY
REFORM, MUNICIPAL AND COMMUNITY AFFAIRS**

TESTIMONY/SIGN-IN SHEET

9:00 a.m., Wednesday, May 31, 2000

**Bill No. 428 (COR): AN ACT TO ESTABLISH
THE MERIZO PUBLIC CEMETARY RULES
AND REGULATIONS.**

<u>NAME</u>	<u>DEPT/AGENCY/ ORGANIZATION</u>	<u>TESTIMONY ORAL/WRITTEN</u>	<u>TESTIMONY FOR OR AGAINST</u>
<i>Buck G...</i>	<i>Mayor of Malabar</i>	<input checked="" type="checkbox"/> []	[] []
_____	_____	[] []	[] []
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COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM, MUNICIPAL AND COMMUNITY AFFAIRS

TESTIMONY/SIGN-IN SHEET

9:00 a.m., Wednesday, May 31, 2000

Bill No. 428 (COR): AN ACT TO ESTABLISH THE MERIZO PUBLIC CEMETARY RULES AND REGULATIONS.

<u>NAME</u>	<u>DEPT/AGENCY/ ORGANIZATION</u>	<u>TESTIMONY ORAL/WITTEN</u>		<u>TESTIMONY FOR OR AGAINST</u>	
<u>Jeff Barcinas</u>	<u>Merizo</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Thomas C. Cruz</u>	<u>Merizo</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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TRANSCRIPT - BILL NO. 428 (COR)

**"AN ACT TO ESTABLISH THE MERIZO PUBLIC CEMETERY
RULES AND REGULATIONS"**

ORAL TESTIMONY

JEFF BARCINAS - Representing the San Dimas Parish Council and the Merizo Church

I'm here to testify in regards to the bill. Given the circumstances that this opportunity provides when it first came...in terms of examining the opportunities for a partnership with regards to the evolvement of the crypts in the public cemetery section of Merizo. We were faced with a situation to work closer with the Merizo Municipal Planning Council (MPC) and with that opportunity, like all relationships, we have to sort many issues and concerns and find ways that the partnership could work to help and facilitate the processes as we deal with the issues of burying family members and dealing with the public cemetery issue. The rules and regulations that were drafted and submitted were results of continual discussions and dialog between the MPC and the members of the San Dimas Parish Council. And of course the parish council is very aware of its situation of how the church and state relationship exists and the issues that come with that. When it comes to those issues, we felt that the church (the Catholic Church) as well as the San Dimas Parish Council has certain limitations as far as what we can do with regards to collection of fees, setting of fees, with regards to some of the management that comes around the use of the crypts or around the public cemetery. As a matter of fact, we raised the issue that the MPC or the Mayor actually is doing the work of the Dept. of Parks and Recreation (that manages other public cemetery properties around the island. But we felt that given the opportunity we could deal with this and find ways to facilitate the management of the cemetery and the issues that relate to burying family members and other immediate issues that come with records in dealing with the burial processes and what have you. As far as the issues there - the biggest issue there was the issue with the fees. And in the Public Hearing that was held down there, it was a lot of discussion with regards to the fees. As a matter of fact, the MPC did their own research in terms of what would be an appropriate fees that could be included. On the part of the Parish Council, we made suggestions but we know that we cannot deal with the collection or deal with the management of the fees because of the Church and State relationship. The other issue that came up with regards to who gets buried - one thing for sure, we know it's a public property, it belongs to the people of Guam. The construction of the crypt was paid through the Guam taxpayers fund and, of course, the priorities that come with that would have to be decided, but this is where we felt that there is some need for advice and further legal consultations with the

government legal counsels - either from the Legislature or the Executive branch. And this needs to be done by the Mayor because that's his public duty...and the responsibility of the of the MPC with regards to obtaining the clarifications (in soliciting those clarifications) so that the rules and regulations that comes with managing and governing the crypt would be purely set. We felt, and this is my personal view, and I'm saying this because I was trying to be sensitive to a lot of the people there that were testifying. Some felt it was too high, some felt that maybe there needed to be further clarification in terms of the fees and what does it include and why are the fees being established. Some felt that if the fees were too low you'll have a flood of everybody wanting to be buried in Merizo. Of course that became rather sensitive - there being only so many crypts that are there. The whole construction of crypts came about because of the limitation of space and actually the church cemetery property, actually, ran out of burial space and that's why the crypt was evolved. We felt that, and this again an advice that needs to come from the government side to the MPC in terms of - well, what the rate flexibilities that needs to be included, or need to be provided to adjudicate the fees. The Mayor in his limitation with the MPC, I felt, didn't have the staff and didn't have all the answers needed to establish or deal with the rate setting and what fees may be appropriate. The one thing for sure that was done in our dialog with the MPC was we were examining what would be the actual cost that is associated with some of the things that we were putting in as minimum requirements to at least... maybe the site...much more appropriate and decent for those being buried. But I feel that the cemetery rules and regulations in this bill provides an opportunity to continue examining this partnership. I think it's a first and I think it's a good opportunity where the parish council in Merizo knows its role in trying to provide a role, an assistance in the management of this, by doing what we normally do and that is keeping records of those that are being buried, making arrangements with time and schedule of the burial and making sure we work closely with the funeral directors and the family members that are there. We even identified that we'll work with any religious denomination. It doesn't have to be Catholic and that's one of the issues that were raised among the parish council and identifying with the MPC as to who may be buried and what religious denominations may be coming in to seek the use of the crypt and that was the other issue we've identified that we would be willing to open up the/ur assistance to any religious denomination. The fact that we are in this partnership, we felt that maybe this is part of our input and responsibility to assist in this regards with the arrangements and making sure that the Mayor' Office and the communications between the Mayors Office and the Parish Council and the Catholic Church was made. And the arrangements of the use of the so called chapel that is there in the public side in Merizo could be arranged, and that we understood, and we've allowed for some provisions, but we are very, very clear in terms of the line and the delineations between the church and state - a relationship that I think needs further clarification in terms of what's allowable and what's in compliance with government of Guam laws and also the issue that may come with the discrimination that may be set. And if this is an issue, then I

think that needs to be further resolved with the MPC and the Mayor because with regard to the Catholic Church side and especially the San Dimas Parish Council whom I represent, we know clearly what our limitations are and we know we are not going to get into that portion, because that is not our side to deal with. Unfortunately the Mayor is not here - I'm not sure, but he was calling us to make sure that we are here for the hearing this morning. And I'm just here to make sure we clarify some of those issues. But I see that there is some good to this. I just think we need to tweak a little bit the rules and regulations and make it appropriate as mentioned. And so I'd be willing to answer any questions with regards to what were some of the discussions and issues, some of the questions that been raised in some of the public hearing. Because I know the fees are definitely one of the issues...and who is to be buried there. All other issues I think are workable and seem to be amenable to those that are present - the only thing is what is appropriate for the government.

SENATOR CALVO

The issues brought up are issues that the committee has taken into consideration. Again, some of the questions regarding the separation of church and state - the eligibility requirements and also the fee structures and the rate setting process here. And I'd like to make this for the record that a request was made by our office to Mayor Cruz that we have the hearing at Merizo and the reason for this is because of the concerns we felt had to be brought up - brought up by legal counsel as well. And I wanted the people of Merizo to be aware of this issue and the questions and the concerns that have been brought up and so that we can have a clear understanding of where the committee is coming from and that there may be a possibility that there, again, certain changes and revisions would need to be made in the rules and regulations. But Mayor Cruz stated that they'd already had a hearing there in Merizo, so he felt it was not necessary to have the hearing there. And, of course, that was counter to what the committee would have liked to have. But we acquiesced; he is the Mayor of Merizo and so we decided to have the hearing up here. But I would have felt more comfortable having the hearing in Merizo.

JEFF BARCINAS

Mr. Chairman, could I make a comment? Maybe when he held the public hearing, maybe in his role as Mayor, he did his part in his public hearing. But I guess, as a chairman, and from the legislative side, I know your responsibilities still require maybe some public hearing to clarify - because there was really a lot of issues with regards to that. I didn't think that the public hearing provided the clarification that was needed from the legal side and this is where a lot of the facilitation is needed and clarifications could be made with regard to a lot of the issues raised - so that we didn't have to duplicate a public hearing.

SENATOR CALVO

I just wanted to be very clear to all you folks and maybe you could make it known to some of the people - those that may be asking questions - that this committee did request - did ask the Mayor if we could hold the hearing over there and he felt that it was not necessary. Just that. Just to play that for the record.

MR. JUAN CRUZ - Member of the Parish Council of Merizo.

I'm here today to share some of my experience and background of the cemetery at Merizo. I have been working with the officials - and some public concerns on - what are some of the problems and some of the things that need to be done. At present, I am responsible with assigning burial sites at the cemetery. And the situation that we are in now is an emergency situation because the plots that we have in the cemetery is no longer available for people to be buried there. The only available space that we have is the crypts that we have right now, and in fact, if someone comes up to be buried there without the available space, we just have to resort to the crypts that we have. And I am asking this committee to please expedite how can we make the crypts available for the people who needs to be buried there. So, the history of this is we started out with a Catholic space, it's a 100 x 100 - then it gets to the point where we have to add more space. So what we did, we bought the space adjacent to the Catholic cemetery so that we can use to bury people there. Times arrive, the late Senator Frank Santos and Senator Ted Nelson helped us by sponsoring a bill to appropriate \$225,000.00 to buy the adjacent property and for the improvement and maintenance of the place. The left over money that - after we bought the piece of property, we have about \$125,000 that was given to Public Works to see whether they can improve and expand the space there, but when bid went out, \$125,000 was not enough to develop the place. So it comes to the point where we just have to make it an emergency case because there's no longer space we have available. What we're doing now is we're digging by hand inside the area where we can put people in the place without using the crypts. So I'm here to share some of my experience and background so I can help this committee help us in coming up with a decision that we will have for the things that we need - the burial site. And other questions that may come up, I think that Dr. Barcinas has expanded on these things that need to be agreed upon and I will like to share some of those concerns too.

SENATOR CALVO

Just as a clarification to the committee, Mr. Cruz, when you say there are no plots available, are you talking about in the Catholic side or in the...?

JUAN CRUZ

Both the public and the Catholic side. The land that we brought from the San Nicolas family adjacent to the Catholic side. That is about 100x100 that we bought and is fill up with people so we have no longer available space to put our dead ones. So the only available space that we have right now is the crypt and we have to resort to that or else we have to turn people away because we have no space available. What we have been doing is that we are picking space right in the cemetery where we can put in a plot. But we have to dig it by hand because the backhoe cannot move in - or put on top of another dead person a crypt that a family can build, and most of those places there are double burial now because the person that we buried on the bottom, we build a crypt on top of it to save space. So that's what's happening now. So it's a critical situation that we need to resort to something that we can do to make space available for our loved ones.

MAYOR IGNACIO "BUCK" S. CRUZ - Municipality of Merizo

I don't know what my two other colleagues in here have made in their presentations but I do bring in a couple from both council members who have expressed their thoughts and ideas about the rules and regulations that was presented by both the council and the parish - San Dimas Parish. I come in here to support what we have written down on the rules and regulations governing our public cemetery. We have met twice on this matter and we have concurred what we wrote down is the best thing and we also had our own public hearing in Merizo. Of course we furnished you with the statements that a couple people had made. It is going on very good right now, Senators. A burial took place already and it went beautifully. Just like you have asked us to do. You have asked the Mayor to oversee it and that the Mayor is given authority to collect the money and to manage the maintenance and upkeep of the cemetery. We have another one coming up Saturday again and they are very much aware of what they're supposed to do and they said that they will comply. If you remember reading what we had done in here that it will cost approximately - not approximately because it's written down - \$1400 to bury a dead one the crypt. It's cheaper than any other burial places on island, so I thought that we put a good rules and regulations. You have asked us to do that, and we did. And our good priest has concurred also on what we put down and he was present at the public hearing - that we had last time - and he listened to the people who have testified. So, this is my presentation and I hope the Senators would agree to this as we had written and if there's any changes that you think we're going to make there, let us know so we can inform our people.

SENATOR CALVO

I think, speaking for the rest of the body, you have our support for the passing of the rules and regulations for the Merizo Cemetery. I mentioned to our fellow residents here from Merizo that initially we requested to have a public hearing in Merizo, but again, from your office, you felt that it would not be necessary. But you have our support and you have the chairman's support. The thing is, we do have some legal issue that was brought out by Mr. Barcinas. And although we agree with the rules and regulations, there are certain areas we may have to tweak. And I will request that our legislative legal counsel give a brief - make some brief statements in to some of the issues that were brought up. But Mr. Barcinas has brought up those issues, and again, what he has stated has also been brought forth to the committee. And that is, of course, some of the concerns regarding to church-state relations; eligibility requirements as well as maybe the fee structures. And these are areas that we have to look into and make sure that everything is kosher.

ATTORNEY MOYLAN

I reviewed 428 at the request of the committee and Mr. Barcinas brought up very valid points that I believe there is a problem with the enabling legislation of P.L. 25-28 on Section 2. The most glaring problem is the participation (with all due respect to the Catholic Church, of which I'm a member). The Organic Act and the U.S. Constitution would probably have a problem with the involvement of a non-government entity in the rule-making process. I am in the process of drafting a proposed amendment to P.L. 25-28 to remove the participation of any non-government entity. We have two concerns here: 1.) We have the concern that a non-government entity is participating in the rule-making authority and 2.) The church and state issue. The constitution provides the government shall neither promote nor restrict any religion. On this case, you know that it is kind of apparent on the face of it. At the same time, there was a concern that was brought up about the regulations on the internment. I believe, Senator, that you had mentioned something about the

SENATOR CALVO

The fee structure.

ATTORNEY MOYLAN

??The fee structure?? - also the residency, I believe that was another concern.

SENATOR CALVO

The eligibility requirements.

ATTORNEY MOYLAN

The fee structure, again, when we look at this, we look at discrimination – that was a term that was brought up. Not all discrimination is unconstitutionally legal. As to the residency: without looking at it further, this question was brought up this morning. I don't believe a residency restriction is, on its face, unconstitutional. To have residents of that area have some priority to the internment in the cemetery does not violate the constitution on its face. There's certain areas of protection that are granted, such as race, gender...this is not a race or gender issue. Therefore, it would fall to a rational basis...if the government had a rational basis for permitting these residents to have priority in this cemetery. I believe it probably would pass some sort of a constitutional scrutiny. But per the chairman's request, it is necessary that the rules and regulations be adopted and enacted. And in that light, what has been given to the legislature can be adopted by the legislature, as long as the references to non-government entities are cleansed from it...as part of the administration of what I understand is government property. Somebody can correct me if I'm incorrect in this regard, but I understand that this is the Merizo Public Cemetery – it is government land and government funds are being used for it. So, again, its...the draft bill is being drafted as we speak.

SENATOR CALVO

Some of the discussions I had with legal counsel: the parish would be more of an advisory positions and the ultimate decision would have to be made by the MPC and so its more subordinate to the MPC and is there for advisory purposes.

JEFF BARCINAS

That was some of the – in the dialogue, that was made clear – in terms of what the relationship is going to be...and I guess we weren't very exact in terms of the terminology that describes how we would play with the Mayor's MPC. But the parish council was very clear in terms of what it can do and what it cannot do in terms of participating with the MPC. And that's why we – the Mayor was advised in terms that as far as the management of the public property, as far as the decision that comes with the public property, as far as the acceptance of the public funds or funds that are for the use for that, and the maintenance of public property becomes the issue of the MPC and the Mayor's Office. What we were doing was we were just saying to the Mayor, and maybe this is where the legal counsel...I'm glad that he clarified the position and maybe that would have to clean up this rules – provisions. Is that we would serve in that advisory capacity only... and if the Mayor seeks some additional support...that would be on an informal basis and on that basis we could work with the Mayor's Office considering the legal significance of this issues. And I think the Mayor is aware of that, at least for some of the issues that were raised even at the public hearing and even in

our discussion between the parish council and the MPC. So it's a very appropriate issue.

JUAN CRUZ

The original cemetery belongs to the Catholic and we would like to find out whether it's necessary for the Bishop to turn over this area that belongs to the Catholic, to the government, so that it becomes a public space.

SENATOR KASPERBAUER

But it's already filled, right?

JUAN CRUZ

It's already filled. That was the original. It's about 100x100.

SENATOR CALVO

For maintenance purposes then?

JUAN CRUZ

The maintenance...we are maintaining both the Catholic and public spaces there. In fact, at present, we have something like \$25.00 a year for each person buried there - both public and Catholic - so that we can maintain. But the response to this is very poor. We cannot, so we have to volunteer our time to maintain the place. But my question is, is it necessary for the Bishop to turn over the Catholic space there so that it becomes a public...

SENATOR CALVO

The legal title is under the Catholic Church?

JUAN CRUZ

Yes.

SENATOR CALVO

Has there been any discussion with the church - either with the local church and the Archbishop...with the diocese?

JEFF BARCINAS

The reason we haven't raised, that and I think it's...we're not sure whether the appropriateness of the turnover to the government... being that the lot is already filled. And I'm not sure it will serve any purpose for either side, for the church or the government, because the question here is just the crypts.

SENATOR AGUON

I don't know about the title, but perhaps just the general maintenance.

JEFF BARCINAS

It could be shared.

SENATOR AGUON

Where the Catholic Church could perhaps even pay \$1.00 a year so that the government...in this case, the MPC, can maintain the plot. And the reason I say that is because the ownership is still under one entity, and that's a non-government entity, and it could raise questions in the future in terms of why is it the government of Guam, through the Merizo Mayor's Office, why is it that they're maintaining a non-government plot. It's just to clear up the question. Perhaps if we stay away from the title issue and just have a general maintenance agreement with the Catholic Church and the MPC.

JEFF BARCINAS

And I think that can be worked out, and I think the Mayor's Office and the MPC can deal with that.

SENATOR CALVO

With the fee structure coming in - and we're talking about maintenance - would this fee structure strictly be for the maintenance of the...

JUAN CRUZ

That was the intention of it, but we do not have enough response to take care of the maintenance. In fact, we're using some of the church funds to do this with the help of the Mayor and other concerned citizens of Merizo in maintaining it. The question now

is that – will it be possible for the parish to have some say-so too, when it comes out to deciding on what need to be done?

SENATOR CALVO

Sometimes getting involvement – I’m hopeful that – coming from me – just some advice: if the local parish and the local council can work together with the Catholic Church maybe- and I don’t even know whether it’s possible whether the church and the parish come to some sort of agreement on the maintenance of this particular area. When we start talking about title issues – when we start getting into these deep issues and requesting that the government find some way to support the Catholic owned properties or maybe a request of maybe a discussion made on the change of title you start putting out – the more this is brought out, the more interesting issues are brought up that may cause – whether it’s the American Civil Liberties Union or some other entity to come in here and start bringing up questions. What I’m hopeful is that locally – but in the local parish and the local government, maybe work with the diocese in trying to discuss these issues. And if it looks like something cannot come about that it needs some sort of legislative or administrative action, then of course I’m here to serve you guys. But I don’t feel that we should rush into something like this, at this point, because it could open up a Pandora’s box. And my advice is maybe why don’t you – maybe the Mayor and the people of Merizo sit down with Pale Mike and work something out.

JUAN CRUZ

So what you are saying at this time, Mr. Chairman, is that through mutual understanding, we can work the decision making with both the parish and council because that’s what we’re doing right now. But we want to make it clear.

SENATOR KASPERBAUER

I guess I’m not quite clear Mr. Cruz, and I’m a Catholic also...we’re talking about the Catholic Cemetery which is fully occupied?

JUAN CRUZ

Yes.

SENATOR KASPERBAUER

And you’re asking whether the government of Guam can maintain that cemetery? Is that what you’re asking?

JUAN CRUZ

If they can help, but we are not seeking strict responsibility for them to maintain...because the way we're doing it right now, is we are just sharing responsibility with the Mayor and the people of Merizo; that's what's happening right now. The maintenance that we're doing...

SENATOR KASPERBAUER

So are there non-Catholics buried there?

JUAN CRUZ

There are very few - about 99% of the people buried in Merizo are Catholic and most of the people buried there are Catholic.

SENATOR KASPERBAUER

Why can't Merizo Bingo have one bingo night to take care of the maintenance of the year? I'm trying to understand why? Usually we want to stay as far away from the government as we can, but here, we're saying that we want to government to come in. Yet, we...I think that there's a real problem in this and we're saying that the government should take care of the private. And in this case, it happens to be the Catholic Church. And as we look ahead 20, 30, 50 years, there'll be other denominations. Maybe then we say is government getting involved in Church...I always knew the people in Merizo to be a close community and I'm kinda surprised that... It just seems that it's part of the church's obligation to take care of its own cemetery and when you get 99.5% - the church being the same as the community, then it's hard to draw the line. But I think as you look to the future with the Chamorro Land Trust plots, there's more people coming down there that may not be Catholic and I guess this is one where the legal counsel is important. And I would think that we usually want to stay as far away from the government as we can. If the good Mayor wants to volunteer and help from there, I think that's alright. I'm just having a little problem with why we want to get the government involved in this.

JUAN CRUZ

You mentioned bingo...the Bishop is against bingo and that is the reason why we cannot depend on that funding to do the maintenance - because we do not want to go against the express sentiments of the bishop.

MAYOR CRUZ

We do have problems with the maintenance of the Catholic cemetery - we have this generation gap - just like Mr. Cruz said earlier. Years ago, we asked people in there to give us \$25.00 a year to maintain the cemetery. That's not happening right now. I am actually risking my position and my government people. In fact, they're there right now helping clean the cemetery. This is because I want to help. But actually, if someone will come close and look at it, they can put the Mayor in a very bad position.

SENATOR KASPERBAUER

How many gravesites are in the cemetery?

MAYOR CRUZ

About 400 some.

JUAN CRUZ

Some double it. The average burials we do a year is about 17 - 18. So you take a 4x8 space for each burial in a 100x100 dimension...

SENATOR KASPERBAUER

So x \$25 you're talking about above \$10,000 - \$20,000 a year? - That's over \$1,000 a month for maintenance.

MAYOR CRUZ

We used to pay maintenance people about \$300 a month, but like I said: "generation gap" ...people are now re-nigging. They let it go by and the \$300 a month is not enough to pay, so the Church has been doing that and then we stopped it because they're getting their money out form other sources.

SENATOR KASPERBAUER

How do the other cemeteries on Guam handle maintenance?

JEFF BARCINAS

The other churches don't have their cemeteries.

SENATOR KASPERBAUER

So this is the only church cemetery on island?

JUAN CRUZ

No, Umatac has one.

JEFF BARCINAS

Inarajan, Merizo and Umatac.

SENATOR CALVO

Pigo is owned by the Catholic Church?

JEFF BARCINAS

Yeah, but that's by several churches - several parishes. It's just the southern villages - Agat...

MAYOR CRUZ

I think we can work this out.

SENATOR KASPERBAUER

I think this is a good topic, but I don't think it is on the rules and regulations.

SENATOR AGUON

*VOICE ON TAPE IS INAUDIBLE—I think there should be an agreement between the church and the MPC/Mayor...I'm concerned that we're dealing with the rules and regulations and not the other component which is the Catholic Cemetery. I want to make sure that this issue is addressed, if not in this bill then in another piece of legislation.

ATTORNEY MOYLAN

Senator, as we're talking, there are provisions, and this is more of a general thing that could be done because this is a health and safety issue. And you know, government-wide, regardless of who manages the cemeteries, you could probably be thinking of

Parks and Rec. having responsibility to maintain all cemeteries since they do provide a public benefit...but on this particular issue it would be improper to...you're suggesting that some sort of agreement be formed and that can be done. The government can offer a service to a non-profit organization which is the Catholic Church to do that service for a fee. But just carve out an exception for this Catholic cemetery...it does run in conflict with the establishment clause, but they could probably do it under their existing authority.

SENATOR CALVO

In the federal level you've seen that there are federal monies that are allowed for faith-based institutions to provide services. In fact, even in the government of Guam where you see Catholic Social Services...it has been contracted out in the past to do certain social services work for the government of Guam - again providing for the welfare of the people of Guam. This is something interesting. I think it's an issue...it's an issue that we could address in a later date. I don't know if we particularly need it in the rules and regulations.

ATTORNEY MOYLAN

No. It's a bigger issue and I would probably worry if it was put in the rules and regulations.

SENATOR CALVO

It may complicate things.

ATTORNEY MOYLAN

Yes.

JEFF BARCINAS

I'm pretty sure that the parish council will be accepting the language change, *if need be*, with regards to the issue of church and state relationship.

SENATOR CALVO

The big push to get these rules and regulations passed...I remember... we were in Session and one of my men came to me and said "we've got to move on this" - he wanted me to put this on the agenda and there's a certain process in which you get bills from committee into session hall, into second reading and then for vote. And he

brought it to me and I asked how critical it is and he said the Mayor and Pale Mike says they've got someone they've gotta bury pretty soon. And their concern was that we've gotta get these rules and regulations passed. Anyway, after some discussion, we talked to DPR and it was their belief the transfer had already been made...and they wouldn't make any heat about it...so I figured if they're not going to make any heat about it, I'm going to talk to Mayor Cruz. So, again, the number one reason for getting these rules and regulations set was to expedite the use of those areas that are available for burial - to provide for the needs of the community. And I'd like to get these rules and regulations set because everybody that is set there now...there could be legal issues that are brought forth by- I don't even want to tell you all the issues that could be brought up. It's my opinion that the sooner we get these things in place, the better it will be for all involved. Now the maintenance issue - I know there may be some ambiguity - may be some vagueness and where we're gonna go with the maintenance on the old side, but my suggestion is - my first priority is to focus on using those plots - using them - there are people dying everyday. My suggestion is to make things simpler and we could move a lot faster if we can address the current issue brought forth here. Now, the issue of the maintenance of the fully utilized church lots that's something...the maintenance you've been doing thus far...I know you've had folks collecting money and maybe some other folks doing happy labor from your office. These are things I'd love to work on and my suggestion is that the community work with the church and maybe sit down with the Archbishop and with the diocese and consult with some of your legislative public servants here on maybe coming up with some rules and regulations set forth for this type of...for an agreement...or maybe, if necessary, some legislation. But I just don't know if it's necessary to have it placed into this particular body of law. If we are to do it, it may mean that this thing would be drawn out a little bit longer because we have to tackle a lot of issues. So my suggestion is I'd like to work with my committee - and Senator Aguon is a member of my committee - that we look at these issues and some of the new issues that you just brought forth. These are the things that maybe we can have some further discussion and work into some...either amendments to this particular bill if ratified into law or in some other type of legislation that may come forth in the future - that's my suggestion.

SENATOR AGUON

The problem I have is...with this...(VOICE INAUDIBLE)...even if it's a general provision - a Section 4 or something that says the Merizo Mayor's Council shall work with the non-profit or the non-governmental entity in regards to setting up an agreement - just a general provision such as that - it acknowledges that there's an issue at hand that needs to be dealt with and we leave an open window of opportunity for the MPC...parish council and the Catholic Church to work it out...

SENATOR KASPERBAUER

I think there are questions that legal counsel can clarify because that would probably be a non-germane or dual kind of issue here that may or may not...but I would also like to talk about the rules after Senator Aguon is finished.

SENATOR AGUON

I know you mentioned that the Merizo Cemetery is running out of ground space for burial purposes and I think that if you also take a look at the other public cemeteries like up at Nimitz Hill, they're facing the same challenges and I think that in the future they may have - and this is based on some conversations with their personnel - they may have to resort to only using the above-ground crypts for burial purposes in the future. And it makes it quite challenging because some of the people - they come in - with 50% of their requests that our people be buried on the ground burial space but they're (VOICE INAUDIBLE)...because of and primarily because of the problem with space right now. I just want to share that with you because there are other cemeteries that are experiencing similar problems and eventually they may run out of property space - aside from the private cemeteries because I know that the private cemeteries have...at this point in time, they still have the capacity of servicing for the next several years. But with regards to the public cemeteries, and in this particular case the Merizo public cemetery, perhaps above ground crypt burial may be the option.

SENATOR CALVO

Again, I'm going to be very clear - I'm looking at definitions. You have maintenance - you have the Merizo planning - you look at part 6. Well, let me go into definitions - Merizo Public Cemetery shall refer to the government owned cemetery situated in lot 515 in the municipality of Merizo - so we're talking about that specific area. Maintenance - the Merizo Municipal Planning Council shall be responsible for the establishment and general maintenance of the Merizo Public Cemetery - so we're talking about the rules and regulations for one particular area - we're talking about the government owned area. The question that has been brought forth now is, we're expanding it now into the Catholic Church owned property and that's what I'm talking about Senator Aguon. We have the rules and regulations that are specific to that side of the lot and is very specific to the language on the government owned property and that's why I'm saying if a question - a very valid question was brought up about the maintenance/of the continued maintenance of the church owned properties. And the community has been doing a job sometimes on their own to try to maintain the church owned properties. I just feel that to include into this equation the church owned properties...we're very specific on what property we're talking about.

JEFF BARCINAS

That's why we mentioned...you know what is written in the rules and regulations are very clear. The issue we understand is the practice. What you do in practice is a different thing and that's why it's better not written and I think for Mr. Cruz and the Mayor, we'd better just leave it unsaid. Because the arrangement...what you do in practice - and I'm just saying this, being that we are responsible citizens, we know how to take care of our own business.

SENATOR AGUON

I'm going to yield to the chairman and if the committee wants to proceed with the rules and regulations, that's fine with me, but I wanted to share a concern...but also if Dr. Barcinas, if you as well as the Mayor...we're following the rules and regulations...the public law... it will stipulate that you only maintain 50% of the property right now at the burial site, and that's a concern that I have.

SENATOR CALVO

What I'm saying right now is what I see in black and white and we're understanding clearly what properties we're talking about - what is privately owned and what is publicly owned. We're very clear on what these rules and regulations are and what they apply to...including the maintenance in it and we will pass a law that is legal.

MAYOR CRUZ

(To Attorney Moylan) In the past, we are assessing the families who have dead buried there at the Catholic Cemetery and it was \$1.00 a month and we were paying the keepers \$300.00 a month. Now, if we turn around and go back again to that assessment - \$1.00 each per grave - are we going to be violating any - according to what we put in here?

ATTORNEY MOYLAN

Going through the committee I would think that you would have to look through the contract that was originally signed by the family and it has to arise out of a contract for the most part, I don't know of any law that would permit - you're acting as the Mayor of the village - first of all, we're going into a non-profit, a private piece of property - each family that had a loved one interred in there must have signed some sort of an agreement - or had an agreement with the Catholic Church - you have to look to what that agreement stated for the maintenance of it.

MAYOR CRUZ

We don't have it.

ATTORNEY MOYLAN

Yes, so you know it's...it may just basically be donated - it may be just - there may be no obligation.

MAYOR CRUZ

Sir, right now for the crypt users we assess \$500.00 and come Saturday, it will be another \$500.00 assessment so \$1,000...but if we were to pay the keepers \$300 a month that \$1,000 is going to be used in 3 months time. I am asking this question - suppose we go back again and assess the families \$1.00 a month are we doing it legally?

ATTORNEY MOYLAN

We have to be very careful. If they've already interred their family members, whatever the law was at the time and whatever the contract was in the Catholic Cemetery side...it would be contract or something. On the government side, right now you're making the rules and regulations which by the way, are not rules and regulations yet. So you have to be very careful on what we are assessing until the rules come into being. But you have a vested right once they've interred their loved one in there - what is the law at the time that they've interred them? - if there's no law that says they have to pay a maintenance...

MAYOR CRUZ

Not with the Catholic - no.

ATTORNEY MOYLAN

Well, with the Catholic side, it's a contract. You know, what is the contract between the family and the Catholic Church for interring them? If they have no maintenance agreement on it, then the Catholic Church has an issue it has to deal with if they've interred somebody in their property without any obligation further than paying for the interment fee. You know that's what I'm saying on that part. The government side, we deal with the rules and regulations, we deal with publicly passed laws. So from that point forward, if it says that there's going to be a \$300 assessment every year for everyone that gets put I the government side of it, at the time that they've interned them, then we would have to pay the \$300 a year.

SENATOR KASPERBAUER

I wasn't here - I was out in the hall when you started this and I was concerned at first when - I drew a circle around everything that said "San Dimas Parish" because I - it's listed as Merizo Public Cemetery Rules and Regulations and then I only say Mr. Cruz and Dr. Barcinas here representing the church, and the Mayor wasn't here so it was puzzling me and concerning me that we're... . Although we're accustomed to the Church and the state being one and the same, because it's been 99 whatever and I'm trying to remember the small town where my Mom was born and raised... . There were different cemeteries and each of the Churches (Protestant/Presbyterian) took care of their cemeteries. And so when I didn't initially see anyone from the MPC...anyway, I'm glad you came (speaking to the Mayor). As I understand, what we're doing here is the legislature has seen fit to use public money to acquire some land and build some crypts. So that's a government of Guam/pubilic activity. It seems to me totally separate form the church cemetery - those are separate issues. And I understand...and the legal counsel and the chairman may correct me...that the law we passed said that the rules and regulations had to be put in place. And as I also understand, it is that if these had been properly prepared through the adequate public hearing, a public hearing was held, it was put together by the MPC and I guess by also the church council which services as kind of an advisory in this case then... . Then if the legislature doesn't act on it within a certain number of days, then these automatically become the rules and regulations. And it gets me back to Pale Mike's letter- I'm wondering if it was written on March 27th or April 27th because it talks about the upcoming funeral on May 3rd of the late Mrs. Kidd. And I know it was received by somebody on April 27th. Was this letter representing the church? Is this a March 27 letter or is it a - or is it a problem with the date? Not that it makes much difference here- well, it might if it shows March 27th, but it shows it was received on April 27 and it talks about the upcoming funeral on May 3rd of Mr. Kidd - it makes reference to her. Did she die 6 weeks before she was buried?

MAYOR CRUZ

I think I was the one that turned that in because if you remember, Senator Calvo, Sir, I put the pressure on you because Father says "Mayor don't come back to Merizo without the approval."

SENATOR KASPERBAUER

I guess my question is, did this letter - it's dated 3/27 - almost 6 weeks before the funeral - or maybe it was in April because it was talking about the urgency.

MAYOR CRUZ

It must be in April and not March.

SENATOR KASPERBAUER

When were the rules and regulations officially passed? I don't see any planning council cover letter on here saying, "these rules and regulations were duly adopted on a certain date." Or is this the attachment here? I think this talks about the minutes - is that the 3/15 minutes? I don't see any official transmittal, Mr. Chairman, saying that the MPC met on a certain day and had all the necessary requirements of adjudication that the announcement went out publicly and that the hearing was held and this is the product of it. These kinds of things could come up in the Legislative Hall and delay this.

MAYOR CRUZ

We got the package that was sent over to the Legislature with regards to the public hearing that was held in Merizo.

SENATOR KASPERBAUER

These are the minutes of a meeting - I don't see a resolution or - I would think that the planning council would have a resolution that...

SENATOR CALVO

You're right. There is a correspondence from the Merizo Mayor's Office - minutes of the public hearing on the Merizo Public Cemetery - minutes of 3/15/00 - submitted and signed by Sherry Chargulauf.

SENATOR KASPERBAUER

That's the transmittal...OK

ATTORNEY MOYLAN

If this was Tripe A, it would go from April 17, 2000...The legislative statement...I'm not sure if this is accurate, but it says 4/17/00 it was transmitted to the Legislature, so it would come in effect 90 days after...

SENATOR KASPERBAUER

That's why I was wondering if they were already in effect. So we're still within the 90 days? OK...What I was trying to come up with is if the Legislature doesn't act on these, they automatically become law within 90 days, but this is still within 90 days? Some questions I have about...so what's going to happen after this? Is the committee going to draft a bill?

SENATOR CALVO

Taking the advice of the Legal Counsel, the testimonies heard as well as some of the concerns of the committee, we're going to have to make a substitute bill with the amendments to the rules and regulations. So, again, we have to address the issues brought forth on the church and state. You've circled the "San Dimas Church" in all those areas - there's going to have to be changes as well. We talked about eligibility...there's some positive...at least as far as eligibility requirements that the legal counsel has stated - there are instances where residency is not considered a discriminatory type of measure when it comes to establishing who can or cannot be interred in the cemetery and that will be taken into consideration, as well. And then of course the fee structure - and there are questions I have in regards to the adjudication process for fees. And then, of course, Mr. Mayor, you did mention assessing a fee (that is currently not in place) into the rules and regulations.

SENATOR KASPERBAUER

I don't see any bill - I guess your talking about a substitute bill?

SENATOR CALVO

Bill 428.

MAYOR CRUZ

Was there a question on the internment fees?

SENATOR KASPERBAUER

What I'd like to do Mr. Chair is go through a couple of questions I have and get some clarification for the committee. On part 2 - eligibility - where it says born and/or raised resident. I wonder if that needs to be lightened up. What do we mean raised residents? The committee may want to...we may want to talk...what does raised residents mean? I'm trying to keep the Parish Council - the Planning Council rather, from having any problem when somebody debating what "raised residents" is. It might seem pretty clear, but maybe legal counsel has a recommendation on that.

ATTORNEY MOYLAN

I agree with you Mr. Vice-Speaker. The current "registered residents" seemed to be a better criteria as opposed to "born and/or raised residents." You'll get less flack and if somebody is...will move down there right before they die, you know...

SENATOR KASPERBAUER

What I see here is it is exhaustive. Somebody who was born in Merizo but they didn't necessarily live there any more...they may live anywhere and they would be entitled to come back and be buried there. Or they may not have been born there, but they lived there for a while...but they're no longer living there any more or they may ...well, ...the raised resident would be - they weren't born there but they lived there for a while but they don't live there any more. And then in #2, "current registered resident" - my question was what does "registered" mean? Registered at the Mayor's office, at the planning council office, registered to vote? What is registered? I think that needs to be clarified.

MAYOR CRUZ

We do have this law that anybody that enters, specifically has to register with the Mayors Office. Not necessarily to vote, but the residents.

SENATOR KASPERBAUER

That's a law? Because I know a lot of people aren't registered with their Mayor's Office. Maybe not in Merizo, but in Dededo. I don't even know how any are registered.

MAYOR CRUZ

We do have records in Merizo of who are coming in an who are going out. But you are right, if a former resident of Merizo migrated to Yigo and wished to come back to be buried...

SENATOR KASPERBAUER

So they're covered in #1 an the "current registered resident." If they're ...if they have to do that by law...I wasn't aware that there's a law that you have to register when you come in an go out. I know that Mayors like that...is there a statute on that?

ATTORNEY MOYLAN

I can't recall.

SENATOR KASPERBAUER

I know you do your census and so on and it's very easy, but in Dededo and Tamuning, I don't think the Mayor has any clue of who is there anymore. A former resident who had lived there six months or more and descendants of former residents- so these would be people that never lived there who would be descendants - grandchildren and so on. If somebody had once lived there, that's #4 and then special circumstances as convened by the singular council, I guess that would be. So those would be some...the criteria as you mentioned, Mr. Chairman, that are critical and I think Dr. Jeff has mentioned that if you're limited on space, you have to be very sure that...with the Chamorro Land Trust...some people might end up with property down there and I guess they'd technically have to be identified down there. The other question I have was on the burial schedule. When you're putting this - the rules and regulations... I don't know how you change this, there's a provision in here for changing this later on. It makes it very clear that it has to be from 9am to 3:30pm or whether that's something that should be ... they would say that the times shall be set by the MPC. Therefore you'd have some flexibility if you want to bury somebody at 8am or at 8:30am or at 4pm. I'm just saying if you were to - would that be a helpful suggestion if it were to say that the days and the time will be set by the planning council and not specify the specific time because that kind of locks you in for a long time. Then on the fee - I guess my question is what if they don't pay the fee? Is there a penalty or what? Or you have to pay up the \$2,000, \$1450 and \$500....or I guess the \$500 is on a payment schedule. Does that have to be paid before you get into the crypt or ...

MAYOR CRUZ

Up front is putting the cover on.

SENATOR KASPERBAUER

The \$700?

MAYOR CRUZ

The \$250 - A down payment on the name of (INAUDIBLE)....\$700 and a down payment of half of that and you pay the other payment...will have to be followed through...and the \$500. \$100 after the burial took place and stretched out - \$100/month from there on. We're trying to make it...

ATTORNEY MOYLAN

Is there a \$100 per month?

MAYOR CRUZ

Pardon me?

ATTORNEY MOYLAN

I don't see the \$100 a month - Oh, the payment plan...I'm sorry.

MAYOR CRUZ

We do have a payment plan.

SENATOR KASPERBAUER

Now this doesn't say anything about a payment plan, does it?

SENATOR CALVO

It says the amount, but it can be paid within a increment basis.

SENATOR KASPERBAUER

Oh, OK, so it does say that.

ATTORNEY MOYLAN

The courts are available for any non-payments.

SENATOR KASPERBAUER

Would that be by the Mayor's Office or by the MPC?

MAYOR CRUZ

That's the problem now. They put the monkey on our back. You're right, suppose they don't pay. How about the person who has to get another help to put the cover on? We need more than one person to do that. And who's going to pay for that? How about

maintenance? We had discussed maintenance – the maintenance problem here. Would the church....

SENATOR KASPERBAUER

I guess my concern is that sometimes when we lock it in with specifics, then it makes it very difficult to...as you experienced...is to modify it. Whether the internment fees...whether that has to be, I guess that has to be set by the MPC and to be appropriately adjudicated. I don't know, Mr. Legal Counsel whether that kind of statement would be adequate and that the ...as long as it says that the fees have to be adjudicated rather than to list it. Is this because this locks it in by law?

ATTORNEY MOYLAN

Actually, this is probably the best way to do that because it's gotten a public hearing to this stage and if they want to amend it, then counsel can start the regulations again and go through some sort of amendment process.

SENATOR KASPERBAUER

But then does it have to come back to the legislature?

SENATOR CALVO

Probably.

ATTORNEY MOYLAN

Just like most of the government.

SENATOR KASPERBAUER

So what about if somebody doesn't pay?

ATTORNEY MOYLAN

Take them to court. That would be the final recourse.

SENATOR KASPERBAUER

So there's a provision for that?

MAYOR CRUZ

Here we're used to paying nothing for burying them on the ground, but now we have to move out of that and use the crypts.

SENATOR KASPERBAUER

Part 6: on the flags - this introduces another cost to have somebody put up three flags - a US flag, a GU flag and a Merizo flag - every day, up and down.

MAYOR CRUZ

It is costly.

SENATOR KASPERBAUER

Is it unusual - I'm not aware of flags being put up every day in cemeteries.

MAYOR CRUZ

Well, we would like to honor our dead people. We do it daily in Merizo and it costs me money - costs the Mayor's Office money. \$55 for each flag and when you raise them daily it would be 3 - 4 months to replace them, but we're willing to do that.

SENATOR CALVO

You brought up some valid questions especially in regards to eligibility. With some of these definitions of "born and raised" and we want to address it. I do see a problem in regards to eligibility because this bill - actually there's specific mention to PL 24-127 - "these rules are promulgated to adhere to PL 24-127 to maintain and upkeep cemetery grounds..." It's very clear in the legislative...and maybe Doug, if I could give a copy of the PL, but it's very clear in the legislative findings as to the cemetery serving the needs of the community and it specifies what that community is ...it specifies that this cemetery serves as a final resting place for those residents of Merizo along with the entire southern community including the villages of Umatac, Inarajan, Malofoj, Talofofo, Agat and Santa Rita.

ATTORNEY MOYLAN

I didn't draft this bill...it was one of the staffers in committee.

SENATOR KASPERBAUER

So then the adjudication process needs to involve those communities.

SENATOR CALVO

No, no it doesn't. But what I'm stating is that , again, eligibility requirements for internment. In...currently ... in PL, it states that the cemetery will provide for the internment needs of the resident of...

ATTORNEY MOYLAN

Is that 24-27, or...

SENATOR CALVO

24-127 and that's my only concern.

ATTORNEY MOYLAN

The bill is flawed...it ... there's a bunch of errors in the statement.

SENATOR CALVO

Which one?

ATTORNEY MOYLAN

24-28...it mentions the wrong PL, as well.

SENATOR CALVO

Excuse me, we have 24-27, you mean 24-127...

ATTORNEY MOYLAN

Clearly this has to be...

SENATOR CALVO

We're going to make a substitute bill.

ATTORNEY MOYLAN

Right.

SENATOR CALVO

We have to because a lot of the errors in the...

MAYOR CRUZ

When we were doing this, Father Mike - not Father Mike, Pale Forbes, OK, Uh...the legislature put this southern people like Umatac, Inarajan and Talofoyo, so we took that off and we know that with the...(VOICE INAUDIBLE)...and crypt availability that if we were to put 300 crypts in there it will be used right away if we were to allow these other people - other villages - to come in and bury their - make their internment there. So they went ahead and come out again putting those - encompassing those other villages. We still maintain that it should be just for Merizo. Let Umatac, Inarajan and Talofoyo come up with their own burial sites, like we did.

SENATOR CALVO

This was a law that was passed in the previous legislature and in the rules and regulations it specifies...again, the rules adhering to PL 24-127 and again, that's why we're going to have to work with legal counsel on this. Because if you take a look at...in fact...can I give you a copy of 24-127? If we were to pass a law, you have to ensure that it does not conflict or contradicts previous laws. If we are to do some changes, it would be a repeal and re-amendments made.

SENATOR KASPERBAUER

These eligibility requirements don't say Merizo in it...it just says residents. So, well...the enabling legislation, 24-127, mentions Talofoyo, Inarajan, Umatac...they are residents. That's why I was asking what does residents mean?

ATTORNEY MOYLAN

It was actually a political decision.

SENATOR CALVO

This is what my concern is to make a change in repeal certain...especially when you're talking about certain/other communities that were...participating in the uses of the...and of course even though it's been in the law and they've never...they haven't

used it, but again, it has been legally the – their right of other villages to use the Merizo Public Cemetery. I think it would be only fair that if your...Mr. Mayor if you're requesting that we repeal certain provisions of PL 24-127 that we would have to probably – we would have to have testimony from the public and especially those areas that are affected with the exclusion. And it is a ...again, there are political issues that are involved in this and if that is your wish...Currently, we are very clear on the law as to the members of the community – to the island community –who are eligible for the use of that cemetery.

SENATOR KASPERBAUER

Basically we have a southern region public cemetery located in Merizo – by law.

ATTORNEY MOYLAN

That public law was in the legislative intent.

SENATOR KASPERBAUER

It is in the intent, not in the law, but in the intent.

ATTORNEY MOYLAN

You are correct that it is – there's already legislative intent – this services the entire southern Guam. So it's one of those bigger questions.

SENATOR KASPERBAUER

Well, the eligibility just talks about born/raised residents – current residents...it doesn't say in Merizo, so it's silent on that. So technically, it's alright. It's what are you going to do if someone shows up.

SENATOR CALVO

Some of the questions brought up by Senator Kasperbauer – the vagueness of it, the ambiguity...

SENATOR KASPERBAUER

You don't want to fight over this....

SENATOR CALVO

Mayor, then again, I bring it up to you – this has been in the law already and you see how many people have been interned at Merizo that are residents of Merizo. How many are not residing? If this issue...again, if you want a repeal and re-enactment, my suggestion is that it will probably cause more problems that it would solve. I would think that the folks from Inarajan, Umatac, Agat, Santa Rita and all other villages of the south will raise a firestorm and they will feel discriminated upon if we are to repeal a certain provision there that would nullify their eligibility to be interned.

MAYOR CRUZ

Can we go ahead and settle with the rules and regulations governing the use of the cemetery crypts and then look at that later on...go back

SENATOR CALVO

OK and I guess...

SENATOR KASPERBAUER

It has to do with the eligibility, Mayor, where it says born or raised residents – so that would mean Inarajan, Merizo, Agat,

MAYOR CRUZ

We can conveniently change that.

SENATOR CALVO

My suggestion is...

SENATOR KASPERBAUER

We can leave it.

SENATOR CALVO

We can leave it and...

SENATOR KASPERBAUER

And then later on clarify their residents – meaning Merizo.

JEFF BARCINAS

As a resident of Merizo we already know the preferences of the people from Merizo, Umatac, Inarajan, ...they prefer to be buried in their own villages. So it's better not do anything thing...because if you touch this...

SENATOR CALVO

Then they're all going to want to go to Merizo just for the rights.

JEFF BARCINAS

You're going to rile up an issue that I don't think you really want to get into.

SENATOR CALVO

I will work with legal counsel and my fellow colleagues regarding eligibility. Again, why don't we just leave it mute on 24-127, but focus on 1, 2, 3, 4, 5. And maybe again some clarification on born and raised residents. We already know current and registered residents. You're talking now about those that have registered at the Mayor's Office. The former registered residents - I think there's a problem with #1 - Born and raised residents because...Senator...

SENATOR KASPERBAUER

I've gotta say the problem might be with the current registered resident. You may just say current resident. Because they're registered or not...

SENATOR CALVO

Current resident - I guess with a former resident, 6 months residency or more and if you were to take out registered, who would determine they were there for 6 months?

SENATOR KASPERBAUER

The planning council through the Mayor (he's the chairman of the council)

ATTORNEY MOYLAN

Do you still want the birth/born - do you still want to keep this issue or just keep resident? Or just put current resident and former resident? You already have current resident and former resident...do you really need the born or raised resident?

SENATOR KASPERBAUER

Well, you pick it up in #4 "descendents"...it's a duplication isn't it? Because it's a descendent.

ATTORNEY MOYLAN

Do you want to just limit it to just former residents? And not go any further than that?

SENATOR CALVO

Do you want descendents?

MAYOR CRUZ

What are we going to take out?

SENATOR KASPERBAUER

Well, #1 is...

SENATOR CALVO

I think former resident. If you were born, well, not really because if you were born there and you were there for 1 month and then your family moved...You're saying former residents, 6 months residency or more. I would suggest you take out #1 but use former (cuts himself off while saying former) current resident. Former resident and ... that's ...you establish your 6 month residency and then descendents of former, current or former residents - that covers all bases.

MAYOR CRUZ

Take out #1?

SENATOR CALVO

Take out #1 because you already have your current resident - you've already established a former resident and that's anyone that's been there 6 months or more and

then you've covered their descendents for both. Those things are fairly clear. But #1 "born and raised" - that may have ...there...

SENATOR KASPERBAUER

You have #5 as an escape clause, anyway. So you want to take out #1? - Do you want to do that, Mayor?

MAYOR CRUZ

Yes, let's take it out. So we'll start out with #1: current registered resident, #2: former resident - 6 months or more, #3: descendents of current/former residents and #4: is where you decide - special circumstances.

JUAN CRUZ

The history of this public land deeded to the public cemetery went as far back as 1982 when they deed the piece of property to the Catholic Cemetery. They deeded about 10 acres of land there and the idea is to provide space for the southern area to be buried. And this is how the neighboring village came in. And when we consider the urgency and emergency need, we try to move fast with this. In fact, Speaker Unpingco was involved in this and he's been trying to help us provide this space and the money to develop the space. So that is the way this southern villages come into play. And we fail to realize the consequences that will come up late on. Because I remember when they deeded 10 acres of property right adjacent to the Catholic Cemetery - it was intended for use of the southern area.

SENATOR KASPERBAUER

Is there Chamorro Land Trust land there?

JUAN CRUZ

Pardon?

SENATOR KASPERBAUER

Is there any Chamorro land trust land next to it?

JUAN CRUZ

Not right now because the space right around the Catholic Cemetery is already deeded to the public cemetery and it's by public law.

SENATOR CALVO

Where is the chapel located?

JEFF BARCINAS

It's located, I guess, right next to the crypt. It's on the public property.

SENATOR KASPERBAUER

So it's non-denominational?

JEFF BARCINAS

It's non-denominational - it's a pavilion actually.

SENATOR CALVO

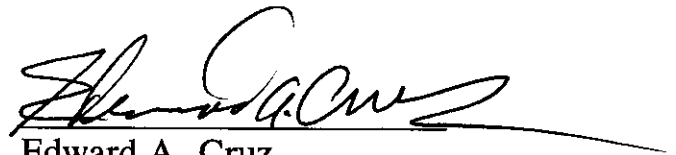
I know that there's some concerns. You're really concerned because you're focusing on what the needs of Merizo are which is rightfully so. But, again, you also realize that it makes sense that though there have been public laws that have allowed the use of your cemetery for the whole south - in practice - and again, in fact, there has been no.... I don't know, maybe there has been, but you've seen it by...that most folks that requested to be interred in Merizo are those folks who have resided there. That's why my concern on requesting a repeal of the law...I don't know whether that will be counter productive.. And again it's my opinion that the laws, as they currently are, there will be no changes... and that the current situation where when death occurs in Merizo that most folks will want to be interred in Merizo. And if someone from Talofofa passes away, I don't see that there will be a request made by that person who has lived in Talofofa or Inarajan for many, many years will request to be interred into the Merizo Community Cemetery. But our committee will be working on a substitute bill. I will be working with you folks to take a look at any changes that have been made and, of course, I'm going to be looking at - we'll have this back and forth discussion so that when the time is right to get this thing into the legislature for debate for final vote, we would have had all of your comments taken into consideration.

SENATOR KASPERBAUER

For the record, I request to be #2 sponsor on your bill.

May 2000

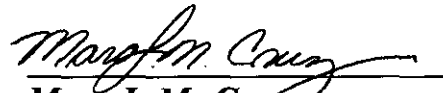
Since I cannot be present to testify on the Public Hearing concerning the Merizo Public Cemetery, I am hereby submitting my written testimony supporting the Rules & Regulations as written both by the Merizo Municipal Planning Council, and the San Dimas Parish Council and concurred by Father Mike Crisostomo, Pastor of San Dimas Church.

A handwritten signature in black ink, appearing to read 'Edward A. Cruz', with a long horizontal line extending to the right.

Edward A. Cruz
Member,
Merizo Municipal
Planning Council

May 2000

I am in full support of the Rules & Regulations as written by the Merizo Municipal Planning Council governing the Merizo Cemetery.


Mara L.M. Cruz
Member,
Merizo Municipal
Planning Council



TWENTY-FIFTH GUAM LEGISLATURE
SENATOR EDDIE BAZA CALVO

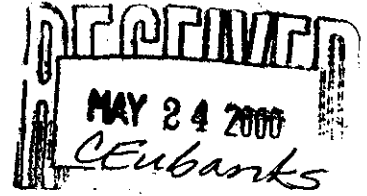
Chairman

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM,
MUNICIPAL and COMMUNITY AFFAIRS

E-Mail address: sencalvo@ite.net
120 Father Dueñas Avenue, Capitol Plaza, Suite 109
Hagåtña, Guam 96910

Telephone: (671) 472-4040/4518
Facsimile: (671) 472-4100

May 24, 2000



MEMORANDUM

TO: Mr. Joseph Rivera, Director
Bureau of Budget & Management Research

FROM: Chairman, Committee on Power, Public Works, Tax and
Regulatory Reform, Municipal and Community Affairs
I Mina 'Bente Singko Na Liheslaturan Guåhan

SUBJECT: **REQUEST FOR FISCAL NOTE**

I am respectfully requesting your assistance in expediting a fiscal note for the following:

BILL NUMBER 428 (COR) "AN ACT TO ESTABLISH THE MERIZO PUBLIC CEMETERY RULES AND REGULATIONS." By: E.B. Calvo

I have scheduled a public hearing on May 31, 2000 and would appreciate your expedient assistance in this matter. Attached herewith you will find a copy of the measure.

Dangkolo na si Yu'os ma'åse'



SENATOR EDDIE BAZA CALVO

attachments (01)


JNS1800 64017



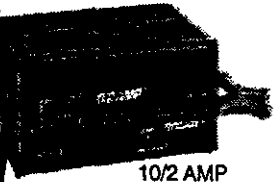
PRECISION BLEND COOLANT
Premixed Coolant/
Demineralized Water
\$7.59
AF577



WD-40
Stops Squeaks
Frees Rusted Parts
Cleans & Protects
Dries Out Moisture
9
10002



SOLAR
BATTERY CHARGER
60 AMP
6, 12 & 24 VOLT
\$338.95
670



BATTERY CHARGER
\$48.95
1014
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6 & 12 VOLT

AMINING TO GET STRONGER!
637-6642 (inside Pacific City) Tel: 647-8977
6272 ADELUP 502 Chorio Blvd, Anigua Tel: 472-9821/2/3
665-9135 HARMON 1500 Harmon Indust. Park Tel: 648-7821/2/3

GOVERNMENT MEETINGS

COMMUNITY VILLAGE MEETING: 7 p.m., May 31, hosted by Agana Heights Mayor Paul McDonald, Agana Heights community center. Delegate Robert Underwood will discuss his latest efforts in Washington, D.C. The public is invited.

WORKERS' COMPENSATION COMMISSION, DEPARTMENT OF LABOR: 6 p.m., May 31, Department of Labor director's conference room, 110 C St., Tiyan. For more information, call 475-0151/2.

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM, MUNICIPAL AND COMMUNITY AFFAIRS: Public hearing 9 a.m., May 31, 1 Liheslaturan Guahan public hearing room, Hagåtña. Appointment of Joseph M. McDonald to serve as PUC member; Bill 355; Merizo public cemetery rules and regulations. Public invited. Those with disabilities who need special accommodations, etc., should call 472-4100.

GCC BOARD OF TRUSTEES: Special meeting 6 p.m., June 1, president's office conference room, Mangilao. Those with disabilities who need special accommodations, etc., should call 735-5584 or TDD 734-8324/5236.

COMMITTEE ON EDUCATION: Public hearing on Bills 419, 422, 423, 9 a.m., June 1, 1 Liheslaturan Guahan public hearing room, Hagåtña. Those with disabilities who need special accommodations, etc., should call 475-5437.

COUNCIL ON SENIOR CITIZENS: Monthly meeting 3 p.m., June 1, Minondo conference room. For more information, call 475-0263.

COUNCIL ON THE ARTS AND HUMANITIES AGENCY: 4:30 p.m., June 1 (each first and third Thursday), CAHA conference room, 703 Central Ave., Tiyan. Those with disabilities who need special accommodations, etc., should call Jackie Balbas, 475-2242/3 or fax 472-2781.

Exhibit "VT"
Comm. Rep.-Bill 428
Public Hearing Notices
Page 1 of 6

Police Beat

Search for missing man continues

By Joseph E. Duenas
Variety News Staff
The Fire Department continued the search today for a missing camper who was resting near the NCTAMS area, who was part of a fishing group, was

missing since Friday, and the GFD received the missing person's report at 2 p.m. Sunday.
"We searched all day today, and we're going to continue the search tomorrow," GFD spokesperson Andy Arceo said late yesterday afternoon.

"Through the Coast Guard, we were able to secure an HC5 (helicopter), and our guys will continue to search tomorrow, and we'll take it from there—but they haven't found anything yet."
The search is focused from the Double Reef to Urunao area.

Convicted felon guilty of gun possession

By Joseph E. Duenas
Variety News Staff
A convicted felon led guilty to an indictment in the U.S. District Court arguing him with illegal possession of a gun and

Man gored by marlin in critical but stable condition

By Joseph E. Duenas
Variety News Staff
THE FIFTY-year-old Japanese fisherman impaled by a marlin Sunday is in critical but stable condition, said Chief Hospital Corpsman David Harell of the Naval Hospital.
Tsukasaka Okuji was aboard the Yasu Maru II when struck by

a marlin in the abdomen at 2:30 a.m. Guam time.
After a successful rescue by the U.S. Coast Guard, Okuji was transported to the Naval Hospital, where he was operated on. As of early evening yesterday, Okuji was in the Intensive Care Unit, listed in critical, but stable condition, Harell said.

Pedestrian still in critical condition

Evangelista Aquino guilty to being a felon in possession of a gun and ammunition.

NOTICE OF PUBLIC HEARING



Mina 'Bente Singko Na Liheslaturan Guahan
Committee on Power, Public Works, Tax and
Regulatory Reform, Municipal and Community Affairs

Chairman, Senator Eddie Baza Calvo

WEDNESDAY, MAY 31, 2000

9:00 A.M.

AGENDA

APPOINTMENT OF MR. JOSEPH M. MCDONALD TO SERVE AS A MEMBER OF THE PUBLIC UTILITIES COMMISSION.

BILL No. 355 (COR): AN ACT TO ADD A NEW SUBSECTION (h) TO SECTION 28106 OF CHAPTER 28 OF DIVISION 2 OF TITLE 11, GUAM CODE ANNOTATED RELATIVE TO EXEMPTING CERTAIN MEDICAL EQUIPMENT FROM THE APPLICATION OF THE USE TAX.

MERIZO PUBLIC CEMETARY RULES AND REGULATIONS

Hearing will take place in the PUBLIC HEARING ROOM, of I Liheslaturan Guahan, 155 Hesler Street, Hagatna, Guam
Those in need of Special Accommodations please call 472-4040/4518 or fax request to 472-4100
THE PUBLIC IS ENCOURAGED TO ATTEND



A.B. Won Pat Guam International Airport Authority

(ATURIDAT PUETTON BATKON AIREN ENTERNASIONAT GUAHAN)
P.O. Box 8770, Tamuning, Guam 96931 • Telephone: (671) 646-0300/1/2

GOVERNMENT MEETINGS

▲ Continued from Page 6

Room 320, One Stop Building, Anigua. Horizontal property regime for Chris Urban Townhouse; zone change for Renato C. Silvestre; tentative subdivision for Oceanview Garden Dev. Inc. For more information, call 475-5259.

BOARD OF EXAMINERS FOR OPTOMETRY: 8:30 a.m., May 30, Health Professional Licensing office, 1302 E. Sunset Boulevard, Tiyan. Agenda copies available at 1304 E. Sunset Boulevard. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

WORKERS' COMPENSATION COMMISSION, DEPARTMENT OF LABOR: 6 p.m., May 31, Department of Labor director's conference room, 110 C St., Tiyan. For more information, call 475-0151/2.

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COUNCIL ON SENIOR CITIZENS: Monthly meeting 3 p.m., June 1, Minondo conference room. For more information, call 475-0263.

COUNCIL ON THE ARTS AND HUMANITIES AGENCY: 4:30 p.m., June 1 (each first and third Thursday), CAHA conference room, 703 Central Avenue, Tiyan. Those with disabilities who need special accommodations, etc., should call Jackie Balbas, 475-2242/3 or fax 472-2781.

CIVIL SERVICE COMMISSION: 5:30 p.m., June 1, CSC conference room, 490 Chalan Palasyo, Agana Heights. Old business; new business; general business; executive session. For more information, call 475-1300/01.

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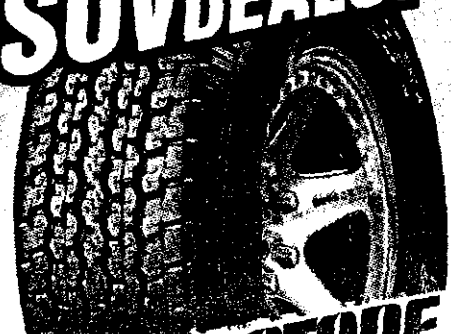
\$59.95

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\$69.95

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KITCHEN & BATH

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COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM, MUNICIPAL AND COMMUNITY AFFAIRS: Public hearing 9 a.m., May 31, 1 Liheslaturan Guahan public hearing room, Hagåtña. Appointment of Joseph M. McDonald to serve as PUC member; Bill 355. Also 7 p.m., Merizo community center, on Merizo public cemetery rules and regulations. Public invited. Those with disabilities who need special accommodations, etc., should call 472-4100.

GCC BOARD OF TRUSTEES: Special meeting 6 p.m., June 1, president's office conference room, Mangilao. Those with disabilities who need special accommodations, etc., should call 735-5584 or TDD 734-8324/5236.

COMMITTEE ON EDUCATION: Public hearing on Bills 419, 422, 423, 9 a.m., June 1, 1 Liheslaturan Guahan public hearing room,

Play Hatch, Match & Win
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NOTICE OF PUBLIC HEARING



Minia Bente Singko Na Liheslaturan Guahan
Committee on Power, Public Works,
Tax and Regulatory Reform,
Municipal and Community Affairs
Chairman, Senator Eddie Baza Calvo-

9:00 A. M., WEDNESDAY, MAY 31, 2000

AGENDA

APPOINTMENT: MR JOSEPH M. McDONALD, TO SERVE AS A MEMBER OF THE PUBLIC UTILITIES COMMISSION.

Bill No. 355(COR): AN ACT TO ADD A NEW SUBSECTION (h) TO SECTION 28106 OF CHAPTER 28 OF DIVISION 2 OF TITLE 11, GUAM CODE ANNOTATED RELATIVE TO EXEMPTING CERTAIN MEDICAL EQUIPMENT FROM THE APPLICATION OF THE USE TAX.

MERIZO PUBLIC CEMETARY RULES AND REGULATIONS

Hearing will take place in the PUBLIC HEARING ROOM OF I LIHESLATURAN GUAHAN, 155 HESLER STREET, HAGATNA. Those in need of Special Accommodations, please call 472-4040 or fax your request to 472-4100.

THE PUBLIC IS ENCOURAGED TO ATTEND.

NOTICE OF SALE UNDER

NOTICE OF SALE UNDER



Dick Pacific Construction Co., Ltd. (Guam) is seeking a qualified applicant to fill the following position:

DETAILER (Construction)

Prospective candidate must have a current minimum of 5 years' experience IN DETAILED BUILDING AND GENERAL DESIGN DRAWINGS. Must be knowledgeable in interpreting design concepts, compiling data, preparing cost estimates and computing quantities. Must be proficient in the use of AutoCad 14.

Applicants must submit a resume demonstrating a successful work history. Complete compensation and benefits package. Successful candidate must submit to drug & alcohol testing and MUST SHOW PROOF OF ELIGIBILITY TO WORK IN THE UNITED STATES. Please submit resume to:

DICK PACIFIC CONSTRUCTION CO., LTD. (GUAM)
Harmon Industrial Park, P.O. Box 23068-GMF, Barrigada, Guam 96921
Attn: Administration Manager

Dick Pacific Construction is an EEO/AA Employer

Pacific International Holdings,
Corporate Office
has an immediate opening for

"Controller"

Candidates must possess the following minimum qualifications:

- Degree in Business Administration major in Accounting
- CPA/MBA desirable but not necessary.
- At least 5 years diversified experience in Accounting Management.
- Retail/Inventory accounting, audit, and credit management.
- Knowledgeable with computers (preferably AccPac Edwards).
- Understanding of business processes and work flow

Please submit resume to the Pacific International Holdings, Inc. Office located at Guam Premium Outlet MON-FRI, 8:30am to 4:30pm. Faxes are accepted. (646-7088)

****EQUAL OPPORTUNITY EMPLOYER****

...up is Thurs-
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...he first week

...starting year
...school year.
...1 August 1.
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...call Carmen
...-2237/5859.

Civil Defense wraps up campaign

THE DEPARTMENT of Military Affairs' Office of Civil Defense will round out its awareness campaign this month with a static display at the Guam Premium Outlet tomorrow.

As part of Disaster Preparedness Month, the Office of Civil Defense hosted a slew of educational and awareness campaigns.

In addition to passing out safety pamphlets and information sheets around the island, the office supervised a number of earthquake drills throughout island schools. It also participated in the Inarajan fiesta parade earlier this month.

With the activities, Civil Defense head Joe Javellana III hoped to showcase Guam's emergency response capabilities.

"We want to make sure that Guam as a whole is ready to respond and to make sure the people of Guam is protected. Also, to ensure that they know what to do in any and all emergencies." (RQT)

NOTICE OF PUBLIC HEARING



Mina Bente Singko Na Liheslaturan Guahan
Committee on Power, Public Works, Tax and Regulatory Reform, Municipality and Community Affairs

Chairman, Senator Eddie Baza Calvo

WEDNESDAY, MAY 31, 2000

9:00 A.M.

AGENDA

APPOINTMENT OF: MR. JOSEPH M. MCDONALD, TO SERVE AS A MEMBER OF THE PUBLIC UTILITIES COMMISSION. BILL No. 355 (COR): AN ACT TO ADD A NEW SUBSECTION (b) TO SECTION 28106 OF CHAPTER 28 OF DIVISION 2 OF TITLE 11, GUAM CODE ANNOTATED RELATIVE TO EXEMPTING CERTAIN MEDICAL EQUIPMENT FROM THE APPLICATION OF THE USE TAX.

MERIZO PUBLIC CEMETARY RULES AND REGULATIONS
Hearing will take place in the PUBLIC HEARING ROOM, of
Liheslaturan Guahan, 155 Hessler Street, Hagatna, Guam
Those in need of Special Accommodations please call
472-4040/4518 or fax request to 472-4100.
THE PUBLIC IS ENCOURAGED TO ATTEND



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

*Senator Mark Forbes, Chairman
Kabisiyon Mayurat*

19 APR 2000

MEMORANDUM

TO: Chairman
Committee on Power, Public Works, Tax & Regulatory Reform,
Municipal and Community Affairs

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

SUBJECT: Referral of Communications

The following is forwarded for your information and appropriate action:

1. From the Mayor of Merizo transmitting the Merizo Public Cemetery rules and regulations.

Thank you for your attention to this matter.

MARK FORBES
Senator

Attachments

EDIE
Date: 4/20/00 10:38 AM



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

April 18, 2000

Memorandum

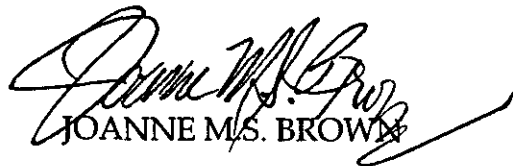
To: Chairman, Committee on Rules, Government Reform,
Reorganization and Federal Affairs

From: Legislative Secretary

Subject: Communication - Referral of

The following Communication has been received and is being forwarded to your Committee for information and referral to appropriate committee:

1. From the Mayor of Merizo transmitting the Merizo Public Cemetery rules and regulations.


JOANNE M.S. BROWN

Attachment (1)

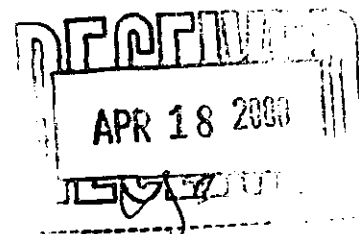


Exhibit "VII"

Comm. Rep.-Bill 428

Rules & Regs. Submitted by Merizo Mayor

Page 2 of 8



Merizo Mayor's Office
Government of Guam

HCR BOX 16078
Merizo, Guam 96916

IGNACIO "BUCK" S. CRUZ
Mayor

RITA A. TAINATONGO
Administrative Assistant

SHERRY L. CHARGUALAP
Municipal Clerk

TELEPHONES:

828-8312
828-8772

FAX:

828-2429

APR 17 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
Mina' Bente Singko Na Liheslaturan Guahan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagatna, Guam 96910

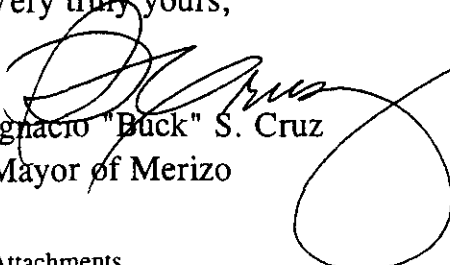


Dear Legislative Secretary Brown:

In accordance with the Administrative Adjudication Law 9303 of Title 5, Guam Code Annotated, as amended by Public Law No. 24-27, the Mayor of Merizo and the Merizo Municipal Planning Council transmit the following: Merizo Public Cemetery Rules and Regulations.

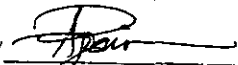
Attached herewith are the original approval copy, one (1) duplicate, and one (1) copy of the entire record of the public hearing held on March 15, 2000, for recordation.

Very truly yours,


Ignacio "Buck" S. Cruz
Mayor of Merizo

Attachments

cc: The Honorable Carl T.C. Gutierrez, I Maga'Lahen Guahan,
Governor of Guam
The Honorable Antonio S. Unpingco, Speaker

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT	
Received By	
Time	10:54 am
Date	17 APRIL 2000

00 879

Exhibit "VII"

Comm. Rep.-Bill 428

Rules & Regs. Submitted by Merizo Mayor

Page 3 of 8

MERIZO PUBLIC CEMETERY

RULES AND REGULATIONS

PART 1. GENERAL PROVISIONS & DEFINITIONS

- 1.01 Title. These rules and regulations may be cited as the Merizo Public Cemetery Rules and Regulations as adopted by the Merizo Municipal Planning Council and the San Dimas Parish Council.
- 1.02 Purpose. These rules are promulgated to adhere to Public Law NO. 24-127, to maintain and upkeep cemetery grounds.
- 1.03 Scope. These rules shall apply to the Merizo Community Cemetery that is under the management and control of the Merizo Municipal Planning Council and the San Dimas Church Parish Council.
- 1.04 Merizo Public Cemetery. Shall refer to the Government of Guam owned cemetery situated on Lot #515 in the Municipality of Merizo.
- 1.05 Merizo Catholic Cemetery. Shall refer to the adjacent property Lot Number 141-1 owned by the Archdiocese of Agana.
- 1.06 Administration. Shall refer to the Merizo Municipal Planning Council and San Dimas Church Parish Council who shall be responsible for the administration of rules and regulations, and to charge fees for the maintenance and upkeep of the Merizo Public Cemetery.
- 1.07 Funeral Director. Shall refer to the registered commercial funeral service firm who provides services and has been authorized by designated family representative to act on behalf of the family of the deceased.

PART 2. ELIGIBILITY.

- 2.01 Eligibility for interment is based on laws passed by the Congress and incorporated in Title 38, United States Code.
- 2.02 Eligibility. The Merizo Municipal Planning Council and the San Dimas Church Parish Council will determine who is eligible for interment at the Merizo Public Cemetery using the following criteria:
1. Born and/or raised residents
 2. Current registered resident.
 3. Former registered resident (six (6) months residency and more)

- 4. Descendants of current/former residents
- 5. Special Circumstances - convene Councils for decision.

PART 3. BURIAL PROCEDURE

- 3.01 **Responsibility.** The funeral director and/or family designee in charge of the burial of any person desiring to be interred in the Merizo Public Cemetery shall give immediate notice of the death of such person to the San Dimas Church. All documents required, along with the application for burial in the Merizo Public Cemetery will be required by the San Dimas Church to record the interment of the deceased in the Merizo Public Cemetery. At least three-(3) working days notice must be given to the requested day of interment.
- 3.02 **Crypt and Burial Registry.** The San Dimas Church will process the burial registration and crypt assignment for burial in the Merizo Public Cemetery.
- 3.03 **Schedule of Burial.** When the decedent has been registered for burial and crypt assignment had been made, the San Dimas Church will coordinate and arrange the schedule of interment. The funeral director and/or designated representative needs to obtain the arranged schedule from the San Dimas Church before proceeding with any interment at the Merizo Public Cemetery.
- 3.04 **Burial Schedule.** Burials will be scheduled between the hours of 9:00 am to 3:30 pm, Monday through Saturday.
- 3.05 **Interment Fees.** Interment fees for the Merizo Public Cemetery will be assessed in the amount of \$1450. The fees include the interment service fee at the crypt services during the interment (\$250), cost of the standard crypt marker (\$700), and the one time fee for maintenance and upkeep (\$500). The fees will be assessed at the time of the burial registration and crypt assignment. Information of interment fees and payment schedule will be made from the Merizo Municipal Planning Council. The interment fees will be collected and assessed by the Merizo Mayor's Office.
- 3.06 **Other Fees.** The Councils will reserve the right to assess and review the fee structure to accommodate other cost that might be incurred beyond the described interment fees.

PART 4. PAYMENT SCHEDULE AND DOCUMENTATION.

- 4.01 **Documentation List.** The three forms of payment include:
 - 1. **The scaling of crypt form** that shows the amount due and the due date.

2. The crypt marker form that shows payment schedule of the initial deposit and the balance due date.
3. The maintenance upkeep form that shows the one time payment to be paid in installment and the due date.

PART 5. GRAVESITE MARKER: DECORATIONS AND OFFERINGS.

- 5.01 Crypt markers will follow a uniform and standard size and form that is made from marble, with dimensions 27 inches in length by 28 inches in width and will be placed on the crypt cover. Markers will be placed following the interment services.

PART 6. OPERATIONS.

- 6.01 Maintenance. The Merizo Municipal Planning Council shall be responsible for the establishment and general maintenance of the Merizo Public Cemetery including the crypts, maintenance of roadways, walkways, curbs, fences, infrastructure, chapel and monuments; and the planting, mowing and trimming of grass, trees and shrubs within the cemetery.
- 6.02 Flags. The United States, the Guam, and the Merizo village flags shall be hoisted daily from sunrise to sunset.
- 6.03 Half Mast. The United States, the Guam, and the Merizo village flags shall be lowered to half-mast at the Merizo Public Cemetery on scheduled burial days and/or as decreed by Presidential and Governor's proclamations.
- 6.04 Chapel. The Chapel may be used for memorial services. The schedule and use of the Chapel can be arranged at the San Dimas Catholic Church.
- 6.05 Activities. All activities conducted and expected on the grounds of the Merizo Public Cemetery and the Merizo Catholic Cemetery must be appropriate and reflects reverence and respect. The area is considered a memorial or sacred area. Any individual (s) who program an activity that defaced or is not considered appropriate on the respective grounds will be faced with possible fines and will face appropriate charges.



Merizo Mayor's Office Government of Guam

HCR BOX 16078
Merizo, Guam 96916

IGNACIO "BUCK" S. CRUZ
Mayor

RITA A. TAINATONGO
Administrative Assistant

SHERRY L. CHARGUALAP
Municipal Clerk

TELEPHONES:

828-8312
828-8772

FAX:

828-2429

**PUBLIC HEARING ON THE RULES & REGULATIONS
REGARDING THE MERIZO CEMETERY
Minutes of 15 March 2000*

Meeting commenced at 7:35PM with the Mayor introducing the MMPC & Parish Council members in attendance, and also Mrs. Rita Cruz who is representing Speaker Tony Unpingco of the 25th Guam Legislature.

Mayor stressed that the Merizo cemetery has no plots available for any burial(s) to take place, and continued to read in detail the General Provisions & Definitions parts 1 through 6 of the Rules & Regulations.

Mr. Jesus M. Cruz questioned the Crypt assignments. His concern was the order as to how the crypts will be assigned, whether the assignments will go in the row order of up or down or left to right. He strongly suggested that the issue of assigning crypts be included in the Rules & Regulations (in writing) so that no one is misinformed or misunderstood should it be in question.

Mr. Jeff Barcinas in reply assured that the assignment of the crypts be discussed at the next meeting between the two councils following the public hearing.

Mrs. Rita Cruz (Rep. for Speaker Unpingco) raised the question of Public Health and Social Services or the Guam Environmental Protection Agency's involvement regarding permits to allow burials. Mrs. Cruz also questioned the availability of irregular sized crypts and if any exists on the structure.

Pale Mike Crisostomo replied that there are six(6) irregular crypts made in the structure to accommodate irregular sized individuals with the exception of babies, there are no crypts to accommodate infant sizes. And that, both councils are aware of the permits needed to comply with gov't regulations.

Mr. Juan C. Cruz expressed his concerns regarding the closing fee @ \$250.00 (Two hundred fifty dollars no/100), that it was pretty expensive for the closing services and that an amendment be made to drop the closing fee from that of \$250.00 (Two hundred fifty dollars no/100) to \$100.00 (One hundred dollars no/100) set for the closing fee.

Exhibit "VII"

Comm. Rep.-Bill 428

Rules & Regs. Submitted by Merizo Mayor

Page 7 of 8



Merizo Mayor's Office Government of Guam

HCR BOX 16078
Merizo, Guam 96916

IGNACIO "BUCK" S. CRUZ
Mayor

RITA A. TAINATONGO
Administrative Assistant

SHERRY L. CHARGUALAF
Municipal Clerk

TELEPHONES:

828-8312
828-8772

FAX:

828-2429

CONTINUATION MINUTES OF 15 March 2000

(Public Hearing on Rules & Regulations regarding the Merizo Cemetery)

Mrs. Diana Topasna mentioned the cost of the grave markers that perhaps \$700.00 (Seven hundred dollars no/100) is too high.

Pale Mike & the Mayor explained to the attendees that the existing interment fees indicated on the Rules & Regulations were based on the average costs quoted by various vendors and, also supported the suggestion that the fees be bidden by invitation.

Mr. Jeff Barcinas elaborated on the terms of rates in public welfare - Describing the urgency of utilizing the needed crypts, and asks that this issue be taken unto consideration.

Mr. Ken Espinosa questioned the possibility that in the event a member can furnish crypt services and sealing at no cost, does the Rules & Regulation still apply or does it become limited to a different cost?

Mr. Jesus M. Cruz added that the legislature provided the Law 24-127 to comply with means of responsibilities of operations to both councils.

Mayor suggested to take a 5 minute break - Followed by adjournment @ 9:10PM

SUBMITTED BY:

Sherry L. Chargualaf
Mun. Clk. Merizo Mayor's
Office

APPROVED BY:

Ignacio "Buck" S. Cruz
Mayor of Merizo

Exhibit "VII"

Comm. Rep.-Bill 428

Rules & Regs. Submitted by Merizo Mayor

Page 8 of 8



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

JUN 04 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>RA</u>
Time	<u>4:55</u>
Date	<u>6/7/99</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 88 (COR), "AN ACT TO REPEAL AND REENACT §3 OF P.L. NO. 24-127, RELATIVE TO AUTHORIZING THE MERIZO MUNICIPAL PLANNING COUNCIL AND THE SAN DIMAS CHURCH PARISH COUNCIL TO ESTABLISH RULES AND REGULATIONS AND TO CHARGE FEES FOR THE MAINTENANCE AND UPKEEP OF THE MERIZO PUBLIC CEMETERY", which I have signed into law today as **Public Law No. 25-28**.

Very truly yours,

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 Joanne M. S. Brown
Legislative Secretary

01203

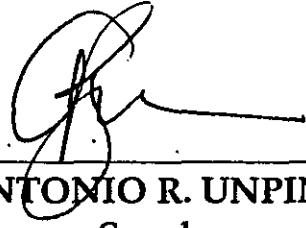
Office of the Speaker
ANTONIO R. UNPINGCO
Date 6-7-99
Time 11:0
Rec'd by: [Signature]
Print Name: Chato

Exhibit "VIII"
Comm. Rep.-Bill 42
P.L. 25-28
Page 1 of 4

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session


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

This is to certify that Bill No. 88 (COR), "AN ACT TO *REPEAL AND REENACT* §3 OF P.L. NO. 24-127, RELATIVE TO AUTHORIZING THE MERIZO MUNICIPAL PLANNING COUNCIL AND THE SAN DIMAS CHURCH PARISH COUNCIL TO ESTABLISH RULES AND REGULATIONS AND TO CHARGE FEES FOR THE MAINTENANCE AND UPKEEP OF THE MERIZO PUBLIC CEMETERY," was on the 24th day of May, 1999, 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 25th day of May, 1999,
at 4:35 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 6-4-99

Public Law No. 25-28

MINA'BENTE SINGKO NA LIHESLATURAN GUÁHAN
1999 (FIRST) Regular Session

Bill No. 88 (COR)

As amended by the Committee on
Power, Public Works, Tax and Regulatory
Reform, Municipal and Community Affairs
and amended.

Introduced by:

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

**AN ACT TO REPEAL AND REENACT §3 OF P.L. NO.
24-127, RELATIVE TO AUTHORIZING THE MERIZO
MUNICIPAL PLANNING COUNCIL AND THE SAN
DIMAS CHURCH PARISH COUNCIL TO ESTABLISH
RULES AND REGULATIONS AND TO CHARGE
FEES FOR THE MAINTENANCE AND UPKEEP OF
THE MERIZO PUBLIC CEMETERY.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that the residents of Merizo largely utilize the Merizo Public Cemetery,
4 and that it should be considered a community cemetery, rather than a public
5 cemetery. It is the intent of *I Liheslaturan Guåhan* that the maintenance of the
6 cemetery be placed under the jurisdiction of the Mayor of Merizo and the
7 Merizo Municipal Planning Council, in cooperation and coordination with the
8 San Dimas Church Parish Council.

9 Section 2. Section 3 of Public Law Number 24-127 is hereby *repealed*
10 *and reenacted* to read as follows:

11 "Section 3. Maintenance and Upkeep. The Merizo Municipal
12 Planning Council and the San Dimas Church Parish Council, a not-for-
13 profit organization, are hereby authorized to establish rules and
14 regulations and fee schedule for the use of the Merizo Public Cemetery.
15 Monies generated from the use of the Merizo Public Cemetery shall be
16 used to fund the maintenance and upkeep of the Cemetery. The Merizo
17 Municipal Planning Council shall establish and maintain an account,
18 separate from all other accounts, for all monies received from the use of
19 the Merizo Public Cemetery. The Merizo Municipal Planning Council
20 shall provide the Speaker of *I Liheslaturan Guåhan* and the *Maga'lahaen*
21 *Guåhan* with annual report on the use of funds received from the use of
22 the Merizo Public Cemetery."

"Section 8. Determination of Amount of Power Illegally Used. The Guam Power Authority ("GPA") shall determine the estimated value of the power utilized by the illegal power connection, or tampered meter, based upon the estimated time the illegal hook-up was in place using average consumption figures for the type of consumption of the illegal hook-up system-wide for all consumers of that set rate schedule, taking into account usage of the premises, number of occupants or users and the size of the building or area served by such illegal hook-up. It shall be the burden of the recipient of the illegal hook-up to establish that the estimated usage set forth by GPA is incorrect. A possible method of determination of time period shall be the verification of GPA records bill and KWH history so as to determine when the location last paid for power at a normal level of consumption notwithstanding other legislative provisions on backbilling. The amount so determined shall be due and payable to GPA."

PUBLIC LAW NO. 24-127

Bill No. 449 (COR)
Date Became Law: February 16, 1998
Governor's Action: Approved

Introduced by:

A. R. Unpingco
V. C. Pangelinan
A. C. Blaz
Mark Forbes
Felix P. Camacho
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
J. M.S. Brown

Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
L. F. Kasperbauer
A. C. Lamorena, V

C. A. Leon Guerrero
L. Leon Guerrero
J. C. Salas

A. L.G. Santos
F. E. Santos
J. Won Pat-Borja

AN ACT TO APPROPRIATE THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSES OF CONSTRUCTING THE NECESSARY INFRASTRUCTURE TO THE MERIZO PUBLIC CEMETERY AND AUTHORIZING THE MAINTENANCE AND UPKEEP OF THE MERIZO PUBLIC CEMETERY.

Section 1 ... Legislative Findings.
Section 2 ... Appropriation
Section 3 ... Maintenance and Upkeep
Section 4 ... Governor to report to Legislature within sixty days.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. The Guam Legislature finds that there is a dire need to increase the number of cemetery plots at the Merizo Public Cemetery. The existing cemetery located on Lot Number 141-1, Merizo, Guam is near capacity. There are only four (4) remaining plots and the average number of plots required per year is seventeen (17). The Guam Legislature finds that it is increasingly necessary to expedite the construction of the access road, crypts and drainage on Lot Number 515 New, Merizo, Guam, which has been set aside for the expansion of the Merizo Public Cemetery. Previous appropriations for this project were redirected elsewhere. As there are few plots remaining, it is a priority of this Legislature that this project begin construction immediately. This cemetery serves as the final resting-place for those residents of Merizo, along with the entire southern community, including the villages of Umatac, Inarajan, Malojloj, Talofof, Agat and Santa Rita.

Section 2. Appropriation. The sum of Three Hundred Thousand Dollars (\$300,000.00) is hereby appropriated from the General Fund to the Department of Public Works to begin the immediate construction of an access road, drainage infrastructure, retaining walls and one hundred (100) crypts on Lot Number 515 New, Merizo, Guam, the designated lot of the Merizo Public Cemetery.

Section 3. Maintenance & Upkeep. The Department of Parks and Recreation may contract with either the Merizo Municipal Planning Council or a not-for-profit organization in order to maintain and upkeep the Merizo Public Cemetery.

Section 4. Within sixty (60) days of enactment of this Act, the Governor shall report to the Guam Legislature if the mandate herein is deemed by him to be not feasible.

PUBLIC LAW NO. 24-128

Bill No. 211 (COR)
Date Became Law: February 16, 1998
Governor's Action: Approved

Introduced by:

J. C. Salas
E. J. Cruz
L. F. Kasperbauer
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
J. M.S. Brown
Felix P. Camacho

Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero

"Section 6104. Early Entrance Date; The Public Schools: Gifted Children. The Board shall establish identification and enrollment policies for children who are academically gifted. The policy shall provide that a child who is academically gifted may be enrolled even though he has not reached the age required by §6103 of this Title, but not lower than age four (4) by the commencement date of classes of the year the child is enrolled."

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**PUBLIC LAW NO. 24-27**

Bill No. 8 (LS)  
Date Became law: May 16, 1997  
Governor's Action: Approved

Introduced by:

E. Barrett-Anderson

**AN ACT TO AMEND §9303 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW.**

Section 1... Background and Legislative Intent.

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

**Section 1. (a) Background and Legislative Intent.** The original intent of the Administrative Adjudication Law was to establish a uniform method of making, adopting, promulgating, filing and publishing of rules of agencies of the government of Guam. It was intended to promote public participation in the rule-making process.

The Guam Legislature finds that recent amendments to §9303 of Title 5, Guam Code Annotated regarding the adoption, repeal, rescision or amendment process has resulted in cumbersome and inefficient methods for the adoption of rules. There is duplication and unnecessary delay, especially where laws are enacted requiring rules to implement them properly and promptly.

The existing requirement to have proposed rules submitted in bill form imposes an unnecessary additional burden on agencies and public participants. In addition to attending the public hearing on the proposed rules held by the agency proposing them, the public would be again asked to attend another public hearing on a bill to approve the proposed rules, should one be introduced. This repetitive process causes two (2) complete procedures to be engaged in: rule-making by the Executive Branch, and introduction and law-making of the same rules by the Legislative Branch.

**(b) Repeal of Requirement for Preparation of Rules and Regulations in Bill Form.** Section 9303 of Title 5 of the Guam Code Annotated is repealed and re-enacted to read:

**"Section 9303. Adoption, Repeal, Recision, or Amendment of Rules and Regulations: Circulation and Filing.** It shall be the duty of every agency which may have been or hereafter may be clothed with or given any power or authority to make, adopt, promulgate or enforce rules to:

(a) Prepare the rules in a form approved by the Attorney General or other legal counsel of the agency, and where required by law, approved by the Governor, and which will conform to a standard system or code of rules adopted by the Legislative Secretary for the guidance of all agencies.

(b) File the original approval copy and one (1) duplicate and one (1) copy of the entire record of any public hearings on the rules being filed with the Legislative Secretary of the Guam Legislature. The Legislative Secretary shall maintain a permanent register of all rules, which shall include a notation of the date of filing thereon, and evidence of public hearing held by the agency.

(c) No rule shall be effective until after compliance with the provisions of this Section and ninety (90) calendar days have elapsed from the date of filing with the Legislative Secretary. The Guam Legislature may approve, disapprove or amend any rule within ninety (90) calendar days from the date of filing with the Legislative Secretary."

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MAY 24 2000

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

Bill No. 428 (COR)

Introduced by: E.B. CALVO *EB*

**AN ACT TO ESTABLISH THE MERIZO PUBLIC
CEMETERY RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Statement.** Pursuant to the provisions contained
3 in Section 2 of Public Law Number 25-28, the Merizo Municipal Planning
4 Council and the San Dimas Church Parish Council established the rules and
5 regulations and fee schedule for the Merizo Public Cemetery. And in
6 accordance with the Administrative Adjudication Law, §9303 of Article 3,
7 Chapter 9, Part 1, Division 1 of Title 5 of the Guam Code Annotated, as
8 amended by Public Law Number 24-27, the Merizo Mayor and the Merizo
9 Municipal Planning Council transmitted to *I Liheslaturan Guåhan* the
10 "*MERIZO PUBLIC CEMETERY RULES AND REGULATIONS*" on April 17,
11 2000. *I Liheslaturan Guåhan* hereby agrees with the rules and regulations as
12 presented and seeks to approve said rules and regulations.

13 **Section 2. Approval of the Merizo Public Cemetery Rules and**
14 **Regulations.** *I Liheslaturan Guåhan* hereby approves the Merizo Public
15 Cemetery Rules and Regulations hereto attached as Exhibit "A."

16 **Section 3. Severability.** *If* any provision of this Law or its
17 application to any person or circumstance is found to be invalid or contrary to

- ~~4. Descendants of current/former residents~~
5. Special Circumstances – convene Councils for decision.

PART 3. BURIAL PROCEDURE

- 3.01 Responsibility. The funeral director and/or family designee in charge of the burial of any person desiring to be interred in the Merizo Public Cemetery shall give immediate notice of the death of such person to the San Dimas Church. All documents required, along with the application for burial in the Merizo Public Cemetery will be required by the San Dimas Church to record the interment of the deceased in the Merizo Public Cemetery. At least three-(3) working days notice must be given to the requested day of interment.
- 3.02 Crypt and Burial Registry. The San Dimas Church will process the burial registration and crypt assignment for burial in the Merizo Public Cemetery.
- 3.03 Schedule of Burial. When the decedent has been registered for burial and crypt assignment had been made, the San Dimas Church will coordinate and arrange the schedule of interment. The funeral director and/or designated representative needs to obtain the arranged schedule from the San Dimas Church before proceeding with any interment at the Merizo Public Cemetery.
- 3.04 Burial Schedule. Burials will be scheduled between the hours of 9:00 am to 3:30 pm, Monday through Saturday.
- 3.05 Interment Fees. Interment fees for the Merizo Public Cemetery will be assessed in the amount of \$1450. The fees include the interment service fee at the crypt services during the interment (\$250), cost of the standard crypt marker (\$700), and the one time fee for maintenance and upkeep (\$500). The fees will be assessed at the time of the burial registration and crypt assignment. Information of interment fees and payment schedule will be made from the Merizo Municipal Planning Council. The interment fees will be collected and assessed by the Merizo Mayor's Office.
- 3.06 Other Fees. The Councils will reserve the right to assess and review the fee structure to accommodate other cost that might be incurred beyond the described interment fees.

PART 4. PAYMENT SCHEDULE AND DOCUMENTATION.

- 4.01 Documentation List. The three forms of payment include:
1. The scaling of crypt form that shows the amount due and the due date.

2. The crypt marker form that shows payment schedule of the initial deposit and the balance due date.
3. The maintenance upkeep form that shows the one time payment to be paid in installment and the due date.

PART 5. GRAVESITE MARKER: DECORATIONS AND OFFERINGS.

- 5.01 Crypt markers will follow a uniform and standard size and form that is made from marble, with dimensions 27 inches in length by 28 inches in width and will be placed on the crypt cover. Markers will be placed following the interment services.

PART 6. OPERATIONS.

- 6.01 Maintenance. The Merizo Municipal Planning Council shall be responsible for the establishment and general maintenance of the Merizo Public Cemetery including the crypts, maintenance of roadways, walkways, curbs, fences, infrastructure, chapel and monuments; and the planting, mowing and trimming of grass, trees and shrubs within the cemetery.
- 6.02 Flags. The United States, the Guam, and the Merizo village flags shall be hoisted daily from sunrise to sunset.
- 6.03 Half Mast. The United States, the Guam, and the Merizo village flags shall be lowered to half-mast at the Merizo Public Cemetery on scheduled burial days and/or as decreed by Presidential and Governor's proclamations.
- 6.04 Chapel. The Chapel may be used for memorial services. The schedule and use of the Chapel can be arranged at the San Dimas Catholic Church.
- 6.05 Activities. All activities conducted and expected on the grounds of the Merizo Public Cemetery and the Merizo Catholic Cemetery must be appropriate and reflects reverence and respect. The area is considered a memorial or sacred area. Any individual (s) who program an activity that defaced or is not considered appropriate on the respective grounds will be faced with possible fines and will face appropriate charges.