



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By: [Signature]
 Time: 1:34 pm
 Date: 12-22-99

Refer to
Legislative Secretary
DEC 22 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 SPEAKER
ANTONIO R. UNPINGCO

Date: 12/22/99
 Time: 1:20p
 Rec'd by: [Signature]
 Print Name: [Signature]
0525/99-0363

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 368 (COR), "AN ACT TO REPEAL §§9105(c), 9105(d) AND 9115(n), AND TO REPEAL AND REENACT §§9103(p) AND 9144, ALL OF CHAPTER 9, DIVISION 1 OF TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING ONE MILLION DOLLARS FROM THE PERSONNEL RESERVE FUND TO THE GOVERNMENT OF GUAM SPECIAL FUND FOR WORKER'S COMPENSATION PAYMENTS", which I have signed into law today as Public Law No. 25-91.

The legislation appropriates \$1 Million from the Personnel Reserve Fund created in Public Law Number 25-72, to be used for Workers Compensation payments for current claims, prior years' claims, and future obligations.

Presumably, the Personnel Reserve Fund from which this money is diverted was reserved in September of this year to pay for the remainder of the personnel services payments needed for employees of the government through the remainder of Fiscal Year 2000, ending next September, 30, 2000. Only the first 3 months of this Fiscal Year were provided for in the budget, and this expires on December 31, 1999. Due to the mass confusion created by the early retirement and voluntary separation programs instituted by i Liheslatura, it is unknown at this time exactly how many employees will be continuing their employment and will therefore need to be paid as an obligation of the government from the \$190,763,768 reserved in the Personnel Reserve Fund.

00584

The Workers Compensation program, under this new legislation, is to be funded from the appropriations made to each of the departments and agencies of the government, including all three branches and autonomous entities and public corporations. Previously, i Liheslatura funded the Workers Compensation program by appropriating a lump sum to the Workers Compensation Fund in each annual budget.

Although a lump sum of \$1 Million is appropriated in this legislation for workers compensation claims, this full amount may, in fact, not be available to pay workers compensation claims if the total payroll of current employees still remaining employed after December 31, 1999 who need to be paid from this reserved fund exceeds \$189,763,768. Presumably, i Liheslatura will appropriate for the current employees of the government from this fund, although as of this date, December 22, 1999, no appropriation has been made for the government's payroll after December 31, 1999.

In future years, i Liheslatura will need to program an estimated amount into the budgets of each and every entity of the government, including public corporations, to fund the Workers Compensation program, since the government's subdivisions have been designated to fund the program under this legislation, instead of the usual lump sum appropriation made by i Liheslatura. It will also be difficult to anticipate, in advance, how many employees will need to be paid for workers compensation from each department and other governmental entity, since it will require guessing in advance how many employees, per department or governmental entity, will become injured on the job.

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

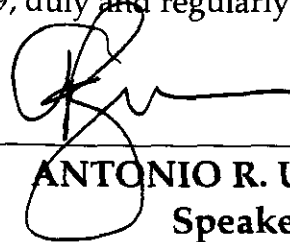
cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00584

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 Substitute Bill No. 368 (COR) "AN ACT TO REPEAL §§9105(c), 9105(d) AND 9115(n), AND TO REPEAL AND REENACT §§9103(p) AND 9144, ALL OF CHAPTER 9, DIVISION 1 OF TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING ONE MILLION DOLLARS FROM THE PERSONNEL RESERVE FUND TO THE GOVERNMENT OF GUAM SPECIAL FUND FOR WORKER'S COMPENSATION PAYMENTS," was on the 16th day of December, 1999, duly and regularly passed.



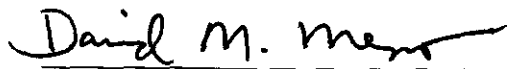
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 16th day of December, 1999,
at 6:06 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 12-22-99

Public Law No. 25-91

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

Bill No. 368 (COR)

As substituted on the Floor and amended
in the Committee of the Whole.

Introduced by:

V. C. Pangelinan

J. C. Salas

A. R. Unpingco

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

Mark Forbes

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

S. A. Sanchez, II

**AN ACT TO REPEAL §§9105(c), 9105(d) AND 9115(n),
AND TO REPEAL AND REENACT §§9103(p) AND
9144, ALL OF CHAPTER 9, DIVISION 1 OF TITLE 22
OF THE GUAM CODE ANNOTATED, RELATIVE
TO APPROPRIATING ONE MILLION DOLLARS
FROM THE PERSONNEL RESERVE FUND TO THE
GOVERNMENT OF GUAM SPECIAL FUND FOR
WORKER'S COMPENSATION PAYMENTS.**

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

2 **Section 1.** *I Liheslaturan Guåhan* finds that certain government
3 employees who have incurred injuries in the course of employment are
4 unfairly denied their right to compensation. While private entities are
5 punished for any failure to secure payment for compensation to their
6 employees, certain government agencies have failed to fulfill their obligations
7 to its public servants who are injured while in public employ. These agencies
8 have either failed to include specific funding for worker's compensation in
9 their annual budget requests, or, despite having funding available in each
10 position prior to the injury of the employee and subsequent claim for
11 compensation, redirected such funding to cover shortfalls in other areas of
12 operations.

13 It is the intent of *I Liheslaturan Guåhan* to ensure that those individuals
14 who have injured themselves while faithfully serving the people of Guam as
15 public servants are duly compensated.

16 **Section 2. Appropriation to the Government of Guam Special Fund**
17 **for Worker's Compensation.** (a) One Million Dollars (\$1,000,000) is
18 appropriated from the Personnel Reserve Fund created by §3 of Chapter
19 II of Public Law Number 25-72 to the Government of Guam Special
20 Fund for worker's compensation payments for the purpose set out in
21 §9144 of Title 22 of the Guam Code Annotated to pay worker's
22 compensation for claims by employees of the government of Guam,
23 including outstanding prior years' obligations and future obligations
24 associated with the provisions of this Section.

1 (b) Notwithstanding any other provision of law, the
2 appropriation made in this Section may be used to pay for medical,
3 surgical, and other attendance or treatment; nurse; hospital service;
4 medicine; crutches; and apparatus required by the claimant for such
5 period as the nature of the injury, or the process of recovery, may
6 require.

7 **Section 3.** Sections 9105(c), 9105(d) and 9115(n) of Chapter 9, Division
8 1 of Title 22 of the Guam Code Annotated are hereby *repealed*.

9 **Section 4.** Section 9103(p) of Chapter 9, Division 1 of Title 22 of the
10 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

11 **"(p) Public Employment.** The term '*public employment*' means
12 employment by the government of Guam Executive, Judicial or
13 Legislative departments, agencies, instrumentalities, inclusive of semi-
14 autonomous and autonomous agencies, and any other government of
15 Guam entities and public corporations. It shall include all elected
16 officials."

17 **Section 5.** Section 9144 of Chapter 9, Division 1 of Title 22 of the Guam
18 Code Annotated is hereby *repealed and reenacted* to read as follows:

19 **"Section 9144. Government of Guam Special Fund.**

20 (a) There is hereby authorized to be established, out
21 of any money in the Treasury of Guam not otherwise
22 appropriated, a fund sufficient to secure the payment of
23 benefits under this Chapter in respect of employees in public
24 employment.

1 (b) With respect to employees in public
2 employment, the Commission may authorize direct benefit
3 payments from such fund, or, *if* it deems desirable, insure
4 and keep insured the payment of such benefits with any
5 stock or mutual company or association.

6 (c) *Prior to* any lump sum payment of compensation
7 pursuant to §9115(j) of this Chapter, the Commission must
8 certify that an amount equal to the lump sum payable is
9 deposited into the Government of Guam Special Fund by the
10 respective public employment employer of the employee
11 who is to receive the lump sum payment.

12 (d) All public employment employers shall
13 reimburse the Government of Guam Special Fund such
14 sums as may be necessary from their annual operational
15 appropriations or revenues for the compensation paid to
16 their employees or dependents pursuant to this Chapter.

17 (e) Reimbursements into the Government of Guam
18 Special Fund pursuant to Subsection (d) of this Section shall
19 be made within fourteen (14) days of receipt of each
20 assessment demand by the Commission for amounts equal
21 to the amount paid pursuant to this Chapter, *except* when
22 the Commission deems it advisable that the public
23 employment employer make a deposit into the Government
24 of Guam Special Fund *prior to* payment of compensation.

25 (f) The Treasurer of Guam shall be the custodian of

1 such fund and is authorized to disburse moneys from such
2 fund *only* upon the order of the Commission. The Treasurer
3 of Guam shall deposit any moneys appropriated or paid into
4 such fund into such depository banks as the Commission
5 may designate, and may invest any portion of the funds
6 which in the opinion of the Commission is *not* needed for
7 current requirements, in bonds or notes of the United States
8 or of any Federal land bank.

9 (g) The account for such fund shall be subject to
10 audit in accordance with the established government of
11 Guam auditing procedure, but action of the Commission in
12 making payments from such fund shall be final and *not*
13 subject to review."



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

1999 (FIRST) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Singko Na Liheslaturan Guahan*, hereby certify, in conformance with Title 2, Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 368 (COR), "AN ACT TO APPROPRIATE ONE MILLION DOLLARS (\$1,000,000.00) FROM THE GENERAL FUND TO THE WORKER'S COMPENSATION FUND," which was introduced on December 10, 1999, and therefore waive the statutory requirements for a public hearing on Bill Number 368 (COR).

Dated: December 16, 1999



ANTONIO R. UNPINGCO
Speaker



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

December 16, 1999

COPY

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

Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Substitute Bill No. 368(COR) which was passed by *I Mina'Bente Singko Na Liheslaturan Guahan* on December 16, 1999.

Sincerely,

JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (1)

Informed by Officer Henry Flores that GOV'T HOUSE SECURITY will RECEIVE BILL (NOT AT RESIDENCE) ADVISED MS. BRENNAN (Clerk) is INSTRUCTED TO RETURN BILL TO LEGISLATURE



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

1999 (FIRST) Regular Session

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Dated: December 16, 1999


ANTONIO R. UNPINGCO
Speaker

CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO IMAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 368 (40)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF 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

Confirmed By: _____

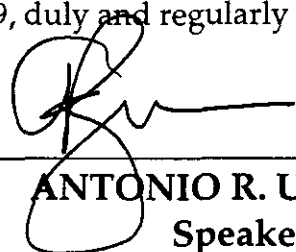
Dated: _____

- 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
1999 (FIRST) Regular Session

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

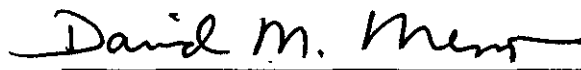
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ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 16TH day of December, 1999,
at 6:06 o'clock P.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
1999 (FIRST) Regular Session**

Bill No. 368 (COR)

As substituted on the Floor and amended
in the Committee of the Whole.

Introduced by:

V. C. Pangelinan

J. C. Salas

A. R. Unpingco

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

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3 employees who have incurred injuries in the course of employment are
4 unfairly denied their right to compensation. While private entities are
5 punished for any failure to secure payment for compensation to their
6 employees, certain government agencies have failed to fulfill their obligations
7 to its public servants who are injured while in public employ. These agencies
8 have either failed to include specific funding for worker's compensation in
9 their annual budget requests, or, despite having funding available in each
10 position prior to the injury of the employee and subsequent claim for
11 compensation, redirected such funding to cover shortfalls in other areas of
12 operations.

13 It is the intent of *I Liheslaturan Guåhan* to ensure that those individuals
14 who have injured themselves while faithfully serving the people of Guam as
15 public servants are duly compensated.

16 **Section 2. Appropriation to the Government of Guam Special Fund**
17 **for Worker's Compensation.** (a) One Million Dollars (\$1,000,000) is
18 appropriated from the Personnel Reserve Fund created by §3 of Chapter
19 II of Public Law Number 25-72 to the Government of Guam Special
20 Fund for worker's compensation payments for the purpose set out in
21 §9144 of Title 22 of the Guam Code Annotated to pay worker's
22 compensation for claims by employees of the government of Guam,
23 including outstanding prior years' obligations and future obligations
24 associated with the provisions of this Section.

1 (b) Notwithstanding any other provision of law, the
2 appropriation made in this Section may be used to pay for medical,
3 surgical, and other attendance or treatment; nurse; hospital service;
4 medicine; crutches; and apparatus required by the claimant for such
5 period as the nature of the injury, or the process of recovery, may
6 require.

7 **Section 3.** Sections 9105(c), 9105(d) and 9115(n) of Chapter 9, Division
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12 employment by the government of Guam Executive, Judicial or
13 Legislative departments, agencies, instrumentalities, inclusive of semi-
14 autonomous and autonomous agencies, and any other government of
15 Guam entities and public corporations. It shall include all elected
16 officials."

17 **Section 5.** Section 9144 of Chapter 9, Division 1 of Title 22 of the Guam
18 Code Annotated is hereby *repealed and reenacted* to read as follows:

19 **"Section 9144. Government of Guam Special Fund.**

20 (a) There is hereby authorized to be established, out
21 of any money in the Treasury of Guam not otherwise
22 appropriated, a fund sufficient to secure the payment of
23 benefits under this Chapter in respect of employees in public
24 employment.

1 (b) With respect to employees in public
2 employment, the Commission may authorize direct benefit
3 payments from such fund, or, *if* it deems desirable, insure
4 and keep insured the payment of such benefits with any
5 stock or mutual company or association.

6 (c) *Prior to* any lump sum payment of compensation
7 pursuant to §9115(j) of this Chapter, the Commission must
8 certify that an amount equal to the lump sum payable is
9 deposited into the Government of Guam Special Fund by the
10 respective public employment employer of the employee
11 who is to receive the lump sum payment.

12 (d) All public employment employers shall
13 reimburse the Government of Guam Special Fund such
14 sums as may be necessary from their annual operational
15 appropriations or revenues for the compensation paid to
16 their employees or dependents pursuant to this Chapter.

17 (e) Reimbursements into the Government of Guam
18 Special Fund pursuant to Subsection (d) of this Section shall
19 be made within fourteen (14) days of receipt of each
20 assessment demand by the Commission for amounts equal
21 to the amount paid pursuant to this Chapter, *except* when
22 the Commission deems it advisable that the public
23 employment employer make a deposit into the Government
24 of Guam Special Fund *prior to* payment of compensation.

25 (f) The Treasurer of Guam shall be the custodian of

1 such fund and is authorized to disburse moneys from such
2 fund *only* upon the order of the Commission. The Treasurer
3 of Guam shall deposit any moneys appropriated or paid into
4 such fund into such depository banks as the Commission
5 may designate, and may invest any portion of the funds
6 which in the opinion of the Commission is *not* needed for
7 current requirements, in bonds or notes of the United States
8 or of any Federal land bank.

9 (g) The account for such fund shall be subject to
10 audit in accordance with the established government of
11 Guam auditing procedure, but action of the Commission in
12 making payments from such fund shall be final and *not*
13 subject to review."

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 12/16/99

VOTING SHEET

5 Bill No. 368(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

13

2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Revised

DEC 10 1999

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

Bill No. 368 (ad)
Introduced by:

v. c. pangelinan

AN ACT TO APPROPRIATE ONE MILLION
DOLLARS (\$1,000,000.00) FROM THE GENERAL
FUND TO THE WORKER'S COMPENSATION
FUND.

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