

AUG 15 2002

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

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 217 (LS) "AN ACT TO REPEAL AND REENACT §§ 4401 AND 4403 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE JURISDICTION AND AUTHORITY OF THE CIVIL SERVICE COMMISSION" which was vetoed and overridden. This legislation is now designated as **Public Law No. 26-121**.

Very truly yours,

Carl T. C. Gutierrez I Maga Lahen Guahan Governor of Guam

Attachments: original bill for vetoed legislation or

copy of bill for signed or overridden legislation and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco

Speaker

OFFICE OF THE LEASLATIVE SECRETARY

ACKNOWLEDDOWN REDCEPT

Recaived By

Time

S 2 3

Date

Date

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN 2002 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 217 (LS) "AN ACT TO REPEAL AND REENACT §§ 4401 AND 4403 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE JURISDICTION AND AUTHORITY OF THE CIVIL SERVICE COMMISSION," returned without approval of I Maga'lahen Guahan, was reconsidered by I Liheslaturan Guahan and after such consideration, did agree, on the 14th day of August 2002, to pass said bill notwithstanding the veto of I Maga'lahen Guahan by a vote of fifteen (15) members.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2001 (FIRST) Regular Session

Bill No. 217 (LS)

As substituted by the Committee on Rules, General Governmental Operations, Reorganization and Reform and Federal, Foreign and General Affairs and as further amended by the Author and amended on the Floor.

Introduced by:

Mark Forbes L. F. Kasperbauer J. F. Ada

T.C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. A. Leon Guerrero

K. S. Moylan

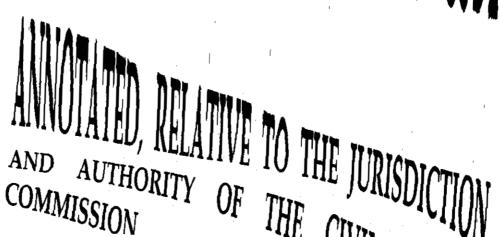
V. C. Pangelinan

A. L.G. Santos

A. R. Unpingco

J. T. Won Pat

AN ACT TO REPEAL AND REENACT §§ 4401 AND 4403 OF TITLE 4 OF THE GUAN CODE





AUG 15 2002

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

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OFFICE OF THE ACKNOY Received 9 Time

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Attacts de	ANTONIO R. UNPINGCO Speaker
JOANNE M.S. BROWN Senator and Legislative Secretary	
This Act was received by I Maga'lahen Guaha ato'clockM.	an this 1516 day of August, 2002, Assistant Staff Officer Maga'lahi's Office

Public Law No.	26-121	
rudiic Law No.	20 121	

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2001 (FIRST) Regular Session

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AN ACT TO REPEAL AND REENACT §§ 4401 AND 4403 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE JURISDICTION AND AUTHORITY OF THE CIVIL SERVICE COMMISSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

- 2 Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan
- 3 finds that the Civil Service Commission ("Commission") has erroneously

1 determined that it was granted jurisdiction to act to hear appeals of persons

2 not within the classified service of the government of Guam, that being

persons who obtained employment by means other than having been hired

through the competitive hiring procedures established under the personnel

5 rules of the government of Guam.

The Commission has heard appeals of persons who claim that they were demoted or dismissed from employment of the government of Guam who were at the time of the termination *not* persons who had been hired to the classified service through the competitive hiring practices of the personnel rules of the government of Guam, despite the prohibition of such actions as set forth in § 4403(b) of Title 4 of the Guam Code Annotated, as this Section applies to §§ 4403(d) and 4406 of Title 4 of the Guam Code Annotated.

In particular, the Commission has heard appeals of persons whose employment was not in the classified service of the government of Guam and whose employment ended as a result of the position not being funded by the fiscal year October 1, 2001 to September 30, 2002, budget. The Commission has ignored the laws of Guam in so hearing such appeals and I Liheslaturan Guåhan finds it beneficial to the People of Guam for I Liheslaturan Guåhan to clarify the law so that the Commission will not perpetuate its mistake and continue to hear appeals from persons who were not hired through competitive hiring practices as set forth in the personnel rules of the government of Guam.

Section 2. Section 4403 of Article 4, Chapter 4 of Title 4 of the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

"Section 4403. Duties of the Commission. The Commission has the following duties, powers and responsibilities:

- (a) it shall provide by rules standards relating to position classification, creation of new classified positions or classes of positions, as provided in § 6210 of this Title, and as required for positions in the other branches of the government as such positions are placed within the jurisdiction of the Commission;
- (b) it shall hear appeals from the adverse actions taken to suspend, demote or dismiss an employee from the classified service if such right of appeal to the Commission is established in the personnel rules governing the employee; however, it may not hear any appeal of an action taken to suspend, demote or dismiss an employee of the government of Guam who has not been hired through the competitive hiring procedures of the personnel rules of the government of Guam, as such personnel rules required at the time of the hiring of the employee, nor any unclassified employee;
- (c) it shall investigate conditions of government employment as it deems necessary, and report findings and recommendations to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* annually;
- (d) it may set aside and declare null and void any personnel action taken by any entity of the government under its jurisdiction when it has found that such action was taken without

compliance with personnel laws or rules; provided, however, that this Section shall *not* be deemed to permit appeals by employees from adverse actions *not* covered by Subsection (b), above, which employee was *not* hired into the classified service of the government of Guam through competitive hiring as set forth in the personnel rules of the government of Guam, as those personnel rules existed at the time of the hiring of the employee by the government, *except* that the Commission may declare null and void the hiring of any unclassified employee done improperly, or reduce the compensation of any unclassified employee improperly compensated;

- (e) it shall review the salaries of positions in the unclassified service, including judges and elected officials and recommend adjustments to *I Liheslaturan Guåhan* on an annual basis; provided, that the Commission shall only recommend salary adjustments for unclassified employees to *I Liheslaturan Guåhan* and has no authority to order, compel or effect increases in salary or compensation for unclassified employees;
- (f) administer, as provided in law and in Executive Orders, the Equal Employment Opportunity Programs of the government;
- (g) the provisions of this Section shall *not* apply to the Judiciary or *I Liheslaturan Guåhan* in compliance with the doctrine of Separation of Powers, *unless* such separate Branch opts to make

them applicable by submitting to the jurisdiction of the Commission; and all reference to classified employees will be deemed to mean classified employees of the Executive Branch, including agencies and authorities; and

(h) the jurisdiction of the Commission shall *not* extend to academic personnel of the Guam Community College and the University of Guam, *except* upon mutual consent by the governing board of the respective institution and the Commission, nor to any position or person, appeal or proceeding of whatever kind or description *if* the position is denominated *'unclassified'* in this Title, *except* to the extent explicitly permitted in this Section, nor shall such jurisdiction extend to the determination of whether it is practicable to place a position in the classified service."

Section 3. Section 2 of Chapter III of Public Law Number 26-35 is hereby *repealed and reenacted* to read as follows:

"Section 2. Appropriation for Government Claims Fund. The sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated from the General Fund for Fiscal Year 2002 to the Government Claims Fund under the Department of Administration ('DOA') for the payment of eligible and approved Government Claims.

Notwithstanding any other provision of law, no money from the Government Claims Fund, whether appropriated herein or otherwise, shall be used to pay any claim, *except* upon order of a trial and/or appellate court after reviewing and ruling upon the substantive merits

of Civil Service Commission's decision, arising from decisions rendered by the Civil Service Commission subsequent to September 30, 2001 which attempted to classify previously unclassified positions, or reinstate a position eliminated by the General Appropriations Act of 2002 or its subsequent amendments."

Section 4. AG to Defend Government of Guam's Interests. The Office of the Attorney General, Department of Law, shall defend the government of Guam's legal interests as stated in Guam statutory law, including, but not limited to, the classified and unclassified personnel classifications and the General Appropriations Act of 2002, as elicited in Public Law Number 26-35, and its subsequent amendments. The Office of the Attorney General shall appeal in Court any decision of the Civil Service Commission ("Commission"), or seek the appropriate writs of prohibition or other legal recourses, against any decision of the Commission subsequent to September 30, 2001 which attempts to classify any unclassified position. The Office of the Attorney General shall also defend against and not settle any attempt to compel the payment of government funds to reinstate or settle claims by previously unclassified employees who were given classified status by the Commission subsequent to September 30, 2001.

- **Section 5.** Section 4102(d) is hereby *added* to Article 1, Chapter 4 of Title 4 of the Guam Code Annotated to read as follows:
 - "(d) Notwithstanding any other provision of law, there shall be no other personnel classifications in the government of Guam, other than the classified and unclassified services as set forth in this Section.

The Commission shall *not* create any unclassified positions nor hear any appeal in that regard."

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

this end the provisions of this Act are severable.

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I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 8/14/62

VOTING SHEET

Vetoes Sill No. <u>3/7 (45)</u> Resolution No Question:					
<u>NAME</u>	YEAS	<u>NAYS</u>	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.					
ADA, Thomas C.	/				
AGUON, Frank B., Jr.					
BROWN, Joanne M. S.					
CALVO, Eddie B.	V				·
CAMACHO, Felix P. /	V				
CHARFAUROS, Mark C.	V				
FORBES, Mark					
KASPERBAUER, Lawrence F.					
LEON GUERRERO, Lourdes A.					
MOYLAN, Kaleo S.					,
PANGELINAN, Vicente C.					
SANTOS, Angel L.G.					<u>.</u>
UNPINGCO, Antonio R.	V				
WON PAT, Judith T.	V				· · · · · ·
TOTAL	15	0	_ 0_	0	0
CERTIFIED TRUE AND CORRECT:					
			4	t 3 Passes = No	vote
Clerk of the Legislature	EA = Excused Absence				

Vatingfile

Over 100 2

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2001 (FIRST) Regular Session

Bill No. 217 (LS)

As substituted by the Committee on Rules, General Governmental Operations, Reorganization and Reform and Federal, Foreign and General Affairs and as further amended by the Author and amended on the Floor.

Introduced by:

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Mark Forbes

L. F. Kasperbauer

J. F. Ada

T. C. Ada

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A. R. Unpingco

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AN ACT TO REPEAL AND REENACT §§ 4401 AND THE **GUAM** 4403 **OF** TITLE 4 **OF** CODE ANNOTATED, RELATIVE TO THE JURISDICTION CIVIL AUTHORITY **OF** THE AND COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan

3 finds that the Civil Service Commission ("Commission") has erroneously

determined that it was granted jurisdiction to act to hear appeals of persons
not within the classified service of the government of Guam, that being
persons who obtained employment by means other than having been hired
through the competitive hiring procedures established under the personnel
rules of the government of Guam.

The Commission has heard appeals of persons who claim that they were demoted or dismissed from employment of the government of Guam who were at the time of the termination *not* persons who had been hired to the classified service through the competitive hiring practices of the personnel rules of the government of Guam, despite the prohibition of such actions as set forth in § 4403(b) of Title 4 of the Guam Code Annotated, as this Section applies to §§ 4403(d) and 4406 of Title 4 of the Guam Code Annotated.

In particular, the Commission has heard appeals of persons whose employment was *not* in the classified service of the government of Guam and whose employment ended as a result of the position *not* being funded by the fiscal year October 1, 2001 to September 30, 2002, budget. The Commission has ignored the laws of Guam in so hearing such appeals and *I Liheslaturan Guåhan* finds it beneficial to the People of Guam for *I Liheslaturan Guåhan* to clarify the law so that the Commission will *not* perpetuate its mistake and continue to hear appeals from persons who were *not* hired through competitive hiring practices as set forth in the personnel rules of the government of Guam.

Section 2. Section 4403 of Article 4, Chapter 4 of Title 4 of the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

"Section 4403. Duties of the Commission. The Commission has the following duties, powers and responsibilities:

- (a) it shall provide by rules standards relating to position classification, creation of new classified positions or classes of positions, as provided in § 6210 of this Title, and as required for positions in the other branches of the government as such positions are placed within the jurisdiction of the Commission;
- (b) it shall hear appeals from the adverse actions taken to suspend, demote or dismiss an employee from the classified service *if* such right of appeal to the Commission is established in the personnel rules governing the employee; *however*, it may *not* hear any appeal of an action taken to suspend, demote or dismiss an employee of the government of Guam who has *not* been hired through the competitive hiring procedures of the personnel rules of the government of Guam, as such personnel rules required at the time of the hiring of the employee, nor any unclassified employee;
- (c) it shall investigate conditions of government employment as it deems necessary, and report findings and recommendations to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* annually;
- (d) it may set aside and declare null and void any personnel action taken by any entity of the government under its jurisdiction when it has found that such action was taken without

compliance with personnel laws or rules; provided, however, that this Section shall *not* be deemed to permit appeals by employees from adverse actions *not* covered by Subsection (b), above, which employee was *not* hired into the classified service of the government of Guam through competitive hiring as set forth in the personnel rules of the government of Guam, as those personnel rules existed at the time of the hiring of the employee by the government, *except* that the Commission may declare null and void the hiring of any unclassified employee done improperly, or reduce the compensation of any unclassified employee improperly compensated;

- (e) it shall review the salaries of positions in the unclassified service, including judges and elected officials and recommend adjustments to *I Liheslaturan Guåhan* on an annual basis; provided, that the Commission shall only recommend salary adjustments for unclassified employees to *I Liheslaturan Guåhan* and has no authority to order, compel or effect increases in salary or compensation for unclassified employees;
- (f) administer, as provided in law and in Executive Orders, the Equal Employment Opportunity Programs of the government;
- (g) the provisions of this Section shall *not* apply to the Judiciary or *I Liheslaturan Guåhan* in compliance with the doctrine of Separation of Powers, *unless* such separate Branch opts to make

them applicable by submitting to the jurisdiction of the Commission; and all reference to classified employees will be deemed to mean classified employees of the Executive Branch, including agencies and authorities; and

(h) the jurisdiction of the Commission shall *not* extend to academic personnel of the Guam Community College and the University of Guam, *except* upon mutual consent by the governing board of the respective institution and the Commission, nor to any position or person, appeal or proceeding of whatever kind or description *if* the position is denominated *'unclassified'* in this Title, *except* to the extent explicitly permitted in this Section, nor shall such jurisdiction extend to the determination of whether it is practicable to place a position in the classified service."

Section 3. Section 2 of Chapter III of Public Law Number 26-35 is hereby *repealed and reenacted* to read as follows:

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of Civil Service Commission's decision, arising from decisions rendered by the Civil Service Commission subsequent to September 30, 2001 which attempted to classify previously unclassified positions, or reinstate a position eliminated by the General Appropriations Act of 2002 or its subsequent amendments."

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Section 4. AG to Defend Government of Guam's Interests. The 6 Office of the Attorney General, Department of Law, shall defend the 7 government of Guam's legal interests as stated in Guam statutory law, 8 including, but not limited to, the classified and unclassified personnel 9 classifications and the General Appropriations Act of 2002, as elicited in 10 Public Law Number 26-35, and its subsequent amendments. The Office of the 11 Attorney General shall appeal in Court any decision of the Civil Service 12 Commission ("Commission"), or seek the appropriate writs of prohibition or 13 14 other legal recourses, against any decision of the Commission subsequent to 15 September 30, 2001 which attempts to classify any unclassified position. The 16 Office of the Attorney General shall also defend against and not settle any attempt to compel the payment of government funds to reinstate or settle 17 18 claims by previously unclassified employees who were given classified status 19 by the Commission *subsequent* to September 30, 2001.

Section 5. Section 4102(d) is hereby *added* to Article 1, Chapter 4 of Title 4 of the Guam Code Annotated to read as follows:

"(d) Notwithstanding any other provision of law, there shall be no other personnel classifications in the government of Guam, other than the classified and unclassified services as set forth in this Section. 2.0



8/14/02

GOVERNOR OF GUAM

DEC 26 2001

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

OFFICE OF	THE LEGISLATIVE SECRETARY
ACK	NOWLEDGMENT RECEIN,
Receive	d By
Time	2:44pm
Date_	12.26.01

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 217 (LS) "AN ACT TO REPEAL AND REENACT §§ 4401 AND 4403 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE JURISDICTION AND AUTHORITY OF THE CIVIL SERVICE COMMISSION" which was I have **vetoed**.

This legislation directly interferes into the realm of both the Executive Branch and the Judicial Branch of government. While members of the Legislature may agree or disagree with recent decisions of the Civil Service Commission, passing laws to interfere in the executive and judicial processes of ongoing cases violates the separation of powers needed for a democratic government based on the principles of the United States Constitution to function.

The legislative findings and intent section of this legislation makes statements that pass judgment on the actions of the Civil Service Commission. This is the realm of the courts.

The amendments contained in this legislation are inconsistent in that for some purposes, the Civil Service Commission may take an action relative to the employment of an unclassified employee, and for some other purposes, it may not. As a matter of fact, for any judicial body, or quasi-judicial body such as the Civil Service Commission, that body must make the decision whether or not the body has or does not have jurisdiction to consider the matter before it. Even under the terminology contained in this legislation, the CSC must go into the facts of the employee's employment situation, thereby taking jurisdiction, in order to decide necessary issues at hand.

The sentence beginning on line 22 of Page 3 and ending on line 11 of Page 4 is so convoluted and cumbersome that a number of different interpretations can be made of the verbiage.

Legislative Secretary SB217;veto December, 2001 Page 2

Direct attempts to interfere into ongoing cases by the Legislature is inappropriate and violative of the separation of powers concept. This only further erodes our democratic 3-branch form of government.

Very truly yours,

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

Attachments: original bill for vetoed legislation or

copy of bill for signed or overridden legislation and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco

Speaker

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2001 (FIRST) Regular Session

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Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahen Guåhan this / 44 day of December, 2001, at / 40 o'clock / M.

Assistant Staff Officer
Maga'lahi's Office

CARLIT. C. GUTIERREZ
I Maga'lahen Guåhan

Date:

Public Law



DEC 26 2001

The Honorable Joanne M. S. Brown
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I Mina Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
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"Section 4403. Duties of the Commission. The Commission has the following duties, powers and responsibilities:

- (a) it shall provide by rules standards relating to position classification, creation of new classified positions or classes of positions, as provided in § 6210 of this Title, and as required for positions in the other branches of the government as such positions are placed within the jurisdiction of the Commission;
- (b) it shall hear appeals from the adverse actions taken to suspend, demote or dismiss an employee from the classified service *if* such right of appeal to the Commission is established in the personnel rules governing the employee; *however*, it may *not* hear any appeal of an action taken to suspend, demote or dismiss an employee of the government of Guam who has *not* been hired through the competitive hiring procedures of the personnel rules of the government of Guam, as such personnel rules required at the time of the hiring of the employee, nor any unclassified employee;
- (c) it shall investigate conditions of government employment as it deems necessary, and report findings and recommendations to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* annually;
- (d) it may set aside and declare null and void any personnel action taken by any entity of the government under its jurisdiction when it has found that such action was taken without

compliance with personnel laws or rules; provided, however, that this Section shall *not* be deemed to permit appeals by employees from adverse actions *not* covered by Subsection (b), above, which employee was *not* hired into the classified service of the government of Guam through competitive hiring as set forth in the personnel rules of the government of Guam, as those personnel rules existed at the time of the hiring of the employee by the government, *except* that the Commission may declare null and void the hiring of any unclassified employee done improperly, or reduce the compensation of any unclassified employee improperly compensated;

- (e) it shall review the salaries of positions in the unclassified service, including judges and elected officials and recommend adjustments to *I Liheslaturan Guåhan* on an annual basis; *provided*, that the Commission shall *only* recommend salary adjustments for unclassified employees to *I Liheslaturan Guåhan* and has no authority to order, compel or effect increases in salary or compensation for unclassified employees;
- (f) administer, as provided in law and in Executive Orders, the Equal Employment Opportunity Programs of the government;
- (g) the provisions of this Section shall *not* apply to the Judiciary or *I Liheslaturan Guåhan* in compliance with the doctrine of Separation of Powers, *unless* such separate Branch opts to make

them applicable by submitting to the jurisdiction of the Commission; and all reference to classified employees will be deemed to mean classified employees of the Executive Branch, including agencies and authorities; and

(h) the jurisdiction of the Commission shall *not* extend to academic personnel of the Guam Community College and the University of Guam, *except* upon mutual consent by the governing board of the respective institution and the Commission, nor to any position or person, appeal or proceeding of whatever kind or description *if* the position is denominated *'unclassified'* in this Title, *except* to the extent explicitly permitted in this Section, nor shall such jurisdiction extend to the determination of whether it is practicable to place a position in the classified service."

Section 3. Section 2 of Chapter III of Public Law Number 26-35 is hereby *repealed and reenacted* to read as follows:

"Section 2. Appropriation for Government Claims Fund. The sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated from the General Fund for Fiscal Year 2002 to the Government Claims Fund under the Department of Administration ('DOA') for the payment of eligible and approved Government Claims.

Notwithstanding any other provision of law, no money from the Government Claims Fund, whether appropriated herein or otherwise, shall be used to pay any claim, *except* upon order of a trial and/or appellate court after reviewing and ruling upon the substantive merits

The Commission shall not create any unclassified positions nor hear any 1 2 appeal in that regard." 3 If any provision of this Act or its Section 6. Severability. application to any person or circumstance is found to be invalid or contrary to 4 law, such invalidity shall not affect other provisions or applications of this Act 5 6 which can be given effect without the invalid provisions or application, and to 7

this end the provisions of this Act are severable.

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN 2002 (SECOND) Regular Session Date: 3/13/13

VOTING SHEET

Bill NoResolution No. <u>2/7 (COR)</u> Question:	k	and	Count		
NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
DA, Joseph F.					
DA, Thomas C.					
GUON, Frank B., Jr.					
ROWN, Joanne M. S.					
ALVO, Eddie B.					
AMACHO, Felix P.					
HARFAUROS, Mark C.					
ORBES, Mark					
ASPERBAUER, Lawrence F.					
EON GUERRERO, Lourdes A.	1				-
OYLAN, Kaleo S.					
ANGELINAN, Vicente C.					
ANTOS, Angel L.G.					
NPINGCO, Antonio R.					
ON PAT, Judith T.					
TOTAL					
CERTIFIED TRUE AND CORRECT:			,	.	
Clerk of the Legislature			E	3 Passes = No A = Excused A	

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I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 12/7/01

VOTING SHEET

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5 Bill No. <u>217 (</u> 45)							
Resolution No.	NETO						
Question:			V				
							
NAME	YEAS	NAYS	NOT VOTING <u>/</u> ABSTAINED	OUT DURING ROLL CALL	ABSENT		
ADA, Joseph F.							
ADA, Thomas C.	V						
AGUON, Frank B., Jr.	V						
BROWN, Joanne M. S.							
CALVO, Eddie B.	V						
CAMACHO, Felix P. //							
CHARFAUROS, Mark C.							
FORBES, Mark	V						
KASPERBAUER, Lawrence F.							
LEON GUERRERO, Lourdes A.	V						
MOYLAN, Kaleo S.	V						
PANGELINAN, Vicente C.							
SANTOS, Angel L.G.	V						
UNPINGCO, Antonio R.							
WON PAT, Judith T.					V		
TOTAL	14	0	0	0			
CERTIFIED TRUE AND CORRECT:							
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Clerk of the Legislature				3 Passes = No A = Excused Ab			

MINA JENTE SAIS NA LIHL LATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Rifotma yan Rinueba, yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

> Senadot Mark Forbes, Gehilu Kabisiyon Mayurdt

29 NOV 2001

Speaker Antonio R. Unpingco I Mina' Bente Sais Na Liheslaturan Guåhan 155 Hesler Street Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 217, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 217**, as substituted: "An act to clarify the grant of jurisdiction to the Civil Service Commission under Title 4 Guam Code Annotated Chapter 4, Sections 4403 and 4401, Relative to hearing the appeals of any person employed by the Government of Guam".

The voting record is as follows:

TO PASS	<u> </u>
NOT TO PASS	<u> </u>
ABSTAIN	
TO PLACE IN INACTIVE FILE	<u></u>
TO REPORT OUT	-

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

MARK FORBES

Attachments



ENTE SAIS NA LIHE LATURAN GUÅHAN MINA'

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirat, Rifotma yan Rinueba, van Asunton Fidiråt, Taotao Hiyong yan Hiniråt

> Senadot Mark Forbes. Gebilu Kabisiyon Mayurat

2 9 NOV 2001

MEMORANDUM

TO:

Committee Members

FROM:

Chairman

SUBJECT:

Committee Report- BILL NO. 217, as substituted: "An act to clarify the grant of jurisdiction to the Civil Service Commission under Title 4 Guam Code Annotated Chapter 4, Sections 4403 and 4401, Relative to hearing the appeals of any person

employed by the Government of Guam."

Transmitted herewith for your information and action is the report on Bill No. 217, as substituted, from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

- Committee Voting Sheet 1.
- 2. Committee Report
- 3. Bill No. 217, as substituted
- Public Hearing Sign-in Sheet 4
- Fiscal Note/Fiscal Note Waiver 5.
- Notice of Public Hearing 6.

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

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

Thank you and si Yu'os ma'ase.

MÁRK FORBES

Attachments

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs

I Mina' Bente Sais Na Liheslaturan Guåhan

Voting Record

BILL NO. 217, as substituted: "An act to Title 4 Guam Code Annotated Chapter 4.	, Sections 440	ant of jurisdiction and 4401, Rela	on to the Civil S ative to hearing	ervice Commis the appeals of a	any person
employed by the Government of Guam."		NOT TO		INACTIVE	TO REPORT
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MARK FORBES Chairman					
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Joseph F. Ada, Member					
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Joanne M.S. Brown, Member			·		
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Felix P. Camacho, Member	~				
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Lawrence F. Kasperbauer, Ph. D., Me	ember				
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Antonio R. Unpingco, Ex-Officio Men	nber				
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Thomas C. Ada, Member					
Lord Co					
Lou A. Leon Guerrero, Member					
Vicente C. Pangelinan, Member					

I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN

COMMITTEE ON RULES, GENERAL GOVERNMENTAL OPERATIONS, REORGANIZATION AND REFORM, AND FEDERAL, FOREIGN AND GENERAL AFFAIRS

SENATOR MARK FORBES, CHAIRMAN

COMMITTEE REPORT ON BILL NO. 217, as substituted

"AN ACT TO CLARIFY THE GRANT OF JURISDICTION TO THE CIVIL SERVICE COMMISSION UNDER TITLE 4 GUAM CODE ANNOTATED CHAPTER 4, SECTIONS 4403 AND 4401, RELATIVE TO HEARING THE APPEALS OF ANY PERSON EMPLOYED BY THE GOVERNMENT OF GUAM."

I. OVERVIEW

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing at 10:00 a.m. on November 16, 2001 in the Public Hearing Room, I Liheslaturan Guahan. An emergency waiver was given for the requirement for public notice, pursuant to Public Law No. 24-109.

Senators present at the public hearing were:

Senator Mark Forbes, Chairman Senator Joanne Brown, Member Senator Tom Ada, Member Senator Lou Leon Guerrero, Member Senator Ben Pangelinan, Member

II. SUMMARY OF TESTIMONY

Individuals appearing before the Committee to present oral and written testimony on the bill are as follows:

Joe T. San Agustin, former Speaker, Guam Legislature (Oral and written testimony) Luis Baza, Executive Director, Civil Service Commission (Oral testimony)

Joe T. San Agustin, Chairman of the Democratic Party and former Speaker of the Guam Legislature, testified before the Committee in favor of Bill No. 217. He discussed the history of GovGuam employment and the classified system. The merit system was created to attract qualified workers and to protect them once they were in the job. The Civil Service Commission was created as an umbrella organization that workers could make appeals to, even those in autonomous GovGuam agencies. The CSC was designed for classified employees, never for unclassified. He mentioned that even classified employees already in a position would have to compete for that position if the qualifications and requirements of the position were changed. He disagrees with the recent actions of the CSC (to reinstate unclassified employees who were laid off by the budget act), but he added that even unclassified employees should be laid off gradually, with notice.

Sen. Forbes asked if San Agustin thinks that directors, deputy directors or the Governor's chief of staff require two months notice, and San Agustin replied no, not even two minutes.

San Agustin said that undermining the non-political merit system is dangerous, because if the employees become political, they'll provide service and selective enforcement based on political preference. He said the merit system is becoming a sham, and if the Legislature doesn't correct it now, it'll never regain the confidence in the merit system.

Sen. Leon Guerrero asked San Agustin about the Haueser decision and how the CSC is using it to change the merit system. San Agustin replied that he doesn't know what "merit protection" means, as the CSC is using the court case to mean, for unclassified employees – does it mean a layoff procedure, a lack of funds, etc.? He fears this will be used for even department heads.

Luis Baza, executive director of the Civil Service Commission, testified before the Committee on Bill No. 217. He stated that his mission is to service all GovGuam employees, and that he can't discriminate (if they ask him for information or training). He said that if an unclassified employee is hired in violation of the uniform employment law, this bill would prevent the CSC from taking action.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 217, as substituted, is necessary to clarify that the merit system is intended to protect only classified employees, in light of recent actions by the Civil Service Commission to reinstate unclassified employees. These recent actions threaten to destroy the entire GovGuam merit system, and could do further harm to the basic services provided by the government.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 217 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 217, as substituted**, "An act to clarify the grant of jurisdiction to the Civil Service Commission under Title 4 Guam Code Annotated Chapter 4, Sections 4403 and 4401, Relative to hearing the appeals of any person employed by the Government of Guam."



MINA ' PENTE SAIS NA LIHES' ATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirat, Rifotma yan Rinueba, yan Asunton Fidirat, Taotao Hiyong yan Hinirat

> Senadot Mark Forbes, Gebilu Kabisiyon Mayurat

06 NOV 2001

MEMORANDUM

TO:

Chairman

Committee on Rules, General Governmental Operations, Reorganization and

Reform, and Federal, Foreign and General Affairs

FROM:

Chairman

Committee on Rules, General Governmental Operations, Reorganization and

Reform, and Federal, Foreign and General Affairs

SUBJECT:

Principal Referral - Bill No. 217 (LS)

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN 2001 (FIRST) Regular Session

Bill No. 217 (LS)
As Substituted by the Committee

1

Introduced by:	Mark Forbes

AN **ACT** TO CLARIFY THE GRANT OF SERVICE CIVIL **IURISDICTION** TO THE TITLE 4 GUAM CODE COMMISSION UNDER ANNOTATED CHAPTER 4, SECTIONS 4403 AND 4401. RELATIVE TO HEARING THE APPEALS OF ANY PERSON EMPLOYED BY THE GOVERNMENT OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. I Guahan Liheslaturan 3 finds that the Civil Service Commission has erroneously determined that it 4 was granted jurisdiction to act to hear appeals of persons not within the 5 classified service of the government of Guam, that being persons who 6 obtained employment by means other than having been hired through the 7 competitive hiring procedures established under the personnel rules of the 8 government of Guam.

The Civil Service Commission has heard appeals of persons who claim that they were demoted or dismissed from employment of the government of Guam who were at the time of the termination not persons who had been hired to the classified service through the competitive hiring practices of the personnel rules of the government of Guam despite the prohibition of such actions as set forth in Title 4 of Guam Code Annotated Chapter 4, Section 4403 (b), as this Section applies to Title 4 of Guam Code Annotated Chapter 4, Sections 4403 (d) and 4406.

In particular, the Civil Service Commission has heard appeals of persons whose employment was not in the classified service of the government of Guam and whose employment ended as a result of the position not being funded by the fiscal year October 1, 2001 to September 30, 2002, budget. The Civil Service Commission has ignored the laws of Guam in so hearing such appeals and *I Liheslaturan Guahan* finds it beneficial to the people of Guam for *I Liheslaturan Guahan* to clarify the law so that the Civil Service Commission will not perpetuate its mistake and continue to hear appeals from persons who were not hired through competitive hiring practices as set forth in the personnel rules of government of Guam.

Section 2. Title 4 Guam Code Annotated, Chapter 4, Section 4403 is hereby repealed and reenacted to read as follows:

"§4403. Duties of the Commission.

The Commission has the following duties, powers and responsibilities:

(a) It shall provide by rules standards relating to position classification, creation of new positions or classes of positions, as provided in §6210 of this Title, and as required for positions in the other branches of the Government as such positions are placed within the jurisdiction of the Commission;

- (b) It shall hear appeals from the adverse actions taken to suspend, demote or dismiss an employee from the classified service if such right of appeal to the Commission is established in the personnel rules governing the employee; however it may not hear any appeal of an action taken to suspend, demote or dismiss an employee of the government of Guam who has not been hired through the competitive hiring procedures of the personnel rules of the government of Guam as such personnel rules required at the time of the hiring of the employee;
- (c) It shall investigate conditions of government employment as it deems necessary and report findings and recommendations to the Governor and Legislature annually;
- (d) It may set aside and declare null and void any personnel action taken by any entity of the Government under its jurisdiction when it has found that such action was taken without compliance with personnel laws or rules, provided, however, that this Section shall not be deemed to permit appeals by employees from adverse actions not covered by Subsection (b), above, which employee was not hired into the classified service of the Government of Guam through competitive hiring as set forth in the personnel rules of the government of Guam as

- those personnel rules existed at the time of the hiring of the employee by the government, except that the commission may declare null and void the hiring of any unclassified employee done improperly, or reduce the compensation of any unclassified employee improperly compensated;
- (e) It shall review the salaries of positions in the unclassified service, including judges and elected officials and recommend adjustments to the Legislature on an annual basis;
- (f) Administer, as provided in law and in Executive Orders, the Equal Employment Opportunity Programs of the Government;
- (g) The provisions of this Section shall not apply to the Judiciary or Legislature in compliance with the doctrine of separation of powers unless such separate branch opts to make them applicable by submitting to the jurisdiction of the Civil Service Commission. All reference to classified employees will be deemed to mean classified employees of the Executive Branch including agencies and authorities.
- (h) The jurisdiction of the Civil Service Commission shall not extend to academic personnel of the Guam Community College and the University of Guam, except upon mutual consent by the governing board of the respective institution and the commission."
- **Section 3**. Title 4 Guam Code Annotated, Chapter 4, Section 4401 is hereby repealed and reenacted to read as follows:
- 23 "§4401. Civil Service Commission.

(a) There is established, in and for the government of Guam, a

Civil Service Commission composed of seven (7) members appointed by the Speaker of the Guam Legislature. The members shall serve for a term of six (6) years and until their successors are appointed, provided that of the initial members appointed under this Chapter, appointments shall be made so that two members of the Commission, newly appointed shall serve for two (2) years, two members, newly appointed shall serve for a term of four (4) years and three members, newly appointed shall serve for a term of six (6) years. Two (2) members of the Commission shall be classified employees of the government of Guam selected by the Speaker of the Guam Legislature from among the pool of classified employees of the government of Guam who have been certified as to have received and completed training in government of Guam personnel grievance procedures. In the event that a grievance or challenge is heard by the Civil Service Commission which involves an employee of the same government of Guam department, agency or instrumentality in which one or more of the members of the Commission are employed, that member or members who are employed in the same department, agency or instrumentality of the government of Guam as the employee either appealing to or having a grievance heard by the Commission shall be recused on such matter and the balance of the Commission may temporarily, by majority vote, select a classified employee to serve temporarily as a Commission member exclusively for the purpose of that appeal or grievance, provided such temporary member is not similarly in a position requiring recusal

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pursuant to this subsection.

- (b) When a vacancy occurs, the Speaker shall appoint a new member within sixty (60) days of the commencement of the vacancy.
- (c) The Speaker may remove members of the Civil Service Commission but only for conviction of a crime constituting a felony or a misdemeanor involving moral turpitude, willful misconduct in office, willful and persistent failure to perform the duties of office, or any conduct which is prejudicial to the administration of the merit system of the government of Guam. Nothing in this Section shall require the reappointment of any member. A person sought to be removed may challenge the decision by an action for declaratory judgment in the Superior Court.
- (d) Notwithstanding any other provision of law, the members of the Civil Service Commission sitting at the date of enactment of this Chapter shall cease to serve as members of the Civil Service Commission and shall be rendered unable to perform any of the dutires or functions of members of the Civil Service Commission.
- (e) Civil Service Commissioners, shall, without limitation, each receive Fifty Dollars (\$50.00) for every meeting attended to adjudicate appeals, complaints, grievances or other disputes, or to perform rule-making functions as provided in statute, rule or regulation."

Committee on Rules, General Governmental Operations, Reorganization & Reform, and Federal, Foreign & General Affairs Senator Mark Forbes, Chairman

Public Hearing
November 16, 2001
10:00 A.M.
I Liheslaturan Guahan, Hagåtña

Bill No. 217: Relative to hearing the appeals of any person employed by the Government of Guam".

NAME	AGENCY/	ORAL TESTIMONY	WRITTEN TESTIMONY	IN	NOT IN	CONTACT
(please print)	ORGANIZATION	TESTIMON	TESTIMONT	FAVOR	FAVOR	NUMBER
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Committee on Rules, General Governmental Operations, Reorganization & Reform, and Federal, Foreign & General Affairs Senator Mark Forbes, Chairman

COL IVISIA TOLDES, C.I.
Public Hearing
November 16, 2001

10:00 A.M. I Liheslaturan Guahan, Hagatia

Bill No. 217: Relative to hearing the appeals of any person employed by the Government of Guam".

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Mr. Chairman and Members of this Committee.

At the outset, permit me to extend my appreciation for the opportunity to share my views and thoughts regarding the State of the Merit System as being employed within the Government of Guam. And the vehicle being used now to display such state of affairs in the proposed Bill 217.

At the outset, let me address the historical background of the Government of Guam Civil Service Commission before perhaps we can appreciate, if you will, the urgent need to response to what appears to be a threat to the Merit System for Government of Guam Employees as envisioned by our elected leaders from the First Guam Legislature thru the Ninth Guam Legislature.

I have with me a copy of the late Governor Guerrero 's letter, dated July 6, 1967 to the Ninth Guam Legislature requesting the introduction of a Bill to establish the Civil Service Commission, as Bill No. 308 and became Public Law 9-86 on August 7, 1967. (Said copy was obtained from the University of Guam and the Guam Public Library)

The establishment of the Civil Service Commission was prompted after a realizations that employees in the newly created Guam Memorial Hospital Authority would have no "appeals" process beyond the Hospital Board of Directors. The Personnel Board then was for employees in the non-autonomous agencies. With the creation of the Civil Service commission to act as the umbrella organization, the Personnel Board was abolished.

Within the last few weeks, I had submitted two letters to the Pacific Daily News Editor regarding my views and I shall like to include them as part of testimony today.

For the record, I shall like to read them.

I want to once again thank you for the opportunity to appear before, you and I would answer any questions pose to me by any member of this Committee.

Joe T. San Agustin November 16, 2001 I AM CONCERN WITH THE FUTURE IMPACT OF THE CIVIL SERVICE COMMISSION'S DECISION REGARDING THE REINSTATEMENT OF MR. RON DEVERISH. FIRST, I WOULD LIKE TO STATE THAT MY COMMENTS BELOW ARE MADE, WITHOUT DISPUTING THE QUALIFICATIONS AND EXPERIENCES OF MR. RON DEVERISH OR FOR THAT MATTER, ATTORNEY HOUSER IN HIS COURT CASE SEVERAL YEARS AGO.

LET ME FIRST ESTABLISH SOME BASIC FRAMEWORK.

THE MERIT SYSTEM FUNDAMENTALLY CONSIST OF THREE BASIC COMPONENTS:

- 1. THE POSITION HAS TO BE ESTABLISHED BY THE CSC OR SOME STATUTE THAT THE POSITION SHALL BE IN THE "CLASSIFIED POSITION"
- 2. THE ESTABLISHED POSITION HAS A PRESCRIBED JOB DESCRIPTIONS, ESTABLISHED SALARY PAY RANGE AND DOLLAR AMOUNT, STATING THE NECESSARY QUALIFICATIONS FOR ANY APPLICANT TO MEET
- 3. THE POSITION HAS TO BE FILLED THROUGH THE COMPETITIVE PROCESS-- THAT IS THE JOB HAS TO BE ADVERTISED, A LIST OF QUALIFIED APPLICANTS WOULD BE ESTABLISHED, AND AMONG THESE QUALIFIED APPLICANTS, THROUGH THE INTERVIEW PROCESS, A SELECTION WOULD BE MADE BY THE APPOINTING AUTHORITY, I.E. THE DEPARTMENT HEAD, ETC.

NOW THE "UNCLASSIFIED POSITION" IS ESTABLISHED AND AUTHORIZED BY LAW ALLOWING CERTAIN AREAS DEEMED TO BE "POLITICALLY- SENSITIVE", SUCH AS THE POSITIONS IN THE LEGISLATURE AND THE GOVERNOR'S IMMEDIATE STAFF. FOR EACH DEPARTMENT, IT HAS BEEN ESTABLISHED THAT THE DIRECTOR, THE DEPUTY DIRECTOR AND DIRECTOR'S PRIVATE SECRETARY WILL ALL BE IN THE "UNCLASSIFIED" SERVICE.

GIVEN THE ABOVE, ONE WONDER WHY DO WE HAVE SO MANY "UNCLASSIFIED" EMPLOYEES?

BOTH PAST AND CURRENT ADMINISTRATIONS HAVE EXTREME RECRUITMENT DIFFICULTIES IN FILLING POSITIONS IN THE "CLASSIFIED" AREAS.

THESE DIFFICULTIES CONSISTED PRIMARILY OF BEING UNABLE TO FIND QUALIFIED APPLICANTS BECAUSE OF THE "SALARY OR COMPENSATION AS ESTABLISHED BY EITHER LAW OR CSC", NOTWITHSTANDING THE POLITICAL DESIRES TO SELECT A PARTICULAR INDIVIDUAL.

UNDER THE CSC RULES, ANY DEPARTMENT HEAD MAY ASK THE CSC TO HIRE A QUALIFIED APPLICANT, THRU THE COMPETITIVE PROCESS, ABOVE THE INITIAL SALARY STEP, CITING RECRUITMENT DIFFICULTIES. IF CSC APPROVES THE REQUEST, THE EMPLOYEE IS THEN HIRED, AT A HIGHER PAY RANGE STEP, AND STILL BE IN THE "CLASSIFIED SERVICE"

HOWEVER, WHAT HAS DEVELOPED OVER THE YEARS, "EMPLOYEES" GET HIRED WITHOUT GOING THRU THE "MERIT SYSTEM PROCESS", OCCUPYING POSITIONS THAT ARE IN THE "CLASSIFIED SERVICE". THESE "UNCLASSIFIED EMPLOYEES" DID NOT

COMPETE FOR THEIR JOBS NOR WERE THE POSITIONS EVER ADVERTISED TO ALLOW OTHER APPLICANTS TO APPLY, NOTWITHSTANDING THE FACT THAT MANY OF THESE EMPLOYEES MAY OR MAY NOT HAVE THE NECESSARY QUALIFICATIONS FOR THE POSITIONS THEY OCCUPIED.

I AM CONCERN THAT THE CSC'S DECISIONS AND THE HOUSER'S COURT CASE, GAVE MERIT SYSTEM PROTECTION THRU THE "BACKDOOR METHOD".

ONE CAN ARGUE THAT THE POSITIONS THAT WERE OR ARE IN THE "CLASSIFIED" SERVICE BEING OCCUPIED BY EMPLOYEES NOT SELECTED THRU THE MERIT SYSTEM PROCESS SHOULD REMAIN IN THE "CLASSIFIED SERVICE", BUT THE INCUMBENTS CAN NOT. THIS IS BECAUSE THESE EMPLOYEES DID NOT HAVE TO COMPETE TO OBTAIN THEIR JOBS, LIKE THE REST OF THE VAST GOVERNMENT OF GUAM EMPLOYEES. IF THE CSC RULES THAT THE POSITIONS ARE INDEED CLASSIFIED, THEN THEY SHOULD ALSO RULED THAT THE INCUMBENTS HIRED CAN NOT REMAIN UNLESS THEY ARE "GRAND FATHERED IN".

OBVIOUSLY, THESE APPEARS TO WHAT THE CSC FUNDAMENTALLY RULED AS WELL AS THE HOUSER'S CASE.

THE REAL FUNDAMENTAL QUESTION IS WHY HAVE A MERIT SYSTEM, IF A "BACKDOOR METHOD" IS TO BE TOLERATED OR CONDONED?

WHY DO WE NEED A CSC FOR? THE REAL REASON WHY THE CSC IS ESTABLISHED IS TO IMPLEMENT THE LEGISLATIVE ORGANIC ACT MANDATE THAT THERE SHALL BE A MERIT SYSTEM ESTABLISHED.

JOE T. SAN AGUSTIN 170 IGLESIA CIRCLE DEDEDO, GUAM 96929

632-5703

Ltr to the PDN Editor

It looks like the CSC is doing some fancy "tap-dancing" movements regarding their ill advised ruling in providing Merit Protection to employees originally hired outside the Merit System Process, citing the Houser case as the authority for them to entertain such appeals for termination..

What appears to be the application of the Houser case was the "tailoring of the position which had at birth of being classified and grown up to be unclassified" due to the inability of the Government-employer- to meet the salary demands of the prospective candidate employee. In other words, the position as designated to be classified was "plucked-out" from underneath the "umbrella of the Merit System Selection Process" in order for the hiring authority- the Government- to meet the salary demands of the designated individual. Thus, the designated individual has a position to occupy for the purposes of legally having a job descriptions specified as to what would be expected to perform; but also the legal means for compensation In this case, the designated individual/employee has "negotiated" his job with the Government agreeing to meet his salary level demands.

For the CSC under the above circumstances to rule at a latter date to provide merit protection to the Individual employee who obtained his position thru "negotiations" is once again "backdoor" method.

In other words, what we have under the Merit System is a three legged stool--underneath the top of the stool are three legs supporting. One leg represent the job descriptions for a specific functional performance; the other leg specifying what would be the necessary requirements, experiences and other qualifications, to support the "top" of the stool, along with the descriptions of the job, itself. The third leg is the "price of the other two legs" necessary to carry the load that will be placed on the "top of the stool"

Civil Service Commission's ruling allows any one of the "legs" to be dislodged just to get an individual to be placed "on top of the stool", only to find out later that all three legs will be required to support the individual hired. What CSC did was an "accommodation" at the expense of the many individuals who "sat" on the stool, having all three legs of the stool collectively withstands the "weight". These merited employees earned their rights to sit on the "stool"; thru the "application, competitive, selection process" meeting the job requirements as established. This is the strength of the Merit System that should not ever be compromised.

So no matter how the CSC "tap dance" their way, it is still "not right"

Our past Governors, Senators and other Island Leaders who are all gone would all be "moving in their graves" troubled by the Actions of the Civil Service Commission. It was predicted by our forefathers that the CSC must be "insulated" from undue influence from the powers it be, in order for the Merit System as was envisioned to be the guardian of the civil service employees to ensure that the current situation would not happen. Apparently, it was not insulated enough to prevent so many "cracks" that managed to creep in.

Senator Mark Forbes's Bill 217 should be the focal point of discussion towards getting the CSC back on track. This is certainly not the Civil Service Commission as envisioned by the late Governor Manuel Guerrero who introduced the concept to the Legislature nor is it the Commission that had as its Executive Directors, the late Mr. Sabino Flores, Eloy O'hara or now Senator Felix Camacho. Hopefully, if and when said Bill 217 ever gets to have a public hearing, the rank and file of the civil service servants of the Government of Guam would be provided an opportunity to express their views

Personnel Hiring Incentives as an Attraction To Work

Have you ever wondered why Government of Guam has so many perquisites in its personnel management system?

With the number of legal holidays, more than one finds in any State or Federal Government, additional compensations over the prescript salary establish by law or by the Civil Service Commission, an unusual and generous retirement benefits, including work leave benefits, shouldn't these perquisites needs to be revisited or reevaluated?

To really to understand why these perquisites exist, we need to go back to the evolution of the Government of Guam.

During the naval government eras covering from 1898-1950 (except under Japanese occupation 1941-1945), the government was more or less a caretaker unit within the Navy Department. Members of the U.S. Navy, mostly naval commissioned officers, headed every governmental unit. After WW II, the U.S. Navy resumed control of the island, and the Commander of the Pacific Fleet was the Governor of Guam. However, a Naval Commander, who for all intents and purposes was the Governor of Guam, headed the day-to-day island governmental affairs. The Government was the major employer on the island, and the work methods and procedures were mostly written in naval rules and regulations. Many of these rules and regulations in conceptual and attitudes behaviors continued to be in vogue to this date. This is why we hear so often from our elders remembering the good-all-Navy Days when everything, and I mean, everything is taken care of.

Immediately after the Guam Organic Act was passed in 1950, which created the Government of Guam as a civilian governmental entity, there was only an immediate "name change". During the period when our civilians Governors were essentially federal employees, the Governmental affairs were under continued scrutiny by the Interior Secretary. There were gradual duties and responsibilities granted to the local Legislature and every enacted legislations were understood to be subject to the review and can be "annulled" by the U.S. Congress, and for a limited time after one year. This proviso has been changed after a Circuit Court of Appeals decision regarding the tax qualifying certificates issues which ruled that the issuance of tax qualifying certificates were organic due to the U.S. Congress failure to annul such law within the year. The repeal of the Organic Act provision regarding this matter has the effect of re-establishing the close scrutiny requirements deemed necessary by the Federal Government. As I said there was an "immediate name change" of the island governmental structure—i.e. from the Navy to the Interior An example of the day-today scrutiny was the requirements for the Governor to send/or forwarded all copies of correspondence (initiated or replied by the Governor) .to the designated office within the Interior Department on a weekly basis. From time to time, depending on the urgency of the matter in questioned, the Governor would either

There was one significant step accomplished during the first term of the Gutierrez Administration. The beginning of the "direct contribution retirement system" as opposed to the "defined benefit retirement system" The "defined benefit system" which has existed from 1950 to 1995—was designed to "attract, recruit and retain" qualified local people to work for the Government. Because of the basic improvements in the personnel management system over the last forty-five years, not to mention the continuing and rising cost of the defined benefit retirement systems, Government of Guam no longer need to be the employment area of last resort. Furthermore, conversion from a "defined benefit program to a direct contribution" provides an avenue to pursue privatization of government functions, enabling employees affected under the "direct contribution" the portability of retirement benefits.

Lately, because of the Government of Guam financial situation, and in order to live within our means, perhaps, the opportunity now exists to really try to reorganize, streamline, and eliminate or reduce several "costly salary inducements", including minimizing the number of legal holidays.

The basic problem is that we continually "legislate" additional mandates, as well as require the establishment of work performance standards, without an overall and comprehensive policy direction. Once this basic policy direction is firmly established, the implementation actions can be in several phases, such as the review and evaluation of the current methods and procedures, functional reviews, determination and selection of which and what areas need to be either "outsource" or "privatize". All of these necessary steps would, of course, need the funding requirement, similar to the funding requirements to develop an "A&E" footprint. Once this "foot print" is considered and approved by all the elected leaders as a matter of law, the implementation phase can now begin.

This proposal will not, I know, answer all objections. There will be changes, but it is necessary to make a beginning. I invite your careful consideration.

Respectfully yours,

147 Mannel P.L. Guerrard MANUEL P. L. GUERRERO

Enclosure

CC: Attorney General

HWBurnett:fb

7-6-67

HINTH GUAN LEGISLATURE 1967 (FIRST) Regular Session

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Introduced by:

request of the Governor in accordance with Section 6(b) of the Organic Act of Gum.

AN ACT TO AMEND THE PERSONNEL AND COMPEN-SATION LAME, TO ESTABLISH A CIVIL SERVICE COMMISSION, TO PROVIDE GENERALLY APPLICABLE STANDARDS AS TO GOVERNMENT EMPLOYMENT, AND POR CIVIL PURPOSES.

Section 1. Sections 4000.1, 4000.2, 11108.1, and

49006, Government Code of Guam, are hereby repealed.

Section 2. Section 4001, Government Code of Guam,

is hereby repealed, and new Section 4001 exacted, to read as

follows:

"Section 4001. Personnel policy. Employment
in the service of the Government of Guam shall be

in the service of the Government of Gues shall be based on merit, and selection methods shall be free of personal or political considerations. All personnel actions, including appointments and premotions, shall be based, incofar as practicable, on competitive practical tests and evaluations. Continuity of employment shall be dependent upon good behavior, satisfactory performance of work, and availability of funds."

Section 3. Section 4003, Government Code, is hereby repealed, and new Section 4003 is hereby exacted to read as follows:

"Section 4003. Preference. No preference

as required by Section 9(a). Public Law 630. 1 Blat Congress, and except that residents of Guess 2 who are veterans of the Armed Forces of the United States, or members of the Guan Police Combat Patrol, as certified by the Director of 3 Public Sefety, shall receive a preferential gradit of five points which shall be added to 7 their competitive examination score." 8 Section 4. Sections 4004, 4005, and 4006, Government 9 Code of Guam, are hereby repealed. 10 Section 5. New Section 4004, Government Code, is 11 hereby enacted to read as follows: 12 "Section 4004. Departmental Personnel 13 Rules. Rules and regulations, subject to LA criteria established by this Chapter governing 15 selection, promotion, performence evaluation, 16 denotion, suspension and other disciplinary 17 action, shall be adopted by the Board of 18 Education, the Board of Regents of the College 19 of Gues, and by the Board of Trustees of Gues 20 Memorial Mospital, with respect to personnel 21 metters within their respective agencies or 22 departments, and by the Director of Labor and 23 24 Personnel as to all other government employment. 25 Such regulations shall, to the extent practicable, 26 provide standard conditions for entry into, and 27 other matters concerning the government service. 28 and shall take effect upon their approval by

Executive Order of the Governor."

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Section 6. Now Section 4005, Government Code, is hereby exected to read as follows:

"Section 4005. Givil Service Commission. There is hereby established, in and for the Government of Guam, a Givil Service Commission, ecospesed of seven members, appelated by the Government, with the sensent of the Legislature. Numbers shall include representatives of the Board of Education, the Board of Engents of the College of Guam, the Board of Erustees of the Guam Memorial Hospital, and the Director of Labor and Personnel, and shall serve for a term of three years. The Commission is authorized to employ its own clarical staff and shall be provided such further logistic support as it may require by the Bureau of Management Research."

Section 7. New Section 4006, Government Code, is

hereby enacted to read as follows:

"Section 6006. Same: duties. The
Gommission shall provide by rule for all
matters relating to position classification,
creation of new positions or classes of
positions as provided in Section 4107,
reassignment of positions or classes of
positions pursuant to Section 4108, and for
appeals to the Commission of administrative
ention to suspend or dismiss an employee in
the classified service. It shall have the
suthority to conduct such investigations into

necessary, and shall report its findings and recommendations to the Governor and Legislature annually."

Section 8. Section 4007, Covernment Code, is hereby repealed, and a new Section 4007 is hereby exacted to read as follows:

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"Section 4007. Personnel Rules. The personnel rules provided for by Section 4004 shall provide procedures for the employment of persons on the basis of merit, and shall include an orderly and systematic method of recruitment and the establishment of qualified lists for employment purposes. They shall provide for a probationary period of not less than three nor more than twelve months for all original and promotional appointments, during which time the employee may be dismissed at any time without right of speed. Specific procedures and policies shall be included governing the following: (1) The announcement of vacancies and acceptance of applications for employment; (2) preparation and conduct of examinations: (3) establishment and use of employment lists containing names of persons eligible for employment: (A) establishment of promotional policies; (5) certification of employment of persons from employment lists to fill vecencies and the making of temperary and emergency appointments; (6) evalvation of the work of employees including those

premotion, and reinstatement of employees in the 1 competitive service; (8) separation from the 2 pervise of employees by resignation, layoff, 3 suspension, dismissel, and for incapacity to perform required detice; (9) establishment of 5 hours of work, attendance and leave regulations, and working conditions; (10) development of 7 employee morale, welfere, and training; (11) rules soverning the outside employment of territorial 9 comployees: (12) maintenance and use of necessary 10 records and forms; (13) a uniform system of 11 handling all grievences; and (14) such other 12 13 matters as may be necessary to properly carry out the intent and surpose of this Chapter. Such 14 rules shall take effect upon their approval by 15 the Governor by Essentive Order." 16 Section 9. Section 4010. Government Code, is hereby 17 18 mended to read as follows: "Section 4010, Removed Disciplinary Action. 19 (a) Each of the following shell constitute cause 20 for discipline of an employee, which may be 21 displacel, engageion, demotion or other sonro-22 prists action: (1) Frend in securing appointment: 23 (2) incompetence: (3) inefficiency: (4) inerconseble 24 neglect of duty: (5) insubordination: (6) dishon-25 esty: (7) drunkenness on duty: (8) intemperance: 26 27 (9) addiction to the use of percetics or 28 habit-forming drugg: (10) incremeable absence

without leaves (11) conviction of a felony or

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(12) discourteque trestment of the mblic or 1 other emigrace; (11) impreser political activity: (14) willful Hashedlennes (15) misses of somethe 3 ant accounts: (16) refusel to take and aspectibe or eath or affirmation which is remired by last 5 in competing with his amigramets (17) other failure of good behavior either during or cutaids of duty hours which is of such a nature that it causes discredit to his second or his employment. (b) He person in the classified service of 10 the government of Quan shall be weseved dismissed 11 therefrom except for such cause as will promote 12 the efficiency of said service and for the 13 reseas given in writing, and the person whose 14 removed disclosed is sought shall have notice of 15 the same and of any charges preferred against 16 him, and be furnished with a copy thereof, and 17 also be allowed a reasonable time for personally 18 ensuring the semain writing and affidevits in 19 support thereof; provided, however, that this 20 section shall not apply to persons whose employ-21 ment is purely temporary, sessonal, intermittent, 21 23 part-time, or only for a specific project. (c) The Civil Service Consission shall have 26 25 jurisdiction of appeals from dismissal or 26 enemenator without pay for not less then 15 days. 27 invisdiction of other disciplinary patters rests with the rule-making authority specified in 28

Section 4004.

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Section 10. Section 4012, Government Code, is hereby repealed, and a new Section 4012 is hereby exacted to read as follows:

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"Marties 4012. Aspeals. As employee who is dismissed or ensounded without pay for not less than 15 days shall be given immediate notice of the action, together with a specific statement of the charges upon which such action is based. Copies thereof shall be filed with the Civil Service Commission not later than the working day next following the effective date of the action. The employee may, within 20 days of service of notice, appeal to the Commission by filing his written enswer to the charges against him. The Commission shall them set the matter for hearing as expeditiously as practicable. The employee or his representative shall be given the opportunity to inspect any documents relevant to the action which would be admissible in evidence at the hearing, and to interview other employees having knowledge of the acts or oxissions upon which the dismissal or suspension is based. The Countagion may gustain, medify or revoke the action taken. Its decision shall be final."

Section 11. Section 4107, Government Code, is amended to read as follows:

"Section 4107. New positions and classes: creation. New positions or classes of positions

1	functions of the government. Such positions
2	and classes of positions shall be submitted to
3	the Personnel-Board Civil Service Commission
4	within thirty (30) days and shall be terminated
5	unless approved by the Jersennel-Board Civil
6	Berrice Commission within sixty (60) days
7	thereafter. This section, however, shall not
8	apply to any and all positions specifically
9	required by law to be confirmed by the Gum
LO	Legislature."
LI.	Section 12. Section 4108, Government Code, is hereby
12	emended to read as follows:
13	"Section 4108. Ressignments. Positions
l A	er classes of positions may be reassignable to
L5	other pay ranges by action of the Governor when
1.6	necessary to the efficient performance of the
17	duties and functions of the Government. Such
18	reassignments shall be schultted to the Personnel
19	Board Civil Service Commission within thirty (30)
20	days and shall be terminated unless approved by
21	the Fergennel-Beard Civil Service Commission
22	within sixty (60) days thereafter. This section,
23	however, shall not apply to any and all positions
24	specifically required by law to be confirmed by
25	the Guam Legislature."
23 24	

TURAN GUPHAN MINAN MINAN

MINA' ENTE SAIS NA LIHECT ATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirat, Rifotma yan Rinueba, yan Asunton Fidirat, Taotao Hiyong yan Hinirat

> Senadot Mark Forbes, Gebilu Kabisiyon Mayurat

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 217 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 217.

MARK FORBES

Chairman,

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Operations

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2001 (FIRST) Regular Session

Bill No.	217	(15)
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Introduced by:

Mark Forbes

AN ACT TO CLARIFY THE GRANT OF JURISDICTION TO THE CIVIL SERVICE COMMISSION UNDER TITLE 4 GUAM CODE ANNOTATED CHAPTER 4, SECTIONS 4403 AND 4406, RELATIVE TO HEARING THE APPEALS OF ANY PERSON EMPLOYED BY THE GOVERNMENT OF GUAM.

- 1 BE IT ENACTED BY THE PEOPLE OF GUAM:
- 2 Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that the
- 3 Civil Service Commission has erroneously determined that it was granted jurisdiction to
- 4 act to hear appeals of persons not within the classifieds service of the government of
- 5 Guam, that being persons who obtained employment by means other than having been
- 6 hired through the competitive hiring procedures established under the personnel rules of
- 7 the government of Guam.
- 8 The Civil Service Commission has heard appeals of persons who claim that they
- 9 were demoted or dismissed from employment of the government of Guam who were at the
- 10 time of the termination not persons who had been hired into the classified service through
- 11 the competitive hiring practices of the personnel rules of the government of Guam despite
- 12 the prohibition of such actions as set forth in Title 4 of Guam Code Annotated Chapter 4,
- 13 Section 4403 (b), as this Section applies to Title 4 Guam Code Annotated, Chapter 4,
- 14 Sections 4403(d) and 4406.

In particular, the Civil Service Commission has heard appeals of persons whose 1 employment was not in the classified service of the government of Guam and whose 2 employment ended as a result of the position not being funded by the fiscal year October 3 1, 2001 to September 30, 2002, budget. The Civil Service Commission has ignored the 4 laws of Guam in so hearing such appeals and I Liheslaturan Guåhan finds it beneficial to 5 6 the people of Guam for I Liheslaturan Guåhan to clarify the law so that the Civil Service Commission will not perpetuate its mistake and continue to hear appeals from persons 7 8 who were not hired through competitive hiring practices as set forth in the personnel 9 rules of government of Guam. 10 Section 2. Title 4 Guam Code Annotated, Chapter 4, Section 4403 is hereby 11 repealed and reenacted to read as follows: 12 §4403. Duties of the Commission. 13 The Commission has the following duties, powers and responsibilities: 14 It shall provide by rules standards relating to position classification, creation of (a) 15 new positions or classes of positions, as provided in §6210 of this Title, and as required 16 for positions in the other branches of the Government as such positions are placed within 17 the jurisdiction of the Commission; 18 *(b)* It shall hear appeals from the adverse actions taken to suspend, demote or dismiss 19 an employee from the classified service if such right of appeal to the Commission is 20 established in the personnel rules governing the employee, however it may not hear any 21 appeal of an action taken to suspend, demote or dismiss an employee of the government 22 of Guam who has not been hired through the competitive hiring procedures of the

- 1 personnel rules of the government of Guam as such personnel rules required at the time
- 2 of the hiring of the employee;
- 3 (c) It shall investigate conditions of government employment as it deems necessary
- 4 and report findings and recommendations to the Governor and Legislature annually;
- 5 (d) It may set aside and declare null and void any personnel action taken by any
- 6 entity of the Government under its jurisdiction when it has found that such action was
- 7 taken without compliance with personnel laws or rules, provided, however, that this
- 8 Section shall not be deemed to permit appeals by employees from adverse actions not
- 9 covered by Subsection (b), above, which employee was not hired into the classified
- service of the Government of Guam through competitive hiring as set forth in the
- personnel rules of the government of Guam as those personnel rules existed at the time of
- 12 the hiring of the employee by the government.;
- 13 (e) It shall review the salaries of positions in the unclassified service, including
- 14 judges and elected official and recommend adjustments to the Legislature on an annual
- 15 basis;
- 16 (f) Administer, as provided in law and in Executive Orders, the Equal Employment
- 17 Opportunity Programs of the Government.
- 18 (g) The provisions of this Section shall not apply to the Judiciary or Legislature in
- 19 compliance with the doctrine of separation of powers unless such separate branch opts to
- 20 make them applicable by submitting to the jurisdiction of the Civil Service Commission.
- 21 All reference to classified employees will be deemed to mean classified employees of the
- 22 Executive Branch including agencies and authorities.

- 1 (h) The jurisdiction of the Civil Service Commission shall not extend to academic
- 2 personnel of the Guam Community College and the University of Guam, except upon
- 3 mutual consent by the governing board of the respective institutions and the commission



AUG 16 2002

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

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 358 (LS) "AN ACT TO APPROPRIATE THE NECESSARY SUMS TO M.I.P., THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES," which I have signed into law as Public Law No. 26-122.

This legislation allows continued negotiations with banks concerning the borrowing of up to \$10 Million for the purpose of funding public assistance programs. It also appropriates from earmarked and reserved funds in the Territorial Highway Fund and the Village Streets Fund a total of \$2.5 Million for the payment of Medically Indigent Program. These payments will be used for both FY2001 and FY2002 expenses. The mayors receive \$500,000 from the Village Streets Fund.

Finally, the expenditure authority of the Governor contained in Public Law No. 26.117 is increased from \$2.6 Million to \$6.5 Million from Special Funds for the purpose of typhoon recovery efforts.

This legislation is necessary for the continued response to both typhoon devastation, as well as payments for those who do not have the resources for medical care in our community.

Very truly yours,

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

Attachments: original bill for vetoed legislation or

copy of bill for signed or overridden legislation

and legislation enacted without signature

The Honorable Antonio R. Unpingco cc:

Speaker

Time Date

Received By

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2002 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 358 (LS) "AN ACT TO APPROPRIATE THE NECESSARY SUMS TO M.I.P., THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES" was on the 14th day of August, 2002, duly and regularly passed.

CARL T. C. GUTIERREZ

I Maga'lahen Guåhan

Public Law No. 26-/22

Date: 8-16-02

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2002 (SECOND) Regular Session

Bill No. 358 (LS)

As substituted and amended on the Floor.

Introduced by:

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K. S. Moylan

A. R. Unpingco

Mark Forbes

L. A. Leon Guerrero

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

F. P. Camacho

M. C. Charfauros

L. F. Kasperbauer

E. B. Calvo

J. T. Won Pat

V. C. Pangelinan A. L.G. Santos

AN ACT TO APPROPRIATE THE NECESSARY SUMS TO M.I.P., THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

- Section 1. Appropriation to the Medically Indigent Program.
- (\$1,500,000) is appropriated from the Territorial Highway Fund ("THF") and the sum of One Million Dollars (\$1,000,000) is appropriated from the Village Streets Fund ("VSF"). This appropriation shall be from the funds reserved in § 5 of Public Law Number 26-117, and will be used for

the payment of Medically Indigent Program ("MIP") claims owed for health care services, prescriptions and pharmaceutical supplies which remains unpaid for a period of over ninety (90) days from the date the claim is filed.

(b) Limitation on Expenditure of Funds. Any funds appropriated herewith shall be deposited into the Medically Indigent Program Payment Revolving Fund, and shall be used exclusively for the payment of any outstanding claims of MIP from Fiscal Year 2001 through Fiscal Year 2002. Notwithstanding any other provision of law, I Maga'lahen Guåhan is required to take immediate actions necessary to expedite the purpose of § 1 of this Act.

Section 2. Appropriation to the Village Mayors.

(a) Legislative Findings and Intent. Typhoon Chata'an struck Guam on July 5, 2002 and left Guam in need of extensive recovery. Guam cohesively must put the necessary resources together in order to put our Island back in order. To maximize our response, and to give further confidence to the People, the Mayors are expected by the People to provide a myriad of services, yet are *not* given adequate resources to provide the services, and have to depend upon the cumbersome bureaucratic process, often resulting in an inordinate delay in providing services and getting needed projects and repairs done.

As elected officials and as direct representatives of the People, it is incumbent that they are provided with sufficient resources to provide the services needed in their respective Villages without having to depend upon the good graces of legislators, the Administration or different government agencies. This Section is intended to provide the Mayors more autonomy in order to carry out their responsibilities to the People of Guam, *especially* in their role in Guam's recovery from Typhoon Chata'an.

- **(b) Appropriation.** The sum of Five Hundred Thousand Dollars (\$500,000.00) is hereby appropriated from the Village Streets Fund ("VSF"). This appropriation shall be from the funds reserved in § 5 of Public Law Number 26-117, and shall be deposited within the Municipal Fund. The appropriation shall be divided among the Village Mayors as follows:
 - (1) each Village Mayor shall be allocated the sum of Fifteen Thousand Dollars (\$15,000.00);
 - (2) the remaining unappropriated balance of this appropriation shall be distributed on a *pro rata* basis. The prorated distribution per Village shall be based upon the Village's population contained in the Guam 2000 Decennial Census, as extrapolated from the population and housing profile of each Village, prepared by the United States Department of Commerce, Bureau of Census; *and*
 - (3) the prorated distribution per Village shall *not* include the population of military personnel residing within any military installation located within the municipal boundary of any Village.
- (c) Any expenditures from this appropriation shall be restricted for the purposes pursuant to §§ 40112 and 40118 of Chapter 40 of Title 5 of the Guam Code Annotated.

Notwithstanding any other provision of law, I Maga'lahen 1 Guåhan is required to take immediate actions necessary to expedite the 2 purpose of § 2 of this Act. 3

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- The provisions of § 22406 of Article 4, Chapter 22, Division 2 of Title 5 of the Guam Code Annotated shall not apply, and the funds shall be carried over into the next fiscal year.
- Section 3. Notwithstanding any other provision of law, I Maga'lahen 7 Guåhan shall not use his transfer authority to utilize any monies deposited into 8 9 the Municipal Fund.
- Section 4. Appropriation to the Department of Corrections. To comply with the January 31, 2002 Civil Service Commission ruling regarding 12 National Pay Rate for professional nursing positions of the government of Guam effective October 31, 2001, the sum of Eighteen Thousand Dollars 13 14 (\$18,000.00) is hereby appropriated from the THF to the Forensic Unit of the Department of Corrections to fund the adjusted salary of the Staff Nurse II 16 position.
 - Section 5. The sum of Five Hundred Twenty Thousand Dollars (\$520,000.00) is hereby appropriated from the funds available in the accounts identified in 11 G.C.A. § 106119(k) and 11 G.C.A. § 127114(j) to the Department of Education exclusively for the payments of workmen's compensation orders of benefits and awards made to the Department of Education employees.
 - **Section 6.** The sum of Seventy Thousand Dollars (\$70,000.00) is hereby appropriated from the funds available in the accounts identified in 11 G.C.A. §

1 106119(k) and 11 G.C.A. § 127114(j) to the Department of Education exclusively
 2 for the payments of injured students' claims pursuant to 17 G.C.A. § 6113.

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Section 7. Section 2 of Public Law Number 26-112 is hereby *amended* to read as follows:

"Section 2. Expenditure Authority. Beginning July 3, 2002 and for forty-five (45) days from the enactment of this Act, I Maga'lahen Guåhan may spend up to Five Million Dollars (\$5,000,000) of the unexpended proceeds of the new money bonds under Article 10 of Chapter 22 of Title 5 of the Guam Code Annotated, currently slated for Phase II of the Tumon Redevelopment Project, up to Eight Million Dollars (\$8,000,000) from the unreserved fund balance of the Territorial Highway Bond, up to One Million Eight Hundred Thousand Dollars (\$1,800,000) from the unreserved fund balance of the Educational Bond Fund, and, notwithstanding any other provision of law, a sum not to exceed in aggregate Six Million Five Hundred Thousand Dollars (\$6,500,000), from Special Funds of the Executive Branch of the government of Guam, for Typhoon Chata'an and Typhoon Halong recovery efforts.

To the greatest extent possible, typhoon-related expenditures shall be those pre-approved by the Federal Emergency Management Agency ('FEMA') for reimbursement to the government of Guam, for the purpose of providing and restoring damaged government services and infrastructure to the People of Guam resulting from Typhoon Chata'an or Typhoon

Halong which serve to benefit and promote public health, safety, sanitation and welfare, including, but *not* limited to, restoration of roads and highways; restoration of power; restoration of water; restoration of telephone; repair of schools to pre-typhoon conditions, both private and public, with priority of spending to public schools; repair of facilities belonging to non-profit organizations to pre-typhoon conditions; repair of public buildings; restoration of public parks; restoration of sports facilities; interim public housing; repairing damage to government property; overtime compensation for existing personnel needed to perform emergency and restorative services; and classified supervisory personnel overtime, including, but *not* limited to, police, fire, public health and hospital, and for other services consistent with the intent of this Act."

Section 8. Section 2 of Public Law Number 26-84 is hereby *amended* to read as follows:

"Section 2. Authority to Borrow. I Maga'lahen Guåhan, on behalf of the government of Guam, is authorized to borrow or arrange a line of credit not to exceed Ten Million Dollars (\$10,000,000) with any bank or commercial lending institution, government of Guam autonomous agency or any other instrumentality of the government of Guam. The terms of the loan or line of credit shall include the following:

(a) I Maga'lahen Guåhan shall use Five Million Dollars (\$5,000,000) of such loan for the purpose of funding public

1	assistance programs as appropriated in Public Law Number 26-35,
2	as amended, and Five Million Dollars (\$5,000,000) for the payment
3	of the Department of Education's monthly allotment backlog as
4	appropriated in Public Law Number 26-35, as amended;
5	(b) prepaid charges shall not be levied by the bank or
6	entity for opening a line of credit;
7	(c) interest derived from the financial agreement shall be
8	exempt from taxation by the government of Guam;
9	(d) all terms of the financial agreement shall be negotiated
10	by I Maga'lahen Guåhan in the best interest of the People of Guam;
11	(e) the interest rate shall be negotiated between I
12	Maga'lahen Guåhan and the lender, such interest rate shall not
13	exceed eight percent (8%) per annum, and shall be computed on a
14	monthly average based upon the actual amount extended to the
15	government;
16	(f) the loan may be secured by pledge of funds or a
17	guaranty of the government of Guam, including the revenues
18	derived by the government of Guam under § 30 of the Organic Act
19	of Guam;
20	(g) any money borrowed shall be repaid within ten (10)
21	years, and in no case shall any amount borrowed be refinanced
22	resulting in a repayment over more than ten (10) years after the
23	loan is made;
24	(h) funds necessary for the repayment of the principal,
25	interest and other costs associated with the financing are

1	appropriated from the General Fund and any pledged revenues;
2	and
3	(i) notwithstanding any substantive or procedural
4	provision of Chapter 6 of Title 5 of the Guam Code Annotated, the
5	government of Guam hereby waives immunity from any suit or
6	action in contract on the Line of Credit, but does not waive
7	sovereign immunity as to the personal liability of elected or
8	appointed officials and employees of the government of Guam."
9	Section 9. Section 22429(b)(vii) is hereby added to Article 4,
10	Chapter 22, Division 2 of Title 5 of the Guam Code Annotated to read as
11	follows:
12	"(vii) the loan may be secured by pledge of funds or a
13	guaranty of the government of Guam, including the revenues derived
14	by the government of Guam under § 30 of the Organic Act of Guam."
15	Section 10. Section 22429(a) of Article 4, Chapter 22, Division 2 of
l6	Title 5 of the Guam Code Annotated is hereby amended to read as follows:
17	"(a) I Maga'lahen Guåhan, on behalf of the government of Guam,
18	is authorized to arrange a line of credit not to exceed Twenty-four
19	Million Dollars (\$24,000,000) with one (1) or more bank(s) or commercial
20	lending institution(s)."
21	Section 11. Section 22429(b)(v) of Article 4, Chapter 22, Division 2
22	of Title 5 of the Guam Code Annotated is hereby amended to read as follows:
23	"(v) funds necessary for such repayment of interest and principal
24	shall be first paid from the Line of Credit Repayment Fund as

established in § 22430 of Title 5 of the Guam Code Annotated, and second from any pledged revenues;"

Section 12. Section 22429(b)(viii) is hereby *added* to Article 4, Chapter 22, Division 2 of Title 5 of the Guam Code Annotated to read as follows:

"(viii) Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5 of the Guam Code Annotated, the government of Guam hereby waives immunity from any suit or action in contract on the line of credit, but does *not* waive sovereign immunity as to the personal liability of elected or appointed officials and employees of the government of Guam."

Section 13. Section 22413 of Article 4, Chapter 22, Division 2 of Title 5 of the Guam Code Annotated is hereby *amended* to read as follows:

"Section 22413. Line of Credit. I Maga'lahen Guåhan, on behalf of the government of Guam, is authorized to arrange a line of credit not to exceed Ten Million Dollars (\$10,000,000) with any bank or commercial lending institution licensed on Guam; provided, that any agreement between any bank or commercial lending institution licensed on Guam and I Maga'lahen Guåhan for a line of credit in excess of Six Million Dollars (\$6,000,000) shall be subject to the approval of I Liheslaturan Guåhan by resolution for the amount in excess of Six Million Dollars (\$6,000,000). The terms of the line of credit shall include the following:

(a) the line of credit shall be used by *I Maga'lahen Guåhan* in cases where a cash shortage is eminent and a strong likelihood exists that the shortage could hamper governmental operations;

(b) prepaid charges shall *not* be levied by the bank or trust department for opening the line of credit;

- (c) the interest rate shall be subject to competitive negotiations between *I Maga'lahen Guåhan* and the banks; such interest rate shall be computed on a monthly average and based on the actual amounts extended to the government;
- (d) interest derived from the line of credit shall be *exempt* from taxation by the government of Guam;
- (e) all terms of the line of credit agreement *not* specifically defined in the foregoing shall be negotiated by *I Maga'lahen Guåhan* in the best interests of the People of Guam;
- (f) funds necessary for such repayment of interest and principal are appropriated from the General Fund and any pledge revenues; the duration for repayment of the loan shall be negotiated by *I Maga'lahen Guåhan*;
- (g) funds necessary for the repayment of interest and principal on loans authorized by this Section and Government Code § 6122 (§ 22414 of this Article) are appropriated from the revenue derived from the tax increase contained in P.L. No. 17-4, and, to the extent necessary, from other revenues of the government of Guam and the General Fund; any excess funds from the tax increases contained in P.L. No. 17-4 shall be used to retire said debt instruments as additional principal payments and for no other purposes;

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I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date:	8/14/0	3
		-

VOTING SHEET

S Bill No. 358 (LS) Resolution No Question:					
NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.					
ADA, Thomas C.	~				
AGUON, Frank B., Jr.	~				
BROWN, Joanne M. S.					. <u></u>
CALVO, Eddie B.	~				
CAMACHO, Felix P.	~				
CHARFAUROS, Mark C.	~				
FORBES, Mark	~				
KASPERBAUER, Lawrence F.	/				
LEON GUERRERO, Lourdes A.			exercel from	Ana	
MOYLAN, Kaleo S.	/			0	
PANGELINAN, Vicente C.	V				
SANTOS, Angel L.G.	V				
UNPINGCO, Antonio R.					
WON PAT, Judith T.					
TOTAL	14			0	0
CERTIFIED TRUE AND CORRECT:				* 3 Passes = No	vote
Clerk of the Legislature				EA = Excused A	

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2002 (Second) Regular Session

Bill No. 358 (LS)

Introduced by:

E. B. Calvo
K.S. Moylan
A.R. Unpingco
Mark Forbes
L. Leon Guerrero

AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP)

BE IT ENACTED BY THE PEOPLE OF GUAM:

- "Section 1. Appropriation to the Medically Indigent Program. (a)
- 3 The sum of One Million Five Hundred Dollars (\$1,500,000) is appropriated
- from the Territorial Highway Fund (THF) and the sum of One Million Five
- 5 Hundred Dollars (\$1,500,000) is appropriated from the Village Street Fund
- 6 (VSF), this appropriation shall be from the funds reserved in Section 7 of Bill
- No. 357 and will be used for the payment of Medically Indigent Program
- 8 claims owed for health care services, prescriptions, and pharmaceutical
- 9 supplies which remains unpaid for a period of over ninety days (90) from
- the date the claim is filed

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(b) Limitation on expenditure of funds. Any funds appropriated

- herewith shall be deposited to the Medically Indigent Program Payment
- 2 Revolving Fund and shall be used exclusively to pay any outstanding claim
- 3 payments of the Medically Indigent Program from fiscal year 2001 through
- 4 fiscal year 2002.
- 5 (c) Notwithstanding any other provision of law, I Maga'lahen Guåhan
- 6 is required to take immediate actions necessary to expedite the purpose of
- 7 this Section."

Senator Kaleo S. Moylan

Chairperson, Committee on Ways and Means Mina'Bente Sais Na Liheslaturan Guåhan Twenty-Sixth Guam Legislature

August 13, 2002

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

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

Dear Mr. Speaker:

The Committee on Ways and Means, to which was referred Bill No. 358 (LS) "AN ACT TO APPROPRIATE NECESSARY SUMS TO THE MEDICALLY INDIGENT PROGRAM (MIP), THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted by the Author.

The Committee votes are as follows:

To Do Pass

C Not to Pass

To Report Out

Abstain

Inactive File

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

Thank you,

KALEŌS. MOYLAÑ

Chairperson

Enclosure:

Committee on Ways and Means Vote Sheet on Bill No. 358 (LS)

Substituted by the Author.

AN ACT TO APPROPRIATE NECESSARY SUMS TO THE MEDICALLY INDIGENT PROGRAM (MIP), THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES.

COMMITTEE MEMBER	TO DO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Kaleo S. Moylan, Chairperson	✓	<i>)</i>			
Joanne M.S. Brown, Moc Chairperson	1	_/			
Antonio R. Unpingco, Speaker & Ex-Officio					
Eddie B. Calvo, Member					
Felix P. Camacho, Member					
Mark C Charfauros, Member	1				
Mark Forbes, Member					
Lawrence F. Kasperbauer, Member					
Vicente C. Pangelinan, Member					

Committee on Ways and Means Report On

Bill No. 358 (LS)
Substituted by the Author.

AN ACT TO APPROPRIATE NECESSARY SUMS TO THE MEDICALLY INDIGENT PROGRAM (MIP), THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES.

PUBLIC HEARING:

The Committee on Ways and Means, to which was referred Bill No. 358 (LS), "AN ACT TO APPROPRIATE NECESSARY SUMS TO THE MEDICALLY INDIGENT PROGRAM (MIP), THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES," conducted a public hearing on Wednesday, July 31. 2002 at the Guam Legislature Public Hearing Room. Senator Kaleo S. Moylan, Chairperson of the Committee on Ways and Means, convened the hearing at 8:30 a.m. In attendance were Senators Tom C. Ada, Lou A. Leon Guerrero, Felix P. Camacho, Eddie B. Calvo, and Judith T. Won Pat.

TESTIMONY:

Appearing before the Committee were Mr. Dennis Rodriguez, Director of the Department of Public Health and Social Services, Ms. Diana Calvo, Ms. Tess Arcangel and Mr. John Castro. According to Mr. Rodriguez, the Department supports Bill 358 as it provides supplemental funding for the Medically Indigent Program. He wnet on to say that the program is projecting that \$13.2 million of Fiscal Year 2002 MIP claims will be carried over to Fiscal Year 2003.

At this juncture, Ms. Calvo interjected saying that the supplemental funding of \$ 3 Million will help reduce this amount to \$10.2 million. She went on to say that the MIP program since March 2002, as a result of the mandates of P.L. 26-35 and budget constraints, has consistently paid MIP claims worth approximately \$1.1 Million per month to providers. With the supplemental funding of \$3 Million, claims paid to providers for the months of July through September will increase to around \$2.07 Million per month.

Mr. Rodriguez stated that although the supplemental funding is inadequate to cover all of MIP FY2002 outstanding obligations, it will help reimburse providers for some o f the medical services already rendered to MIP recipients.

BUREAU OF HEALTH CARE FINANCING MEDICALLY INDIGENT PROGRAM STATUS OF CLAIMS AS OF JULY 2002

Paid Adjudicated Claims as of 07/01/02	13,080,830
Unpaid MCS adjudicated claims	4,137,094
Calculated unprocessed claims as of 07/02	7,229,785
*Projected claims to be received August - September	5,000,000

Total: \$ 29,447,709

Monthly MIP claims average \$2.5 million per month.

Breakdown on MIP Outstanding/Unprocessed Claims As of July 01, 2002

Institutional	
GMH	5,089,057.85
St. Dominic	136,135.00
AOK	156,100.24
191	884,172.86
Subtotal:	6,265,465.95
off-island	146,950.00
On-island	3,915,847.65
Subtotal:	4,062,797.65
Grand Total:	10,328,263.60
less: 30% Discount/Savings due to	
utilization review	(3,098,479.08)
Allowed Amount:	7,229,784.52
Medically Indigent Program FY2002 Expenditures/Shortfall Projection As of July 01, 2002 Expenditures	
Budget	7,000,000
6 months P.L. 26-35	1,600,000
Supplemental P.L. 26-60 MIP Remaining 6 Months P.L. 26-35	7,680,000
Legislature Total Budget Appropriation FY02:	16,280,000
Expenditures	
Paid Adjudicated Claims as of 07/01/02	13,080,830
Remaining budget available	
(claims & patient travel) July - Sept.	3,199,170
Remaining outstanding claims FY02	13,167,709
Total projected expenditures & unprocessed	
unpaid claims	29,447,709
Budget (Shortfall)/Lapses	(13,167,709)

At this time, the Chairman of the Committee, informed the members present that testimony was also received from Mr. Clifford A. Guzman, Director, Department of Administration.

Territorial Highway Fund (THF) Revenues collected in this Fund are from liquid fuel taxes and motor vehicle registration and driver's licenses fee collections and interest

earnings from cash and investments. These revenues have been pledged in accordance with the bond indentures of the Limited Obligation Highway Bonds, 1992 Series A. The net monthly revenues (Revenues collected less Debt Service) determined to be surplus by the Trustee are transferred in from the Highway Bond's Debt Service Fund.

Expenditures incurred in this fund, relates to payments required under the debt service requirements, various highway operation and maintenance, certain capital projects, road repairs and improvement, operating transfers to the Village Street Fund, and operational cost related to the Guam Mass Transit Authority. Every year the legislature appropriates from this fund. We have also noticed that appropriations exceed the actual revenue collections, thereby causing a deficiency in the fund balance account.

Village Street Fund (VSF) Revenues collected in the Fund are from the surplus account of the Highway Fund's Debt Service account. In December 16, 1996, Public Law 23-128 was signed into law by the Governor of Guam. The Law authorizes fifty percent (50%) of all monies in the Surplus Fund of the Limited Obligation Highway Bonds, Series 1992 A Debt Service Fund to the THF and the VSF Remainder Accounts.

Collections from interest earnings on cash and investment accounts are also a source of revenue. Expenditures incurred are for payments to vendors for village street's road planning, designing, construction, repairs and maintenance on street projects. Additional appropriations for expenditures from the Medically Indigent Program (MIP) of \$2Million were approved for fiscal years 2000 and 2001.

Operating Highlights Attached are the operating highlights of both the Territorial Highway Fund (THF) and the Village Street Fund (VSF). Our schedule is based upon the audited financial statements for the fiscal years ending September 30, 1997 through September 30, 2000 and our working draft amount for the fiscal year ended September 30, 2001. We have also provided the Budget and Accounting Information System (BACIS) Appropriation, Expenditures, Encumbrances and Funds Available report for FY 2002 in each fund.

Currently, the Division of Accounts has processed medical claims in the amount of \$1,215,936.79 as part of our accounts payable as of July 30, 2002. These expenditures/claims were incurred strictly under the Medical Indigent Program. It is highly probable that the Department of Public Health and Social Services (DPHSS) has more claims that have yet been submitted to the Department of Administration for processing.

During the month, the Trustee has declared cash surplus from the Highway Bond's Debt Service Account, and has transferred \$3.2 Million to each respective remainder accounts. However, per Public Law 26-117, actual drawdowns occurred to each fund's remainder accounts as a local match for the FEMA grants. Drawdowns of \$2 Million from VSF and \$600,000 from THF have been requested from the Trustee. Actual expenditures during this fiscal year 2002 have been attached to illustrate the current spending pattern. As our financials for Fiscal Years 2001 and Fiscal Year 2002 are still in progress, we believe both funds will continue with a deficient fund balance amount.

It is the Department's recommendation for the legislature to establish and set forth the exact control limits to meet the expected cash inflow. These procedures will help minimize the deficiencies in their respective beginning and ending fund balances. Secondly, since the cash flow is a major concern, then a reprogramming of existing projects should be reevaluated so that the remaining balance can be used to fund MIP if this is determined as the primary spending to be achieved.

In a final note, the Highway Fund has an outstanding claims liability in the amount of \$11 Million (as of September 30, 2000 & 2001) as drawbacks against liquid fuel taxes. The determination of litigation and the final outcome is undeterminable at this time.

Territorial Highway Fund (THF) Operating Highlights Based Upon Audited Financial Statements

For Fiscal Years Ended Sept. 30, 1997 thru Sept. 30, 2000 and Fiscal Year Ended Sept. 30, 2001 (DRAFT - Unaudited)

					DRAFT Unaudited
7	1997 <u>1/</u>	1998 <u>1/</u>	1999 <u>1/</u>	2000 <u>2/</u>	2001
Revenues Liquid Fuel Tax License &	8,663,148	12,715,799	9,217,704	10,348,802	10,347,436
Registration Use of Money	5,060,192	4,863,337	4,525,479	4,470,397	4,402,917
& Property Sub-total Operati	12,018 ng	107,187	95,874	123,059	172,228
Revenues	13,735,358	17,686,323	13,839,057	14,942,258	14,922,581
Other Financing Source 3/	8,905,693	13,291,950	9,008,809	11,467,674	8,770,148
Total Revenues	22,641,051	30,978,273	22,847,866	26,409,932	23,692,729
Expenditures DPW Operations &					
Maintenance General	8,256,651	9,189,415	5,250,268	8,003,737	4,696,709
Government <u>5</u> / Sub-total Operati	16,500 ng	25,500	8,500	17,000	17,000
Expenditures	8,273,151	9,214,915	5,258,768	8,020,737	4,713,709
Transfers Out Debt Service					
Fund <u>3</u> /	13,723,341	19,399,972	14,373,247	14,818,419	14,606,446
Guam Mass Tran Authority	2,300,000	3,005,000	2,800,000	3,312,244	3,312,244
Village Street Fu	, -	-,,	517,133	· ,,- · ·	0,012,211
Other Use 4/ Sub-total Other	- -	11,158	11,650	28,096	20,899
Financing Uses	16,023,341	22,416,130	17,702,030	18,158,759	17,939,589
Total Expenditures	24,296,492	31,631,045	22,960,798	26,179,496	22,653,298

Expenditures (Revenues	Over (1,655,441)	(652,772)	(112,932)	230,436	1,039,431
Fund balances beginning of y		(1,110,599)	(1,763,371)	(1,876,303)	(1,645,867)
Fund balance end of year	s at \$ (1,110,599)	\$(1,763,371)	\$(1,876,303)	\$(1,645,867)	\$(606,436)

- 1/ Audited as a separate engagement from the General Purpose Financial Statements (GPFS).
- 2/ Included in Audited GPFS Combining Special Revenue Fund
- 3/ Other Financing Sources are Transfers In from the Debt Service Fund after the debt service payments have been satisfied.
- Expenditures incurred are due to bank service fees.
- 5/ Expenditures incurred are due to audit fees.

Fiscal Year 2002 Appropriation Summary for Fund 208 - Highway Fund and Fund 247 - Village Streets Fund 4s of July 30, 2002

	As of July 30, 2002	
Appropriation account number	5208	
Original Appropriation	8,344,933.70	
Budget Adjustments	1,268,121.87	
Total Appropriation	9,613,055.57	
	Current Period	Year To Date
Allotments	9,005,315.35	9,005,315.35
Expenditures	6,014,891.29	6,014,891.29
Outstanding Encumbrances		1,640,928.84
Funds Available	1,349,495.22	
Unallotted Balance	607,740.22	
Appropriation account number	5247	
Original Appropriation	5,712,103.81	
Budget Adjustments	102,804.52	
Total Appropriation	5,814,908.33	
	Current Period	Year To Date
Allotments	3,762,280.33	3,762,280.33
Expenditures	2,990,954.90	2,990,954.90
Outstanding Encumbrances		362,190.67
Funds Available	409,134.76	
Unallotted Balance	2,052,628.00	

Mayors' Council of Guam. At this juncture, the Chairman called on Mayor Scott Duenas, Dededo, Mayor Franklin M. Taitague, Inarajan, Mayor Robert Lizama, Yigo and Mayor Anthony Leon Guerrero, Talofofo, to present testimony.

At the outset, all Mayors testified in support of Bill No. 358 (LS) as substituted by the author. A copy of the substitute legislation was at this time made available to the Chairman and Committee. Mayor Taitague testified that the Legislative Findings and Intent noted in Section 2 (a) is so true of our purpose as elected leaders for our community. It is sad that our constituents know how effective each Mayor can be in responding to front line problems, emergency assistance, and other public services so critical to them and to the entire community. Lack of resources(emergency funding) in providing our constituents the basic front line government services they need after a major disaster is very heartbreaking, sad, and frustrating.

Mayor Taitague went on say that many more restoration efforts are still needed at our districts. The \$15,000.00+ appropriation will truly help and ease some, if not all, our restoration work. Bill 328(LS) will greatly assist our island citizens.

Mayor Robert S. Lizama, president of the Mayors' Council of Guam in support of substitute Bill No 358 (LS), and urged the Legislature to urgently pass it. He went on to say that the legislation calls for the \$500,000 appropriation to. be deposited within the Municipal Fund. We completely agree with that. The Municipal Fund provides greater flexibility in the application of the monies, so that more can be appropriately accomplished, rather than just secondary and tertiary roads. With respect to the remaining un-appropriated balance of the appropriation the Mayors' Council prepared the prorated amount per village, which is based on the village population contained in the Guam .2000 Decennial Census, as attached.

Prorated Amount Per Village Mayors' Council of Guam

Population	District	%	Appropriation Balance	Equal Proportion	Total Per District
887	Umatac	0.57%	\$ 1,225	\$ 15,000	\$ 16,225
1,100	Hagatna	0.71%	1,526	15,000	16,526
1,666	Piti	1.08%	2,322	15,000	17,322
2,090	Asan/Maina	1.35%	2,902	15,000	17,902
2,163	Merizo	1.40%	3,010	15,000	18,010
2,853	Sinajana	1.84%	3,956	15,000	18,956
3,052	Inarajan	1.97%	4,235	15,000	19,235
3,215	Talofofo	2.08%	4,472	15,000	19,472
3,940	Agana Heights	2.55%	5,482	15,000	20,482
5,656	Agat	3.65%	7,847	15,000	22,847
5,845	Mongmong Toto Maite	3.78%	8,127	15,000	23,127

5,923	Chalan Page Ordot	3.83%	8,234	15,000	23,234
6,484	Yona	4.19%	9,008	15,000	24,008
7,500	Santa Rita	4.84%	10,406	15,000	25,406
8,652	Barrigada	5.59%	12,018	15,000	27,018
13,313	Mangilao	8.60%	18,490	15,000	33,490
18,012	Tamuning Tumon	11.64%	25,026	15,000	40,026
19,474	Yigo	12.58%	27,047	15,000	42,047
42,980	Dededo	27.76%	59,667	15,000	74,667
154,805		100.00 %	\$ 215,000	\$285,000	\$500,000

There being no further discussion, the Chair adjourned the hearing on Bill No 358 (LS).

PROFILE, FINDINGS AND RECOMMENDATION

Brief Title: Appropriation to Medically Indigent Program and Mayors

Council of Guam from the Territorial Highway Fund and Village

Street Fund.

Date Introduced: Wednesday, June 24, 2002.

Main Sponsors: Senators E. B. Calvo, K. S. Moylan, A. R. Unpingco and co-

sponsored by M. Forbes and L. A. Leon Guerrero.

Committee Referral: Thursday, June 25, 2002, from the Committee on Rules,

Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs to the Committee on Ways

and Means.

Public Hearing: Wednesday, July 31, 2002, 8:30 a.m. at the Legislative Public

Hearing Room. Initially, the hearing was to have been convened in the Conference Room of Senator E. B. Calvo, however, it was

requested that it be moved to the Public Hearing Room.

Official Title: AN ACT TO APPROPRIATE NECESSARY SUMS TO THE

MEDICALLY INDIGENT PROGRAM (MIP), THE

MUNICIPAL MAYORS AND FOR OTHER PURPOSES.

Fiscal Note: Pursuant to the provisions of Chapter 9, Title 2 of the Guam

Code Annotated, a request for a fiscal note on Bill No. 358 (LS

was made to BBMR on Thursday, June 25, 2002.

Findings and Section Analysis

Section 1. This Section appropriates the sum of \$2,500,000 to the Medically Indigent Program. A closer look reveals that \$1,500,000 of the total sum is appropriated from the Territorial Highway Fund, while the sum balance of \$1,000,000 is appropriated from the Village Streets Fund ("VSF"). Furthermore, this appropriation shall be from the funds reserved in Section 5 of Public Law 26-117 and will be used for the payment of Medically Indigent Program claims owed for health care services, prescriptions, and pharmaceutical supplies which remains unpaid for a period of over ninety days (90) from the date the claim is filed.

Paragraph (b) of Section 1 provides that there be a limitation on the expenditure of funds. A closer look reveals that the funds appropriated and deposited to the Medically Indigent Program Payment Revolving Fund are to be used exclusively for the payment of any outstanding claims of the Medically Indigent Program from Fiscal Year 2001 through Fiscal Year 2002.

- Section 2. Appropriation to the Village Mayors. Section 2 appropriates the sum of \$500,000 from the Village Streets Fund (VSF). A closer look reveals that this appropriation shall be from the funds reserved in Section 5 of Public Law Number 26-117 and shall be deposited within the Municipal Fund. The appropriation shall be divided among the Village Mayors as follows:
 - (1) Each Village Mayor shall be allocated the sum of Fifteen Thousand Dollars (\$15,000),
 - (2) the remaining unappropriated balance of this appropriation shall be distributed on a pro rata basis. The prorated distribution per Village shall be based on the Village's population contained in the Guam 2000 Decennial Census, as extrapolated from the population and housing profile of each village, prepared by the United States Department of Commerce, Bureau of Census, and
 - (3) the prorated distribution per village shall not include the population of military personnel residing within any military installation located within the municipal boundary of any village.

Paragraph (c) provides that any expenditures from this appropriation shall be restricted for the purposes pursuant to §40112 and §40118 of Chapter 40, Title 5 of the Guam Code Annotated.

Paragraph (e) insures that the funds shall be carried over into the next fiscal year.

- Section 3. This Sections makes clear that *I Maga'lahen Guåhan* shall *not* use his transfer authority to utilize any monies deposited in the Municipal Fund.
- Section 4. Appropriation to the Department of Corrections. The appropriation contained in this Section is to insure that the Department of Corrections complies with the January 31, 2002 Civil Service Commission ruling regarding National Pay Rate for professional nursing positions of the government of Guam effective October 31, 2001, the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated from the Territorial Highway Fund (THF) to the Forensic Unit of the Department of Corrections to fund the adjusted salary of the Staff Nurse II position.

Section 5. Severability.

COMMITTEE RECOMMENDATION:

The Committee on Ways and Means, to which was referred Bill No. 358 (LS), "AN ACT TO APPROPRIATE NECESSARY SUMS TO THE MEDICALLY INDIGENT PROGRAM (MIP), THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES," recommends that the legislation, be passed as substituted by the Author.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN 2002 (SECOND) Regular Session

Bill No. 358 (LS)

As Substituted by Author.

Introduced by:

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E. B. Calvo K. S. Moylan
A. R. Unpingco
Mark Forbes
L. A. Leon Guerrero

AN ACT TO APPROPRIATE NECESSARY SUMS TO THE MEDICALLY INDIGENT PROGRAM (MIP), THE MUNICIPAL MAYORS AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Appropriation to the Medically Indigent Program. The 2 sum of One Million Five Hundred Thousand Dollars (\$1,500,000) is appropriated 3 from the Territorial Highway Fund ("THF") and the sum of One Million Dollars 4 (\$1,000,000 is appropriated from the Village Streets Fund ("VSF"). 5 This appropriation shall be from the funds reserved in Section 5 of Public Law 26-117 and 6 will be used for the payment of Medically Indigent Program claims owed for health 7 8 care services, prescriptions, and pharmaceutical supplies which remains unpaid for a period of over ninety days (90) from the date the claim is filed. 9

(b) Limitation on expenditure of funds. Any funds appropriated herewith shall be deposited to the Medically Indigent Program Payment Revolving Fund and *shall* be used exclusively for the payment of any outstanding claims of the Medically Indigent Program from Fiscal Year 2001 through Fiscal Year 2002.

Notwithstanding any other provision of law, *I Maga'lahen Guåhan* is required to take immediate actions necessary to expedite the purpose of Section 1 of this Act.

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- (a) Legislative Section 2. Appropriation to the Village Mayors. Typhoon Chata'an struck Guam on July 5, 2002 and left the Findings and Intent. island in need of extensive recovery. Guam cohesively must put the necessary resources together in order to put our island back in order. To maximize our response, and to give further confidence to the people, the Mayors are expected by the people to provide a myriad of services, yet are not given adequate resources to provide the services and have to depend upon the cumbersome bureaucratic process, often resulting- in an inordinate delay in providing services and getting needed projects and repairs done. As elected officials and as direct representatives of the people, it is incumbent that they are provided with sufficient resources to provide the services needed in their respective villages without having to depend on the good graces of legislators the Administration or different government agencies. This Section intended to provide the Mayors more autonomy in order to cam out their responsibilities to the people of Guam especially in their role in Guam's recovery from Typhoon Chata'an.
 - (\$500,000) is hereby appropriated from the Village Streets Fund (VSF), this appropriation shall be from the funds reserved in Section 5 of Public Law Number 26-117 and *shall* be deposited within the Municipal Fund. The appropriation shall be divided among the Village Mayors as follows:
 - (1) Each Village Mayor shall be allocated the sum of Fifteen Thousand Dollars (\$15,000),
 - (2) the remaining unappropriated balance of this appropriation shall be distributed on a pro rata basis. The prorated distribution per Village shall be

based on the Village's population contained in the Guam 2000 Decennial
 Census, as extrapolated from the population and housing profile of each village,
 prepared by the United States Department of Commerce, Bureau of Census, and

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- (3) the prorated distribution per village shall not include the population of military personnel residing within any military installation located within the municipal boundary of any village.
- 7 (c) Any expenditures from this appropriation shall be restricted for the 8 purposes pursuant to §40112 and §40118 of Chapter 40, Title 5 of the Guam Code 9 Annotated.
- 10 (d) Notwithstanding any other provision of law, *I Maga'lahen Guåhan* is 11 required to take immediate actions necessary to expedite the purpose of Section 2 of 12 this Act.
- 13 (e) The provisions of §22406, Article 4, Chapter 22, Division 2 of Title 5 of 14 the Guam Code Annotated shall *not* apply and that the funds shall be carried over into 15 the next fiscal year.
- Section 3. Notwithstanding any other provision of law, *I Maga'lahen Guåhan*shall *not* use his transfer authority to utilize any monies deposited in the Municipal
 Fund.
 - Section 4. Appropriation to the Department of Corrections. To comply with the January 31, 2002 Civil Service Commission ruling regarding National Pay Rate for professional nursing positions of the government of Guam effective October 31, 2001, the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated from the Territorial Highway Fund (THF) to the Forensic Unit of the Department of Corrections to fund the adjusted salary of the Staff Nurse II position.

- Section 5. Severability. If any provision of this Law or its application to
- 2 any person or circumstance is found to be invalid or contrary to law, such invalidity
- 3 shall not affect the other provisions or applications, and to this end the provisions of
- 4 this Law are severable.

GOVERNMENT OF GUAM



GOVERNOR

Madeleine Z. Bordallo

LIEUTENANT GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES (DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)

Post Office Box 2816 Hagåtña, Guam 96932 123 Chalan Kareta, Route 10 Mangilao, Guam 96923



Dennis G. Rodriguez DIRECTOR

Joe R. San Agustin DEPUTY DIRECTOR

Testimony of the
Department of Public Health & Social Services
On Bill 358

Wednesday, July 30, 2002

Good morning Mr. Chairman and members of the Committee on Public Works, Health and Human Services. For the record, my name is Dennis G. Rodriguez, Director of the Department of Public Health and Social Services. I am here today to testify on Bill 358.

We are in support of Bill 358 as it provides supplemental funding for the Medically Indigent Program also known as MIP. The program is projecting that \$13.2 million of Fiscal Year 2002 MIP claims will be carried over to Fiscal Year 2003. The supplemental funding of \$3 Million will help reduce this amount to \$10.2 million.

The MIP program since March 2002, as a result of the mandates of P.L. 26-35 and budget constraints, has consistently paid MIP claims worth approximately \$1.1 Million per month to providers. With the supplemental funding of \$3 Million, claims paid to providers for the months of July through September will increase to around \$2.07 Million per month.

Although the supplemental funding is inadequate to cover all of MIP FY2002 outstanding obligations, it will help reimburse providers for some of the medical services already rendered to MIP recipients.

Thank you for allowing us to testify on behalf of this bill and for taking into consideration the fiscal needs of the MIP program.

DENNIS G. RODRIGUEZ



TEL. NO.: (671) 735-7399, 735-7171, 735-7119, 735-7173 FAX: (671) 734-5910

BUREAU OF HEALTH CARE FINANCING MEDICALLY INDIGENT PROGRAM STATUS OF CLAIMS AS OF JULY 2002

Paid Adjudicated Claims as of 07/01/02	13,080,830
Unpaid MCS adjudicated claims	4,137,094
Calculated unprocessed claims as of 07/02	7,229,785
*Projected claims to be received August - September	5,000,000

Total: 29,447,709

^{*} Monthly MIP claims average \$2.5 million per month.

Breakdown on MIP Outstanding/Unprocessed Claims As of July 01, 2002

Institution	aí
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GMH	5,089,057.85
St. Dominic	136,135.00
AOK	156,100.24
191	884,172.86
Subtotal:	6,265,465.95
off-island	146,950.00
On-island	<u>3,915,847.65</u>
Subtotal:	4,062,797.65

10,328,263.60 **Grand Total:**

less: 30% Discount/Savings due to

utilization review (3,098,479.08)

7,229,784.52 Allowed Amount:

Medically Indigent Program
FY2002 Expenditures/Shortfall Projection
As of July 01, 2002 Expenditures

Budget		
6 months P.L. 26-35		7,000,000
Supplemental P.L. 26-60		1,600,000
MIP Remaining 6 Months P.L. 26-35		7,680,000
Legislature Total Budget Appropriation FY02:		16,280,000
Expenditures		
Paid Adjudicated Claims as of 07/01/02		13,080,830
Remaining budget available (claims&patient travel) July - Sept.		3,199,170
Remaining outstanding claims FY02		13,167,709
Total projected expenditures & unprocessed unpaid claims	· 	29,447,709
Budget (Shortfall)/Lapses		(13,167,709)



GOVERNMENT OF GUAM (GUBETNOMENTON GUAHAN) DEPARTMENT OF ADMINISTRATION (DIPATTAMENTON ATMENESTRASION) DIRECTOR'S OFFICE

Post Office Box 884 * Hagatña, Guam 96932
Tel: (671) 475-1101/1250 * Fax: (671) 477-6788



Clifford A. Guzman Director

July 30, 2002

The Honorable Kaleo S. Moylan Senator, 26th Guam Legislature Chairman, Committee on Ways and Means Sinajana Mall Phase II, Suite 16B, 777 Route 4 Sinajana, Guam 96926

RE: WRITTEN TESTIMONY ON BILL NO. 358 (LS) AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS(\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM

Dear Senator Moylan:

Hafa Adai!

Territorial Highway Fund (THF)

Revenues collected in this Fund are from liquid fuel taxes and motor vehicle registration and driver's licenses fee collections and interest earnings from cash and investments. These revenues have been pledged in accordance with the bond indentures of the Limited Obligation Highway Bonds, 1992 Series A. The net monthly revenues (Revenues collected less Debt Service) determined to be surplus by the Trustee are transferred in from the Highway Bond's Debt Service Fund.

Expenditures incurred in this fund, relates to payments required under the debt service requirements, various highway operation and maintenance, certain capital projects, road repairs and improvement, operating transfers to the Village Street Fund, and operational cost related to the Guam Mass Transit Authority. Every year the legislature appropriates from this fund. We have also noticed that appropriations exceed the actual revenue collections, thereby causing a deficiency in the fund balance account.

Village Street Fund (VSF)

Revenues collected in the Fund are from the surplus account of the Highway Fund's Debt Service account. In December 16, 1996, Public Law 23-128 was signed into law by the Governor of Guam. The Law authorizes fifty percent (50%) of all monies in the Surplus Fund of the Limited Obligation Highway Bonds, Series 1992 A Debt Service Fund to the THF and the VSF Remainder Accounts.

Collections from interest arnings on cash and investment act ants are also a source of revenue. Expenditures incurred are for payments to vendors for village street's road planning, designing, construction, repairs and maintenance on street projects. Additional appropriations for expenditures from the Medically Indigent Program (MIP) of \$2Million were approved for fiscal years 2000 and 2001.

Operating Highlights

Attached are the operating highlights of both the Territorial Highway Fund (THF) and the Village Street Fund (VSF). Our schedule is based upon the audited financial statements for the fiscal years ending September 30, 1997 through September 30, 2000 and our working draft amount for the fiscal year ended September 30, 2001. We have also provided the Budget and Accounting Information System (BACIS) Appropriation, Expenditures, Encumbrances and Funds Available report for FY 2002 in each fund.

Currently, the Division of Accounts has processed medical claims in the amount of \$1,215,936.79 as part of our accounts payable as of July 30, 2002. These expenditures/claims were incurred strictly under the Medical Indigent Program. It is highly probable that the Department of Public Health and Social Services (DPHSS) has more claims that have yet been submitted to the Department of Administration for processing.

During the month, the Trustee has declared cash surplus from the Highway Bond's Debt Service Account, and has transferred \$3.2Million to each respective remainder accounts. However, per Public Law 26-117, actual drawdowns occurred to each fund's remainder accounts as a local match for the FEMA grants. Drawdowns of \$2Million from VSF and \$600,000 from THF have been requested from the Trustee. Actual expenditures during this fiscal year 2002 have been attached to illustrate the current spending pattern. As our financials for Fiscal Years 2001 and Fiscal Year 2002 are still in progress, we believe both funds will continue with a deficient fund balance amount.

It is the Department's recommendation for the legislature to establish and set forth the exact control limits to meet the expected cash inflow. These procedures will help minimize the deficiencies in their respective beginning and ending fund balances. Secondly, since the cash flow is a major concern, then a reprogramming of existing projects should be reevaluated so that the remaining balance can be used to fund MIP if this is determined as the primary spending to be achieved.

In a final note, the Highway Fund has an outstanding claims liability in the amount of \$11Million (as of September 30, 2000 & 2001) as drawbacks against liquid fuel taxes. The determination of litigation and the final outcome is undeterminable at this time.

Should you have any questions pertaining to this matter, please contact our office at 475-1101.

Si Yu'os Ma'ase!

Sincerely,

LIFFORD A GUZMAN

Director

Enclosures

Government of Guam

Special Revenue Funds - VILLAGE STREETS FUND (VSF)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Fiscal Years Ended September 30, 1997 through September 30, 2000 and Fiscal Year Ended September 30, 2001 (DRAFT - Unaudited)

		1997 ¹		1998 ¹		1999 ¹		2000 ²	Un	DRAFT naudited 2001
Revenues:	_	_	•		•		•		s	_
Liquid Fuel Taxes	\$	-	\$	-	\$	-	\$	=	Þ	•
License & Registration		-		407.400		- 05 075		123,058		103,902
Use of Money & Property		12,019		107,190		95,875		123,050		103,502
Federal contributions		•		-		•		•		
Other										
Total Revenues	\$	12,019	_\$_	107,190	_\$	95,875	_\$	123,058	\$	103,902
penditures:										
General government		-		-		-		-		
Protection of life and property		•		-		-		-		
Public health		•		-		-		-		
Community services		-		-		•		-		
Recreation		-		-		-		-		
Individual and collective rights		-		-		-		559,355		1,115,036
Transporation		-		-		•		-		
Public education		-		-		-		-		
Environmental protection		-		-		-		=		
Economic development		-		-		-		-		
Transfers to person										
Total Expenditures								559,355		1,115,036
Excess (deficiency) of revenues over										
(under) expenditures		12,019		107,190		95,875		(436,297)	(1	1,011,134)
ner financing sources (uses):										
Transfers in ³		•	•	1,650,201		517,133		-		
Transfers out ⁴		-		-		-	(2,000,000)	(2	2,000,000)
Other sources		-		-		-		-		
Other uses ⁵				(11,160)		(11,650)		(11,095)		(15,018)
Total other financing sources (uses), net		-		,639,041		505,483	(2,011,095)	(2	2,015,018)
Excess (deficiency) of revenues and other financing sources over (under) expenditures										
and other financing uses		12,019	1	,746,231		601,358	(2,447,392)	(3	3,026,152)
Fund balances at beginning of year		_		12,019	1	,758,250		2,359,608		(87,784)
Fund balances at end of year		12,019		,758,250		,359,608	\$	(87,784)	\$ 13	3,113,936)

¹Audited as a separate engagement from the General Purpose Financial Statements (GPFS).

²included in Audited GPFS - Combining Special Revenue Fund

³Other Financing Sources are Transfers in from the THF Debt Service Surplus Remainder Account.

^{*}Cash Transfer for MIP Appropriations per Public Law _____.

⁵Expenditures incurred are due to bank service fees.

Government of Guam Department of Administration

Territorial Highway Fund (THF) Operating Highlights Based Upon Audited Financial Statements
For Fiscal Years Ended Sept. 30, 1997 thru Sept. 30, 2000 and Fiscal Year Ended Sept. 30, 2001 (DRAFT - Unaudited)

	1997 ¹	1998 ¹	1999 ¹	2000²	DRAFT Unaudited 2001
Revenues					* 40.0 to 400
Liquid Fuel Taxes	\$ 8,663,148	\$ 12,715,799	\$ 9,217,704	\$ 10,348,802	\$ 10,347,436
License & Registration	5,060,192	4,863,337	4,525,479	4,470,397	4,402,917
Use of Money & Property	12,018	107,187	95,874	123,059	172,228
Sub-total Operating Revenues	13,735,358	17,686,323_	13,839,057	14,942,258	14,922,581
Other Financing Sources ³	8,905,693_	13,291,950	9,008,809	11,467,674	8,770,148
Total Revenues	\$ 22,641,051	\$ 30,978,273	\$ 22,847,866	\$ 26,409,932	\$ 23,692,729
Expenditures	9 256 651	0.190.415	5,250,268	8,003,737	4,696,709
DPW Operations & Maintenance	8,256,651	9,189,415	* *		
General Government ⁵	16,500 8,273,151	<u>25,500</u> 9,214,915	8,500 5,258,768	17,000 8,020,737	<u>17,000</u> 4,713,709
Sub-total Operating Expenditures Transfers Out	0,2/3,131	9,214,915	5,236,766	6,020,737	4,713,709
Debt Service Fund ³	13,723,341	19,399,972	14,373,247	14,818,419	14,606,446
Guam Mass Transit Authority	2,300,000	3,005,000	2,800,000	3,312,244	3,312,244
Village Street Fund	2,300,000	3,003,000	517,133	0,012, 211	0,012,277
Other Uses ⁴	_	11,158	11,650	28,096	20,899
Sub-total Other Financing Uses	16,023,341	22,416,130	17,702,030	18,158,759	17,939,589
out total out to a mail out g					
Total Expenditures	24,296,492	31,631,045	22,960,798	26,179,496	22,653,298
Expenditures Over Revenues	(1,655,441)	(652,772)	(112,932)	230,436	1,039,431
Fund balances at beginning of year	544,842	(1,110,599)	(1,763,371)	(1,876,303)	(1,645,867)
Fund balances at end of year	\$ (1,110,599)	\$ (1,763,371)	\$ (1,876,303)	\$ (1,645,867)	\$ (606,436)

¹Audited as a separate engagement from the General Purpose Financial Statements (GPFS).

²Included in Audited GPFS - Combining Special Revenue Fund

³Other Financing Sources are Transfers In from the Debt Service Fund after the debt service payments have been satisfied.

⁴Expenditures incurred are due to bank service fees.

⁵Expenditures incurred are due to audit fees.

Fiscal Year 2002 Appropriation Summary for Fund 208 - Highway Fund and Fund 247 - Village Streets Fund As of July 30, 2002

Account Fund	Total Approp	Current Allotment	Expenditures	Encumbrances	Funds Available
5208 Fund 208 - Highway Fund	9,613,055.57	9,005,315.35	6,014,891.29	1,640,928.84	1,349,495.22
5247 Fund 247 - Village Streets Fund	5,814,908.33	3,762,280,33	2,990,954,90	362,190.67	409,134.76

ACCBORRR 7/30/02	propriation Account	្ន	WRKAPPN 15:53:25
	5208		
Appropriation account number	. : 5208	ž.	
Original Appropriation Budget Adjustments Total Appropriation	.: 1,268	,933.70 ,121.87 ,055.57	
	Current	Period	Year To Date
Allotments	9,005 .: 9,004	,315.35 ,891.29	9,005,315.35 6,014,891.29 1,640,928.84
Funds Available	-	,495.22 ,740.22	
F3=Exit F5=Refresh F16=Lapse Sum F21=Prt list Function key (F19) not valid.		F12=Cancel	F14=File Total
ACCBORRR Ay	ppropriation Accoun	ıts	WRKAPPN 15:53:25
Position to Account			15:53:25
Appropriation account number	. : 5247		
Original Appropriation Budget Adjustments Total Appropriation	. : 102	2,103.81 2,804.52 4,908.33	
	Current	t Period	Year To Date
Allotments		2,280.33	3,762,280.33
Expenditures		0,954.90	2,990,954.90 362,190.67
Funds Available	. 400	0 124 76	
Unallotted Balance		9,134.76 2,628.00	

F23=More opts

F16=Lapse Sum F21=Prt list

TESTIMONY OF: Mayor Franklin M. Taitague, Inarajan Bill 358(LS) July 31, 2002

Buenas yan Hafa Adai! My name is Franklin Meno Taitague, Mayor of Inarajan and I wish to testify in favor of Bill 358(LS), Sections 2 (a-d) through Section 6.

Honorable Senators, the Legislative Findings and Intent noted in Section 2 (a) is so true of our purpose as elected leaders for our community. It is sad that our constituents know how effective each Mayor can be in responding to front line problems, emergency assistance, and other public services so critical to them and to the entire community. Lack of resources(emergency funding) in providing our constituents the basic front line government services they need after a major disaster is very heartbreaking, sad, and frustrating.

Senators, immediately after Condition IV was declared, residents were already outside clearing and cleaning their residence. More surprising, is that they were dumping and discarding their debris of all kinds, at any government property or area they know the Mayor will eventually take care of. Do we blame them? For safety and health reasons their actions were perhaps justified.

After learning about the approved debris stating area for Inarajan, Senators, I immediately contracted the services of a small dozer to start clearing the staging area assisted by a Backhoe to start pushing, clearing, and smoothing the area for vehicle movement and debris separation. I took it upon myself that this action on my part was highly important and justifiable at that time. Mind you, over 10 pickups with debris were already lining up, waiting. There were no DPW equipment available to performed such work simply because their equipment were elsewhere at other pressing projects, so they say. For safety, health, and protection of our constituents, I incurred approximately \$7,000.00 worth of debris work and other important equipment assignments. It was over 5 days when DPW finally showed up at Inarajan with one 1 Pay Loader, 1 Backhoe, 3 Dump Trucks to perform Inarajan's needed debris cleanup. Learning also that they(DPW) may be assigned to other districts, I maintained my rental equipment to expedite the cleanup and to maintain the needed space at the debris staging area.

Honorable Senators, many more restoration efforts are still needed at our districts. The \$15,000.00+ appropriation will truly help and ease some, if not all, our restoration work. Bill 328(LS) will greatly assist our island citizens.

In behalf of the Mayor's Council of Guam and the people of Inarajan, Thank-you, Si Yu'os Ma'ase and may God bless.



MAYORS' COUNCIL OF GUAM

Konsehelon Mahot Guähan

P.O. Box 786 Hagatña, Guam 96932

Senator Eddie Baza Calvo
Chairman, Committee on Public Works,
Health and Human Services
Twenty-Sixth Guam Legislature
120 Father Duenas Avenue, Ste. 109 Capital Plaza
Hagatna, Guam 96932

JUL 3 1 2002

Good Morning Mr. Chairman and Members of the Committee:

My name is Robert S. Lizama, Mayor of Yigo and President of the Mayors' Council of Guam. I am here to testify on behalf of the Mayors' Council, on Legislative Bill No. 358 – appropriating \$500,000 to the village Mayors, from the Village Streets Funds (VSF). Our position is to support this Bill, and urge this Legislature to urgently pass it.

In justification, let me first state that the fifty percent of the Surplus Fund of the Limited Obligation Highway Bonds to be paid by the depository to the VSF, under control of the Mayors' Council of Guam, pursuant to the 2001 Budget Act, has been in a state of limbo. \$380,000 was released finally at the middle of the 2nd quarter distributing to each Mayor the initial \$20,000. Subsequent releases have not materialized. \$20,000 is a meager amount to what Mayors require to meet their obligations. Intensifying this situation is the recent typhoons that hit Guam. Much work in all villages still remains, as a direct result. Without funding, the abilities of Mayors to respond are extremely limited. As public servants, there is a need to collaborate and cooperate in the full restoration of our peoples' way of life. We stand ready to do all that we can – but we turn to you to give us the support that we require to provide service to our citizens that they justly deserve. We need to work together!

The Bill calls for the \$500,000 appropriation to be deposited within the Municipal Fund. We completely agree with that. The Municipal Fund provides greater flexibility in the application of the monies, so that more can be appropriately accomplished, rather than just secondary and tertiary roads. Present conditions in the villages demand exceptional approaches and a wider reach to provide necessary services.

With respect to the remaining unappropriated balance of this appropriation, the Mayors' Council has prepared the prorated amount per village, which is based on the village population contained in the Guam 2000 Decennial Census, as attached.

Thank you for affording us this opportunity, Mr. Chairman, and members.

MAYOR ROBERT S. LIZAMA

President

Attachment RSL/MDC-S:mdc-s

\$500,000 APPROPRIATION TO MCOG – MUNICIPAL FUND LEGISLATIVE BILL NO. 358 (LS) TWENTY-SIXTH GUAM LEGISLATURE

DODUU ATIO			APPROPRIATION	APPROPRIATION	APPROPRIATION
POPULATION	DISTRICT	PERCENTAGE	BALANCE	EQUALLY PRORATED	TOTAL PER DISTRICT
887	I Impata				
	Umatac	0.57%	\$ 1,225	\$ 15,000	\$ 16,225
1100	Hagatna	0.71%	1,526	15,000	16,526
1666	Piti	1.08%	2,322	15,000	17,322
2090	Asan-Maina	1.35%	2,902	15,000	17,902
2163	Меліzo	1.40%	3,010 ⁻	15,000	18,010
2853	Sinajana	1.84%	3,956	15,000	18,956
3052	Inarajan	1.97%	4,235	15,000	19,235
3215	Talofofo	2.08%	4,472	15,000	19,472
3940	Agana Heights	2.55%	5,482	15,000	20,482
5656	Agat	3.65%	7,847	15,000	22,847
5845	Mongmong-Toto-Maite	3.78%	8,127	15,000	23,127
5923	Chalan Pago-Ordot	3.83%	8,234	15,000	23,234
6484	Yona	4.19%	9,008	15,000	24,008
7500	Santa Rita	4.84%	10,406	15,000	25,406
8652	Barrigada	5.59%	12,018	15,000	27,018
13,313	Mangilao	8.60%	18,490	15,000	33,490
18,012	Tamuning-Tumon	11.64%	25,026	15,000	40,026
19,474	Yigo	12.58%	27,047	15,000	42,047
42,980	Dededo	27.76%	59,667	15,000	74,667
54,805		100.00%	\$215,000	\$285,000	\$500,000



MINA ' PENTE SAIS NA LIHES' ATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirat, Rifotma yan Rinueba, yan Asunton Fidirat, Taotao Hiyong yan Hinirat

Senadot Mark Forbes, Gebilu Kabisiyon Mayurat

25 JUL 2002

MEMORANDUM

TO:

Chairman

Committee on Ways and Means

FROM:

Chairman

Committee on Rules, General Governmental Operations, Reorganization and

Reform, and Federal, Foreign and General Affairs

SUBJECT:

Principal Referral - Bill No. 358 LS

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

GHAM LEGISLATURE

OFFICE OF SENATOR KALEO S. MCYLEY

GUKNPWLEDGEMENT RECEIPT

OFFICE TASKS TERMS: 4:30 pm

Max cover by: 770

MERST 10 1 24, 202

MINA'BENTE SAIS NA LIHESLATURAN COAHAN 2002 (Second) Regular Session

Bill No. 358 (LS)

Introduced by:

E. B. Calvo
K.S. Moylan
A.R. Unpingco
Mark Forbes
L. Leon Guerrero

AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP)

BE IT ENACTED BY THE PEOPLE OF GUAM:

- "Section 1. Appropriation to the Medically Indigent Program. (a)
 - The sum of One Million Five Hundred Dollars (\$1,500,000) is appropriated
- from the Territorial Highway Fund (THF) and the sum of One Million Five
- 5 Hundred Dollars (\$1,500,000) is appropriated from the Village Street Fund
- 6 (VSF) this appropriation shall be from the funds reserved in Section 7 of Bill
- 7 No. 357 and will be used for the payment of Medically Indigent Program
- 8 claims owed for health care services, prescriptions, and pharmaceutical
- 9 supplies which remains unpaid for a period of over ninety days (90) from
- 10 the date the claim is filed

1

3

11

(b) Limitation on expenditure of funds. Any funds appropriated

- 1 herewith shall be deposited to the Medically Indigent Program Payment
- 2 Revolving Fund and shall be used exclusively to pay any outstanding claim
- payments of the Medically Indigent Program from fiscal year 2001 through
- 4 fiscal year 2002.
- 5 (c) Notwithstanding any other provision of law, I Maga'lahen Guåhan
- 6 is required to take immediate actions necessary to expedite the purpose of
- 7 this Section."

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

Bill No. 358 (LS) As Substituted by Author

Introduced by:

1

Sen E BC at 9:30 4.m Sen E BC at 9:30 4.m 1/31/02 E. B. Calvo K.S. Moylan A.R. Unpinger Mart

AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP) AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Appropriation to the Medically Indigent Program. (a) The sum 2 of One Million Five Hundred Thousand Dollars (\$1,500,000) is appropriated from 3 the Territorial Highway Fund (THF) and the sum of One Million Five Hundred 4 Dollars (\$1,500,000) One Million Dollars (\$1,000,000) is appropriated from the 5 Village Streets Fund (VSF), this appropriation shall be from the funds reserved in 6 Section 7 of Bill No. 357 and will be used for the payment of Medically Indigent 7 Program claims owed for health care services, prescriptions, and pharmaceutical 8 supplies which remains unpaid for a period of over ninety days (90) from the date 9

- 1 the claim is filed.
- 2 (b) Limitation on expenditure of funds. Any funds appropriated
- 3 herewith shall be deposited to the Medically Indigent Program Payment Revolving
- 4 Fund and shall be used exclusively to pay any outstanding claim payments of the
- 5 Medically Indigent Program from fiscal year 2001 through fiscal year 2002.
- 6 (c) Notwithstanding any other provision of law, I Maga'lahen Guahan is
- 7 required to take immediate actions necessary to expedite the purpose of this Section.
- 8 Section 2. (a) Legislative Findings and Intent. Typhoon Chata'an struck
- 9 Guam on July 5, 2002 and left the island in need of extensive recovery. Guam
- 10 cohesively must put the necessary resources together in order to put our island back
- in order. To maximize our response, and to give further confidence to the people,
- 12 the Mayors are expected by the people to provide a myriad of services, yet are not
- 13 given adequate resources to provide the services and have to depend upon the
- 14 cumbersome bureaucratic process, often resulting in an inordinate delay in providing
- 15 services and getting needed projects and repairs done. As elected officials and as
- 16 direct representatives of the people, it is incumbent that they are provided with
- 17 sufficient resources to provide the services needed in their respective villages
- 18 without having to depend on the good graces of legislators, the Administration or
- 19 different government agencies. This Section is intended to provide the Mayors more

1	autonomy in order to carry out their responsibilities to the people of Guam especially
2	in their role in Guam's recovery from Typhoon Chata'an.
3	(b) Appropriation to the Village Mayors. The sum of Five Hundred
4	Thousand Dollars (\$500,000) is appropriated from the Village Streets Fund (VSF),
5	this appropriation shall be from the funds reserved in Section 7 of Bill No. 357 and
6	shall be deposited within the Municipal Fund. The appropriation shall be divided
7	among the Village Mayors as follows:
8	(1) Each village mayor shall be allocated the sum of Fifteen Thousand
9	Dollars (\$15,000.00); and
10	(2) the remaining unappropriated balance of this appropriation shall be
11	distributed on a pro rata basis. The prorated distribution per Village shall be
12	based on the Village's population contained in the Guam 2000 Decennial
13	Census, as extrapolated from the population and housing profile of each
14	village, prepared by the United States Department of Commerce, Bureau of
15	Census; and
16	(3) the prorated distribution per village shall not include the population
17	of military personnel residing within any military installation located within
18	the municipal boundary of any village.

(c) Any expenditures from this appropriation shall be restricted for the

- purposes pursuant to §40112 and §40118 of Chapter 40, Title 5 of the Guam Code
- 2 Annotated.
- 3 (d) Notwithstanding any other provision of law, I Maga'lahen Guahan is
- 4 required to take immediate actions necessary to expedite the purpose of this Section.
- Section 4. Notwithstanding any other provision of law, I Maga'lahen
- 6 Guåhan may not use his transfer authority to utilize any monies deposited in the
- 7 Municipal Fund.
- 8 Section 5. Notwithstanding the general provisions of §22406 of Title 5 of
- 9 the Guam Code Annotated, which requires that unused and deappropriated funds
- 10 revert to the General Fund, or any other provision of Guam law to the contrary,
- 11 unused funds in the Municipal Fund allocated to each Mayor shall be carried over
- 12 into the next fiscal year.
- 13 Section 6. Severability. If any provision of this Law or its application
- 14 to any person or circumstance is found to be invalid or contrary to law, such
- 15 invalidity
- 16 shall not affect other provisions or applications of this Law which can be given
- 17 effect without the invalid provisions or application, and to this end the provisions of
- 18 this Law are severable.

Chairperson, Committee on Ways and Means Mina'Bente Sais Na Liheslaturan Guåhan

Twenty-Sixth Guam Legislature

July 25, 2002

The Honorable Carl T.C. Gutierrez Maga'lahen Guåhan R. J. Bordallo Governor's Complex Agana, Guam 96932

Re:

Committee Public Hearing: Wednesday, July 31, 2002

Dear Governor Gutierrez:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on the following measure:

Bill No. 358 (LS) AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP).

As this measure directly affect the government of Guam, the Committee encourages your participation and input at this hearing. The Committee would appreciate receiving fifteen (15) copies of your Administration's position statement and or documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely.

KALEO S. MOYLAN

Enclosures:

OFFICE COPY

JUL 26 2002

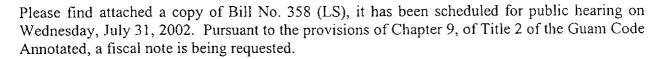
Chairperson, Committee on Ways and Means Mina'Bente Sais Na Liheslaturan Guåhan Twenty-Sixth Guam Legislature

July 25, 2002

Mr. Paul D. Leon Guerrero Director Bureau of Budget and Management Research R. J. Bordallo Governor's Complex Hagåtña, Guam 96932

Re: Request for Fiscal Note

Dear Mr. Leon Guerrero:



The Committee would appreciate receiving fifteen (15) copies of BBMR's position statement and or documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely,

KALEO S. MOYLAN

Attachments:

Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

OFFICE COPY

July 25, 2002

Mr. Clifford Guzman
Director,
Department of Administration
Agana, Guam 96910

Re: Committee Public Hearing: Wednesday, July 31, 2002

Dear Mr. Guzman:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Wednesday, July 31, 2002 commencing at 8:30 a.m. The Hearing will take place at the Conference Room of Senator Eddie B. Calvo's office, located at Capital Plaza, Suite 109, #120 Father Duenas, Avenue, Agana. As Bill No. 358 (LS) directly impacts the Territorial Highway Fund and the Village Streets Fund, the Committee would appreciate a financial update on these accounts as well as fifteen (15) copies of your position statement and or documents relating to the subject matter prior to the start of the hearing.

A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely,

KALEO S. MOYLAN

Enclosures:

Chairperson, Committee on Ways and Means Mina'Bente Sais Na Liheslaturan Guåhan Twenty-Sixth Guam Legislature

July 25, 2002

Mr. Dennis Rodriguez Director, Department of Public Health and Social Services Mangilao, Guam 96910 GOMENT DEPLASS-GA
Director's Offices

Re: Com

Committee Public Hearing: Wednesday, July 31, 2002

Dear Mr. Rodriquez:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Wednesday, July 31, 2002 commencing at 8:30 a.m. The Hearing will take place at the Conference Room of Senator Eddie B. Calvo's office, located at Capital Plaza, Suite 109, #120 Father Duenas, Avenue, Agana. As Bill No. 358 (LS) directly impacts your department, the Committee would appreciate receiving fifteen (15) copies of your position statement and or documents relating to the subject matter prior to the start of the hearing.

A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely.

KALEO S. MOYLAN

Enclosures:

Chairperson, Committee on Ways and Means Mina'Bente Sais Na Liheslaturan Guåhan Twenty-Sixth Guam Legislature

July 25, 2002

MEMORANDUM

To:

All Members, Committee on Ways and Means

From

The Chairperson,

Subject:

Committee Public Hearing, Wednesday, July 31, 2002

This is to inform you that the Committee on Ways and Means will conduct a Public Hearing on Wednesday, July 31, 2002, at 8:30 a.m. A copy of the legislation and hearing Agenda is attached for your review.

Thank you for your time and I look forward to your attendance and participation.

KALEO S. MOYLAN

Attachment:

cc:

All Senators

Clerk of Legislature

Protocol Media

Senator Kaleo S. Moylan, Chairman Committee on Ways and Means

Legislative Public Hearing

The Hearing will take place at the Conference Room of Senator Eddie B. Calvo's Office, located at Capital Plaza, Suite 109, #120 Father Duenas, Avenue, Agana

8:30 a.m., Wednesday, July 31, 2002

AGENDA

- I. Call to Order:
- II. Announcement & Introduction of Members:
- III. Legislative Measures:

Bill No. 358 (LS) AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP).

- IV. Remarks and Requests:
- V. Adjournment:

Chairperson, Committee on Ways and Means Mina'Bente Sais Na Liheslaturan Guåhan Twenty-Sixth Guam Legislature

July 29, 2002

Message:Please note that the venue for the Committee Public Hearing set for Wednesday, July 31, 2002, 8:30 a.m. has been moved to the Public Hearing Room.

Office	Contact Person	Date & Time
Kaleo S. Moylan,		
Joanne M.S. Brown	Carl Quirata	7/20/102 2:32 pm
Antonio R. Unpingco	<u>Charlese</u>	1/29/02 0:25pm
Felix P. Camacho	Diane	7/20102 2:46 pm
Mark C. Charfauros	Ed	7/29/02 0:40pm
Mark Forbes	Tanice	7/29/02 3 4/pm
Lawrence F. Kasperbauer	Mora	7/29/02 2:43 pm
Vicente C. Pangelinan	Dan	7/29/02 2:450m
Joseph F. Ada	Joe Torres	1/29/02 2:31 pm
Thomas C. Ada	Daves	129/02 2-45pm
Frank B. Aguon, Jr.	Roque	7/29/02 2:46pm
Eddie B. Calvo	Tason	7/29/02 2:46 pm
Lou Leon Guerrero	Tanya	7/29/02 2:48pm
Angel L.G. Santos	Shaun	7/29/02 2:49 pm
Judith T. Won Pat	Jennifer	7/29/02 2:50pm
Paul Leon Guerrero Bureau of Budget	Fanette	7/29/02 2:52pm
Clifford Guzman Department of Administration	Nadine Quinatanilly	7/29/02 3:10PM
Dennis Rodriguez Public Health and Social Services	Arthur San Agustin	7/29/02 4:02pm

Mina'Bente Sais Na Liheslaturan Guåhan 26th Guam Legislature Committee on Ways and Means

Witness Sign in Sheet

Bill No. 358 (LS) AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP).

Name	Representing	Testimony (written/oral)
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JANA CALVO TESS AFRANGA IDHA CASTA) DPASS	/ hal
1255 AFRANGA	7 7	
JUHN CASIND	<u></u>	
15077 NICHAS	Morae Depro	
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Mina'Bente Sais Na Liheslaturan Guåhan 26th Guam Legislature Committee on Ways and Means

Witness Sign in Sheet

Bill No. 358 (LS) AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP).

Representing	Testimony (written/oral)
MAYSAS	ONAC
MCOS	written/ oral
. 10	oral
MCOG	WEHTEN
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	Representing My 5x5 MCOS IN MCUG

Committee on Ways and Means: Public Hearing Notice

Wednesday, July 31, 2002, 8:30 a.m. The Committee on Ways and Means will conduct a public hearing at the Conference Room of Senator Eddie B. Calvo's office, located at Capital Plaza, Suite 109, #120 Father Duenas, Avenue, Agana to discuss the following legislative measure: Bill No. 358 (LS) AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) TO THE MEDICALLY INDIGENT PROGRAM (MIP). Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Kaleo S. Moylan at 472-3342.



MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

TWENTY • SIXTH GUAM LEGISLATURE 155 Hesler Street, Hagåtña, Guam 96910

> July 29, 2002 (Updated)

THIS IS A CALENDAR OF PUBLIC/OVERSIGHT HEARINGS SCHEDULED BY I MINA' BENTE SAIS NA LIHESLATURAN GUÄHAN.

ALL HEARINGS ARE HELD IN THE PUBLIC HEARING ROOM UNLESS OTHERWISE NOTED OR YOU CAN CALL THE PROTOCOL OFFICE AT 472-3499 FOR MORE INFORMATION.

COPIES OF BILLS ARE AVAILABLE TO THE GENERAL PUBLIC AND CAN BE OBTAINED AT THE ARCHIVES/RECORDS SECTION BY CALLING 472-3520/3484.

OR YOU CAN CHECK THE WEBSITE AT: www.GuamLegislature.com

(Calendar for the week of July 27, 2002 through August 2, 2002)

CHANGE OF VENUE

WEDNESDAY, JULY 31, 2002

8:30 A. M.

PUBLIC HEARING

COMMITTEE ON WAYS & MEANS

SENATOR KALEO S. MOYLAN - CHAIRMAN

* HAS BEEN MOVED FROM SENATOR EDDIE B. CALVO'S CONFERENCE ROOM TO THE PUBLIC HEARING ROOM, LIHESLATURAN GUAHAN

PUBLIC HEARING ON BILL NO. 358 (LS) - AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3.000.000) TO THE MEDICALLY INDIGENT PROGRAM (MIP).

(FOR MORE INFORMATION PLEASE CALL THE OFFICE OF SENATOR KALEO S. MOYLAN AT 472-3342)

THURSDAY, AUGUST 1, 2002

9:30 A. M.

OVERSIGHT HEARING

COMMITTEE ON NATURAL RESOURCES

SENATOR JOANNE M. SALAS BROWN - CHAIRPERSON

* TO BE HELD IN THE PUBLIC HEARING ROOM, LIHESLATURAN GUÂHAN, HAGÂTÑA

OVERSIGHT HEARING ON THE GUAM WATERWORKS AUTHORITY

- A. MONTHLY OVERTIME EXPENDITURE REPORTS SINCE OCTOBER 1, 2001 FOR END OF MAY AND END OF JUNE 2002 (P.L. 26-34)
- B. MONTHLY STATUS OF COLLECTION AND AGING ACCOUNTS SINCE OCTOBER 1, 2001.
- C. USEPA MAY 30TH QUARTERLY COMPLIANCE REPORT.
- D. STATUS OF JD EDWARDS

(FOR MORE INFORMATION PLEASE CALL THE OFFICE SENATOR JOANNE M. SALAS BROWN AT 472-3450)