



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 17 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. 242 (COR) "AN ACT TO AUTHORIZE HAZARDOUS PAY FOR SOLID WASTE TECHNICIANS AND OVERTIME PAY DUE BUS DRIVERS AT THE DEPARTMENT OF PUBLIC WORKS," which was signed into law as **Public Law No. 26-132**.

This legislation authorizes hazardous/environmental duty pay differential to Solid Waste Technicians assigned to the Ordot Landfill, transfer stations and solid waste collections, who perform work which involves exposure to hazardous conditions or physical hardship from environmental conditions.

This legislation also authorizes the payment of overtime pay for Fiscal Years 2001 and 2002 for bus drivers in the Department of Public Works and overtime for mechanics at the Division of Transportation Maintenance.

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	2:50 PM
Date	9/17/02

09129

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


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

This is to certify that Substitute Bill No. 242 (COR), "AN ACT TO AUTHORIZE HAZARDOUS PAY FOR SOLID WASTE TECHNICIANS AND OVERTIME PAY DUE BUS DRIVERS AT THE DEPARTMENT OF PUBLIC WORKS," was on the 4th day of September, 2002, duly and regularly passed.



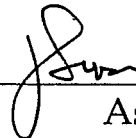
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guāhan* this 10 day of September, 2002,
at 5:35 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guāhan

Date: 9-17-02

Public Law No. 26-132

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

Bill No. 242 (COR)

As substituted and amended
on the Floor.

Introduced by:

E. B. Calvo
Mark Forbes
A. L. G. Santos
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
F. P. Camacho
M. C. Charfauros
L. F. Kasperbauer
L. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
A. R. Unpingco
J. T. Won Pat

**AN ACT TO AUTHORIZE HAZARDOUS PAY FOR
SOLID WASTE TECHNICIANS AND OVERTIME PAY
DUE BUS DRIVERS AT THE DEPARTMENT OF
PUBLIC WORKS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that Public Law Number 19-19 mandated the creation of the Guam
4 Occupational Safety and Health Act ("GOSHA") to assure every employee of
5 the government of Guam a safe workplace environment and healthy working

1 conditions, free from recognized hazards that cause, or are likely to cause,
2 death or serious physical harm.

3 Public Law Number 21-59 authorized the Civil Service Commission to
4 establish and implement uniform hazardous/environmental differential pay
5 policies applicable to all departments, agencies, public corporations and other
6 public instrumentalities. Department of Public Works, Division of Solid
7 Waste Management, proposed hazardous/environmental differential policy
8 and pay procedures and submitted them to the Division of Occupational
9 Safety and Health ("OSHA"), Department of Labor for review. Findings and
10 recommendations from OSHA recommended pay differential for solid waste
11 technicians assigned to the Ordot Landfill, transfer stations and solid waste
12 collection, which was approved by the Civil Service Commission on October
13 1, 1994.

14 *I Liheslaturan Guåhan* finds that the purpose of the policy and
15 commitment of the Guam Occupational Safety and Health Act ensures every
16 department or agency of the government of Guam complies with all GOSH
17 standards, rules and regulations, including all applicable GOSH standards
18 promulgated by the national consensus standards. The government of Guam
19 Hazardous/Environmental Pay Policy and Procedures for hazardous duty
20 and certification from the office of GOSH are valid for a period of five (5)
21 years from the date of approval. GOSH requires an annual letter or
22 memorandum from the Director of the Department of Public Works on the
23 status of hazardous duty or environmental exposure. Requests for an
24 extension are subject to GOSH review, certification and approval.

1 *I Liheslaturan Guåhan* further finds the department head may grant pay
2 differentials in accordance with the Government of Guam
3 Hazardous/Environmental Pay Policy and Procedures when explicit
4 conditions delineated in the policy are met. The policy includes
5 Hazardous/Environmental Pay Request Procedures; Guam Occupational
6 Safety and Health Certification; Funds Certification; a table categorizing
7 hazardous/environmental duties with differential rates and pay request form.

8 **Section 2. Definitions.** In this Act, *unless* the context otherwise
9 requires:

10 (a) "*Duty Involving Physical Hardship (Environmental)*" means
11 duty that may *not* in itself be hazardous, but causes extreme physical
12 discomfort or distress and is *not* adequately alleviated by protective or
13 mechanical devices, such as duty involving exposure to extreme
14 temperatures for a long period of time, arduous physical exertion, or
15 exposure to fumes or dust or noise that causes nausea, skin, eye, or nose
16 irritation, or noise irritation that would cause undue duress.

17 (b) "*Hazardous Duty*" means a duty performed under
18 circumstances in which an accident could result in serious injury or
19 death. Any injuries incurred while working under unsafe conditions
20 should be considered as well and *not* just based on severity or death.

21 (c) "*High Wind Velocity*" means winds in excess of eighteen (18)
22 knots or twenty-one (21) miles per hour (MPH).

23 (d) "*Hazardous Pay Differential*" means additional pay for the
24 performance of hazardous duty or duty involving physical hardship.

1 (e) "GOSH Administrator" means Chief Office of the Division of
2 Occupational Safety and Health ("GOSH"), Department of Labor.

3 (f) "Department or Agency Head" means a cognizant authority of
4 a department, agency, autonomous or semi-autonomous agency, public
5 corporation or other public instrumentalities responsible for the safety
6 program.

7 (g) "Immediate Supervisor" means an employee responsible for
8 assigning, delegating and supervising the work assignments of an
9 employee.

10 (h) "Employee" means an employee of the government of Guam.

11 **Section 3. Appropriation to the Solid Waste Management Fund.**

12 Pursuant to Public Law Number 26-35 and notwithstanding any other
13 provision of law, the Director of the Department of Public Works shall
14 authorize hazardous/environmental duty pay differential to Solid Waste
15 Technicians assigned to the Ordot Landfill, transfer stations and solid waste
16 collections, who perform work which involves exposure to hazardous
17 conditions or physical hardship (environmental conditions) from the
18 tipping/user fees deposited into the Solid Waste Management Fund. GOSH
19 requires an annual letter or memorandum from the Director of the
20 Department of Public Works on the status of hazardous duty or
21 environmental exposure. Requests for an extension are subject to GOSH
22 review, certification and approval.

23 **Section 4. Authorization for the Department of Public Works to Use**
24 **Funds Appropriated in Fiscal Year 2002.**

1 (a) The Director of the Department of Public Works is hereby
2 authorized to use projected lapses from its Fiscal Year 2002
3 appropriations for the purpose of paying overtime earned in Fiscal
4 Years 2001 and 2002 by drivers assigned to Bus Operations.

5 (b) Notwithstanding the general provisions of § 10(b) of Public
6 Law Number 25-176, the Director of the Department of Public Works is
7 hereby authorized to utilize the unencumbered appropriation of § 10(b)
8 of Public Law Number 25-176 *not to exceed* Twenty Thousand Dollars
9 (\$20,000.00) for the compensation of unpaid overtime accrued during
10 Typhoon Paka by mechanics at the Division of Transportation
11 Maintenance.

12 **Section 5. Restriction Upon *I Maga'laha*n *Guåhan's* Transfer**
13 **Authority.** Notwithstanding any other provision of law, *I Maga'laha*n
14 *Guåhan* shall *not* use his transfer authority to utilize any monies appropriated
15 herein, and said funds shall *not* be transferred or used for any other purpose.

16 **Section 6. Reversion of Funds.** Notwithstanding the general
17 provisions of § 22406 of Title 5 of the Guam Code Annotated, which require
18 that unused and de-appropriated funds revert to the General Fund, or any
19 other provision of law to the contrary, all unused funds appropriated herein
20 shall, in all circumstances, and whether in whole or in part, be carried over
21 into the next fiscal year and shall be expended *exclusively* for hazardous pay to
22 solid waste technicians assigned to the Ordot Landfill, transfer stations and
23 solid waste collections administered by the Department of Public Works.

1 **Section 7. Reporting Requirement.** The Department of Public
2 Works shall submit a detailed report of the expenditures of the funds
3 appropriated by this Act to the Speaker of *I Liheslaturan Guåhan*, to the
4 Chairpersons of the Committee on Ways and Means and the Committee on
5 Public Works, Health and Human Services of *I Liheslaturan Guåhan*, within
6 sixty (60) days following the close of Fiscal Year 2002. *If* any unused portion
7 of the funds appropriated herein is carried over into Fiscal Year 2003, the
8 provisions contained in this Section so do apply.

9 **Section 8. Effective Date.** The provisions of this Act shall become
10 effective *immediately* upon enactment.

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

COPY

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

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

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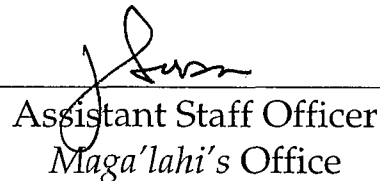
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 10 day of September, 2002,
at 5:25 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

VOTING SHEET

5 Bill No. 242 (COR)

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.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN

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

*Senadot Mark Forbes, Gebilu
Kabisiyon Mayuråt*

14 AUG 2002

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. 242 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 242: "An Act To Authorize Hazardous Pay for Solid Waste Technicians and Overtime Pay Due Bus Drivers at the Department of Public Works."**

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
TO REPORT OUT	<u>0</u>

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



MINA 'ENTE SAIS NA LIHESLATURAN GUAHAN

Kumitehan Areklam ento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

14 AUG 2002

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report- BILL NO. 242: "An Act To Authorize Hazardous Pay for Solid Waste Technicians and Overtime Pay Due Bus Drivers at the Department of Public Works."

Transmitted herewith for your information and action is the report on Bill No. 242, from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 242
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

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.


MARK FORBES

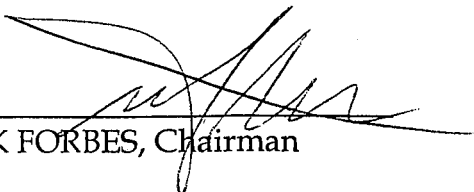
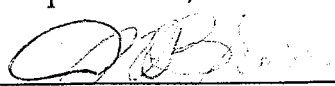
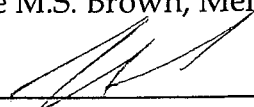

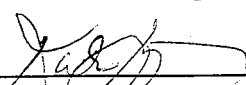


Attachments

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. 242: "An Act To Authorize Hazardous Pay for Solid Waste Technicians and Overtime Pay Due Bus Drivers at the Department of Public Works."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>TO REPORT OUT</u>
 MARK FORBES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph F. Ada, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joanne M.S. Brown, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Eddie B. Calvo, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Felix P. Camacho, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lawrence F. Kasperbauer, Ph. D., Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Kaleo S. Moylan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Antonio R. Unpingco, <i>Ex-Officio Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas C. Ada, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lou A. Leon Guerrero, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vicente C. Pangelinan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 242

**“An Act To Authorize Hazardous Pay for
Solid Waste Technicians and Overtime Pay
Due Bus Drivers at the Department of Public Works”**

I. OVERVIEW

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing at 10 a.m. on January 25, 2002 in the Public Hearing Room, I Liheslaturan Guahan. Public notice was given in the Thursday, January 24, 2002 and Friday, January 25, 2002 editions of the Pacific Daily News.

Senators present at the public hearing were:

Senator Mark Forbes, Chairman
Senator Larry Kasperbauer, Member
Senator Eddie Calvo, Member
Senator Lou Leon Guerrero, Member
Senator Ben Pangelinan, Member

II. SUMMARY OF TESTIMONY

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

Eleanor F. Borja, acting supervisor, solid waste division, Department of Public Works
James F. Camacho Jr., solid waste technician, Department of Public Works
Patrick T. Santos, solid waste technician, Department of Public Works
Jesse Garcia, director, Department of Public Works

Eleanor F. Borja, acting supervisor, solid waste division, Department of Public Works, testified before the Committee on Bill No. 242. Mrs. Borja recommended that the position titles in the bill be stricken, because it's not fair to give these employees the hazardous waste pay only - it should read "any employee that are exposed to any hazardous waste, disease, etc."

James F. Camacho Jr., solid waste technician, Department of Public Works, testified before the Committee on Bill No. 242. Mr. Camacho said the new budget took away their hazardous pay, which really hurt them everywhere. It would really help to get it back, he said.

Patrick T. Santos, solid waste technician, Department of Public Works, testified before the Committee on Bill No. 242. Mr. Santos said he is in favor of the bill, but said the percentage should be lifted - 8% is unjustifiable for him to risk his life. He said you don't know what's in the garbage containers - hypodermic needles, anthrax, chemicals, etc. He said there is no enforcement of hazardous waste regulations, so the public disposes of hazardous waste in regular trash containers.

Jesse Garcia, director, Department of Public Works, testified before the Committee on Bill No. 242. Mr. Garcia said that night differential and hazardous pay are already covered in public law, if he would be allowed to use his lapses. He said he does have lapses, but not much. He said maybe the Legislature could amend the bill to include overtime and holiday pay. They owe \$90,000 for the bus drivers' overtime - they've paid 75%, and no lapses are left.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 242 would justly compensate solid waste technicians for the great risks they face in their daily duties, and justly compensate bus drivers for the overtime they have already earned.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 242 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 242, "An Act To Authorize Hazardous Pay for Solid Waste Technicians and Overtime Pay Due Bus Drivers at the Department of Public Works."**



MINA ' BENTE SAIS NA LIHESLATURAN GUAMAN

Kul. Jehan Areklamento, Hinanao Gubetnamento Hinirát, Rifotma yan Rinueba,
yan Asuntoñ Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

08 JAN 2002

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

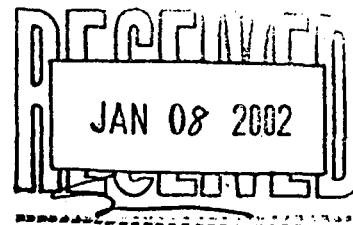
SUBJECT: Principal Referral - Bill No. 242 (COR)

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




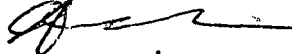
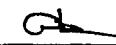
Introduced

DEC 17, 2001

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

Bill No. 242 (WR)

Introduced by:

E. B. Calvo 
M. Forbes 
A. L. G. Santos 

**AN ACT TO AUTHORIZE HAZARDOUS PAY FOR
SOLID WASTE TECHNICIANS AND OVERTIME PAY
DUE BUS DRIVERS AT THE DEPARTMENT OF
PUBLIC WORKS**

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

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10 public instrumentalities. Department of Public Works, Division of Solid Waste
11 Management Proposed hazardous/environmental differential policy and pay
12 procedures submitted to Division of Occupational Safety and Health (OSHA),
13 Department of Labor for review. Findings and recommendations from OSHA

1 recommended pay differential for solid waste technicians assigned to the
2 Ordot Landfill, transfer stations and solid waste collection which was
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8 conditions or physical hardship (environmental conditions) from the
9 tipping/user fees deposited into the Solid Waste Management Fund. GOSH
10 requires an annual letter or memorandum from the Director of Public Works
11 on the status of hazardous duty or environmental exposure; requests for an
12 extension are subject to GOSH review, certification and approval.

13 **Section 4. Authorization for the Department of Public Works to Use**
14 **Funds Appropriated in Fiscal Year 2002.** The director of the Department of
15 Public Works is hereby authorized to use projected lapses from its Fiscal Year
16 2002 appropriations for the purpose of paying overtime earned in Fiscal Year
17 2001 by drivers assigned to Bus Operations.

18 **Section 5. Restriction upon I Maga'lahaen Guåhan's Transfer**

19 **Authority.** Notwithstanding any other provision of law, *I Maga'lahaen Guåhan*
20 shall *not* use his transfer authority to utilize any monies appropriated herein
21 and said funds shall *not* be transferred or used for any other purpose.

22 **Section 6. Reversion of Funds.** Notwithstanding the general
23 provisions of §22406 of Title 5 of the Guam Code Annotated, which require
24 that unused and de-appropriated funds revert to the General Fund, or any
25 other provision of law to the contrary, all unused funds appropriated herein

1 shall, in all circumstances, and whether in whole or in part, shall be carried
2 over into the next fiscal year and shall be expended *exclusively* for hazardous
3 pay to solid waste technicians assigned to the Ordot Landfill, transfer stations
4 and solid waste collections administered by the Department of Public Works.

5 **Section 7. Reporting Requirement.** The Department of Public Works
6 shall submit a detailed report of the expenditures of the funds appropriated
7 by this Act to the Speaker of *I Liheslaturan Guåhan*, to the Chairpersons of the
8 Committee on Ways and Means and the Committee on Public Works, Health
9 and Human Services of *I Liheslaturan Guåhan*, within sixty (60) days following
10 the close of Fiscal Year 2002. If any unused portion of the funds appropriated
11 herein is carried over into Fiscal Year 2003, the provisions contained in this
12 Section so do apply.

13 **Section 8. Effective Date.** The provisions of this Act shall become
14 effective immediately upon enactment.

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



MINA' MENTE SAIS NA LIHESLATURAN GUAHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gebilu
Kabisiyon Mayurát*

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 242 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 242.

MARK FORBES

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

ACR Adult Female
W/ papers \$500
Call: 734-38-10

ACR SILKY TERRIER Pups Toy
Dog Small House Pw/shot
Beautiful \$5000
Call 649-1604 LV. MSB.

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Some shot \$600
Call 789-0725

FOR SALE CALL 687-8750

ONLINE CLASSIFIEDS
Call 673-1399

TOP SOX & BACKRILL
FOR SALE CALL 687-8750

Notice of Public Hearing

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

10 A.M. Friday, January 25, 2002

The following Bills will be on the Agenda:

- Bill 143: Relative to displaying the United States and Guam flags.
- Bill 202: An act relative to voter registration clerks.
- Bill 236: An act relative to paternity leave.
- Bill 237: Act relative to employment of individuals with severe disabilities.
- Bill 242: An act to authorize hazardous pay for solid waste technicians and overtime pay due bus drivers at the Department of Public Works.
- Bill 244: An act relative to the qualifications of the board members of the Procurement Appeals Board.

Confirmations of:
• Clifford Guzman to serve as Director of the Department of Administration.
• Jose S.N. Changuafal to serve as a member of the Chamorro Land Trust Commission.
• John Q. Finona to serve as a member of the Chamorro Land Trust Commission.

Hearing will take place in the Session Hall, 11th Floor, Hagagana, Hagagana, Guam.

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Forbes at 472-3512.

THE BURNS REALTY
Sole Bro. Carl Tom Bligh, Licensing No. 647-0889/9
447-0889/9
VOIC MAIL: 220-2755

Chalan Pago
Commercial land next to Public Health along Route 4
\$75,000 (1472 sqm)
1 acre lot (375 sqm) only \$27,500

Agat House
Sole, 2.5 b. newly renovated house close to school
\$140,000

Yigo Takano Subdivision
1/4 land w/ power and water, sewer paved road
\$29,500 (27 lots available)

Mangilao
Commercial land about 126 sqm next to Public Health
\$75,000 (along Route 10)

NOTICE TO THE PUBLIC

Madeline Z. Bortolotto
Lieutenant Governor

Cañ T.C. Guiterrez
Governor

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
Amundia Guina, Van Ramezani Suard Guzman
117 Ben T. Onda Avenue, San Juan, Guam 96926
Phone: (671) 477-9851 to 4 • Fax: (671) 472-3701 • TTY: # (671) 472-3701

CHURA

This ad is paid with HUD Funds by CHURA

CHURA under the Assumbo Subdivision Affordable Housing Program is building 40 homes within its Assumbo Subdivision Project to be sold to families or individuals who qualify for the program. To be eligible for the program, you must be a United States citizen or permanent resident alien who has resided on Guam for a period of not less than five (5) years immediately preceding the application. You must be without fee simple title or leasehold to developed or undeveloped real property in or out of Guam. If you have a current leasehold or reservation to lease a residential lot, you must cancel the lease or interest on the residential lot prior to closing the purchase of the property. In addition, your income must not exceed 80% of the median income as determined by U.S. Housing and Urban Development (HUD) and you must be able to secure a mortgage loan from a bona fide lending institution.

CHURA will make necessary arrangements for persons with disabilities upon prior notification. Should you require such arrangements, please contact Mr. Michael Duernas at the Research, Planning & Evaluation Section at 477-9851/2/3/4.

You may receive more information regarding the Assumbo Subdivision Affordable Housing Program, you can contact Mr. Jesus or Mr. Ronald Lujan at 477-9851/2/3/4.

Executive Director
/s/ Tature M. Tature

We're looking for the right... Administrative Assistant

High school diploma or the equivalent. Two years of secretarial experience. Type at least 60 wpm and working knowledge of Microsoft Word and Microsoft Excel. Experience with other computer applications as a plus. Ability to read and comprehend instructions and information. Excellent oral and written communication skill, and organizational and time management skills. Must be able to use good judgment and exercise discretion and confidentiality in work performance. Professional personal appearance and able to work well with the public and others. Must be attentive, organized, detail oriented and able to work under pressure. Ability to work with minimal supervision. Must have reliable transportation to work.

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We offer an excellent salary and benefit package:

- sick leave, paid vacation, birthday and holiday pay
- employee discounts, medical-dental, life and supplemental insurance
- cafeteria plan, bereavement leave, 401K profit-sharing

If you think you qualify, please apply at the Human Resources Office (Upper Tunon (next to East West Hotel) 1012 North Marine Drive, Rt. 1 between the hours of 8:30 a.m. to 4:30 p.m. Monday through Friday

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Model: R 225S
Capacity: 49 Pax
Good running condition with A/C
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Call tel. No. 646-1028
Attention: Pete Benavente

GENERAL ORDER
No. 00:00014
Filed Sept. 29, 2000
Territory of Guam
District Court of Guam

The Archdiocese of Agaña, reserves the right to reject any or noncomplying or conditional bids or counter proposals, to negotiate itemized proposals as to be submitted in the ITEMIZED COST FORM, "ATTACHMENT A", and to provide Over Furnished Contractor installed (O.F.C.I.) items and substitutes.

A Pre-bid Conference for this project will be held on January 30, 2002, 10:00 a.m. at the office of the Archdiocese of Agaña, 1968 Guesto San Ramon, Agaña, Guam. All prospective bidders are requested to be present.

For additional information contact Mr. Albert H. Tzutsu, at 472-8566, or 477-8539.

/s/ Archbishop Anthony Sablan Apurun
Archdiocese of Agaña, Guam

NOTICE OF SALE UNDER MORTGAGE

NOTE IS HEREBY GIVEN, that the Mortgage described in G.C.A. 934113, that the Mortgage was executed and delivered by HERMAN G. GUAMATIOLA and MAURICIA G. GUAMATIOLA whose mailing address is Post Office Box 1640, Hagagana, Guam, 96932, to NORTHWEST FINANCIAL GUAM, INC. who is the Mortgagee, was recorded with the Department of Land Management, Government of Guam, on November 29, 1999, at 6:35:15 p.m. and is subject to a POWER OF SALE. The property above Mortgage is described below and is hereby described, to WITNESS WHEREOF, HEREBY BEING the highest bidder of public auction, at the Hagagana Mayor's Office, Hagagana, Guam, at 3:00 p.m. on January 31, 2002, to satisfy the amount due on such mortgage on the day of sale. Terms of sale are acceptable by Seller.

The premises that are described in such Mortgage and that will be sold in public auction are as follows:

PARCEL 1: Lot No. 1441-81-1441-1, Agaña, Guam, as said lot is marked and designated on Map Drawing No. CCR909A (UM#205789), dated March 29, 1989 and recorded on March 31, 1989 in the Department of Land Management, Government of Guam. The following is shown for information purposes only: Said map shows the area to be sold.

PARCEL 2: Lot No. 1441-81-1441-1, Agaña, Guam, as said lot is marked and designated on Map Drawing No. CCR909A (UM#205789), dated March 29, 1989 and recorded on March 31, 1989 in the Department of Land Management, Government of Guam. The following is shown for information purposes only: Said map shows the area to be sold.

5002 square meters; Certificate of The No. pending.

PARCEL 3: Lot No. 1441-81-1441-1, Agaña, Guam, as said lot is marked and designated on Map Drawing No. CCR909A (UM#205789), dated March 29, 1989 and recorded on March 31, 1989 in the Department of Land Management, Government of Guam. The following is shown for information purposes only: Said map shows the area to be sold.

5002 square meters; Certificate of The No. pending.

Together with the buildings, improvements, tenements, rights, easements, privileges and appurtenances to the same belonging or appertaining or held or enjoyed heretofore, including the mortgages, remainder, rents, issues, reversions, remainder, rents, issues, reversions, remainder, of all personal property, fixtures, chattels, and furnishings and inventory thereon, and all of the right, title and interest in the above described premises, as well as the right, title and interest in and equity, hereon and thereon, the undersigned is the owner of such mortgage and the mortgagor hereby, the and the not secured hereby. The Mortgages have been duly performed of the terms and conditions of the note and mortgage, and the principal sum due is seventy thousand three hundred seven and 17/100 Dollars (\$70,317.17) as of September 8, 2001, plus interest at the rate of 18% per annum from July 15, 2000 to the date of payment or sale, reasonable date of payment or sale.

The undersigned reserves the right to withdraw this Notice, to reject any bid or to accept the highest bid, and to postpone the sale from time to time.

This Notice of Sale Under Mortgage is made for the purpose of conducting a deed and any information obtained by the undersigned will be used for that purpose.

Dated this 6th day of December 2001.

HERMAN GONZALEZ ARAUN & SHILOU
Attorneys for Mortgagee

/s/ DANIEL J. BERMAN
GUAM U.S.A.
CITY OF HAGAGANA

On this 6th day of December 2001, before me, the undersigned notary, personally appeared, DANIEL J. BERMAN, the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose, as attorney for WEST FINANCIAL GUAM, INC.

By: /s/ ANITA MARIE G. CRUZ
Notary Public in and for Guam U.S.A.
My Commission Expires: May 15, 2002
P.O. Box 8144, Agaña, Guam 96928

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Dated this 6th day of December 2001.

HERMAN GONZALEZ ARAUN & SHILOU
Attorneys for Mortgagee

/s/ DANIEL J. BERMAN
GUAM U.S.A.
CITY OF HAGAGANA

On this 6th day of December 2001, before me, the undersigned notary, personally appeared, DANIEL J. BERMAN, the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose, as attorney for WEST FINANCIAL GUAM, INC.

By: /s/ ANITA MARIE G. CRUZ
Notary Public in and for Guam U.S.A.
My Commission Expires: May 15, 2002
P.O. Box 8144, Agaña, Guam 96928



THE PEOPLE'S BANK
BANK OF GUAM

Member FDIC
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* Interest is paid only on accrued monthly balances of \$100.00 or higher.

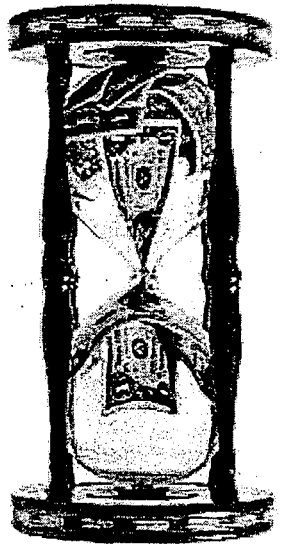
- No Minimum Deposit
 - No Service Charge
 - No Minimum Balance*
 - Pacific Express® ATM Card is yours for convenient 24-hour, 7 days-a-week access to your money in Guam, Saipan, Tinian, Rota, Belau, Chuuk, Pohnpei and San Francisco, as well as to over 340,000 Citrus ATM locations worldwide.
- Don't let your money slip away... Grow it on earned interest in a Bank of Guam Savings Account.

We've got the time to make it grow!

And one thing's for sure... Your money is safe in a Bank of Guam Savings Account. You also know that it's getting a rate of interest it deserves, and the growing season for your Bank of Guam Savings Account is year round!

PLUS...

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Marina Hotel
OCCUPANCY - DAILY \$30
WEEKLY \$150. MONTHLY \$500
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ANCESTRAL LANDS COMMISSION: 6
p.m. Jan. 25, 111 S. Tyan. For special accommodations, call 473-5262.
COMMITTEE ON RULES, GENERAL GOVERNMENTAL OPERATIONS, REGIONAL ORGANIZATION AND FEDERAL AFFAIRS:
Public hearing 10 a.m. Jan. 25, 111 S. Tyan. For special accommodations, call 473-5262.
HEALTH AND HUMAN SERVICES: CON-
fession of GWH oversight hearing 9 a.m. Jan. 28, 111 S. Tyan. For special accommodations, call 473-5262.
PUBLIC LIBRARY SYSTEM: 5:30 p.m. Jan. 28, 4040/4518.
JUNIOR COUNCIL: 12:30 p.m. Jan. 28, 4753/5.
For special accommodations, call 473-5262.
JUDGE LATORRE: 11:30 a.m. Jan. 28, 4753/5.
Public hearing on the proposed revision of the Code of the Land Trust Commission. Call 473-3407/8.
COMMITTEE ON PUBLIC WORKS:
PUBLIC HEARING ON PUBLIC WORKS: CON-
firmation hearing of Clifford Guzman to serve as director of Department of Administration; and John O. Finao and Jose S.N. Chongulid to serve as members of the Chrono Land Trust Commission. Call 473-3407/8.
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p.m. Jan. 25, 111 S. Tyan. For special accommodations, call 473-5262.
COMMITTEE ON RULES, GENERAL GOVERNMENTAL OPERATIONS, REGIONAL ORGANIZATION AND FEDERAL AFFAIRS:
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Pacific Daily News, Friday, January 25, 2002 guampdn.com

GOVERNMENT MEETINGS

Editor's note: Government meetings will be held on a space-available basis. Deadlines for publication are as follows: Monday and Tuesday for next day publication; Wednesday, Thursday and Friday for publication Saturday, Sunday and Monday for next day publication. In the event of a local holiday, deadline will be noon the previous working day.

GDA BOARD OF DIRECTORS: 10 a.m. Jan. 25, Suite 511, fifth floor, ITC Building, for special accommodations, call 473-5262.
HEALTH AND HUMAN SERVICES: CON- fession of GWH oversight hearing 9 a.m. Jan. 25, 111 S. Tyan. For special accommodations, call 473-5262.
TRUSTEES: 5 p.m. Jan. 24, KGT studio, Mangilao. For special accommodations, call 734-2207.
ANCESTRAL LANDS COMMISSION: 6 p.m. Jan. 25, Building 111, 111 S. Tyan. For special accommodations, call 473-5262.
PAROLE BOARD: 8:30 a.m. Jan. 25, Po- role Services Division's conference room, DepEd, Tyan. Ruben Cruz, first PED of der revocation; Edward B. Perez, Alexan- der B. Kiano, Maximino S. Mendido, Ki- tomichi Willander, first parole desisti- ty hearing; James Castro, second PED; Johnny S.A. Cruz, first PED after revoca- tion; Joseph Reyes, Andreo Mongkoma, Carl Cates, Jude Flores, Joseph Jr. Rober- to, George Paulino, Robby Aquino, Jesse Longa, Carl Okada, Jonathan Alberto, Joseph M. Vilano, Richard Guerrero, pre- liminary revocation hearing; Elizabeth Leon Guerrero, request for visitation; Glenn Leon Guerrero, Gilbert Guerrero, request for early discharge; Martin Fiter, request for transfer of residence; Erin Torres, request for off-island transfer; Ethen T. Botadon, Sunny from Palomo, Joshua Alcaraz, Craig Roberto, Owen O. Megalones, Juan C. Camacho, first PED (waived); David J. Bono, first PED after revocation (waived); Bruce Chofours, second PED after re- vocation (waived).

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LASER ALIGNMENT

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MINOR TUNE-UP \$45.95 (MOST CARS)
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OR SHOES, MOST CARS, ANY OTHERS WILL BE EXTRA

WEEKEND SPECIAL
NO DISPOSAL FEE & FREE 15 PT. CHECK
Oil & Filter Change \$18.95 (up to 5 qt. 10W40)
\$49.95 Fully Synthetic

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175/70R13 \$39.95	195/70R14 \$46.00	185/65R14 \$57.00	175/65R14 \$52.00
175/70R13 \$44.95	195/70R14 \$46.00	185/65R14 \$57.00	175/65R14 \$52.00
175/70R13 \$49.00	195/70R14 \$46.00	185/65R14 \$57.00	175/65R14 \$52.00
175/70R13 \$59.00	195/70R14 \$46.00	185/65R14 \$57.00	175/65R14 \$52.00
175/70R13 \$69.00	195/70R14 \$46.00	185/65R14 \$57.00	175/65R14 \$52.00

15" Wheel & Tire Combo \$599.00
Starting from
Pirelli P700Z 195/50R15


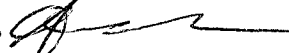

SCORPION 4X4 TIRE 235/75R15 6PLY \$199.00

AIRPORT MARINE DRIVE

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

Bill No. 242 (COL)

Introduced by:

E. B. Calvo 
M. Forbes 
A. L. G. Santos 

AN ACT TO AUTHORIZE HAZARDOUS PAY FOR
SOLID WASTE TECHNICIANS AND OVERTIME PAY
DUE BUS DRIVERS AT THE DEPARTMENT OF
PUBLIC WORKS

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* find
3 that Public Law 19-19 mandated the creation of the Guam Occupational
4 Safety and Health Act (GOSHA) to assure every employee of the Government
5 of Guam a safe workplace environment and healthy working condition free
6 from recognized hazards that cause or are likely to cause death or serious
7 physical harm. Public Law 21-59 authorized the Civil Service Commission to
8 establish and implement uniform hazardous/environmental differential pay
9 policies applicable to all departments, agencies, public corporations and other
10 public instrumentalities. Department of Public Works, Division of Solid Waste
11 Management Proposed hazardous/environmental differential policy and pay
12 procedures submitted to Division of Occupational Safety and Health (OSHA),
13 Department of Labor for review. Findings and recommendations from OSHA

1 recommended pay differential for solid waste technicians assigned to the
2 Ordot Landfill, transfer stations and solid waste collection which was
3 approved by the Civil Service Commission on October 1, 1994.

4 *I Liheslaturan Guåhan* find the purpose of the policy and commitment of
5 the Guam Occupational Safety and Health Act ensures every department or
6 agency of the government of Guam complies with all GOSH standards, rules
7 and regulations, including all applicable GOSH standards promulgated by the
8 national consensus standards. The Government of Guam
9 Hazardous/Environmental Pay Policy and Procedures hazardous duty and
10 certification from the office of GOSH are valid for a period of five (5) years
11 from the date of approval. GOSH requires an annual letter or memorandum
12 from the Director of Public Works on the status of hazardous duty or
13 environmental exposure; requests for an extension are subject to GOSH
14 review, certification and approval.

15 *I Liheslaturan Guåhan* further find the department head may grant pay
16 differentials in accordance with the Government of Guam
17 Hazardous/Environmental Pay Policy and Procedures when explicit
18 conditions delineated in the policy are met. The policy includes
19 Hazardous/Environmental Pay Request procedures; Guam Occupational
20 Safety and Health Certification; Funds Certification; a table categorizing
21 hazardous/environmental duties with differential rates and pay request form.

22 **Section 2. Definitions.** In this Article, unless the context otherwise
23 requires:

- 1 (a) 'Duty Involving Physical Hardship (Environmental)' means
2 duty that may not in itself be hazardous but causes extreme physical
3 discomfort or distress and is not adequately alleviated by protective or
4 mechanical devices, such as duty involving exposure to extreme
5 temperatures for a long period of time, arduous physical exertion, or
6 exposure to fumes or dust or noise that causes nausea, skin, eye, or nose
7 irritation, or noise irritation that would cause undue duress.
- 8 (b) 'Hazardous Duty' means a duty performed under
9 circumstances in which an accident could result in serious injury or
10 death. Any injuries incurred while working under unsafe conditions
11 should be considered as well and not just based on severity or death.
- 12 (c) 'High Wind Velocity' means winds in excess of eighteen (18)
13 knots or twenty-one (21) miles per hour (MPH).
- 14 (d) 'Hazardous Pay Differential' means additional pay for the
15 performance of hazardous duty or duty involving physical hardship.
- 16 (e) 'GOSH Administrator' means Chief Office of the Division of
17 Occupational Safety and Health (GOSH), Department of Labor.
- 18 (f) 'Department or Agency Head' means a cognizant authority
19 of a department, agency, autonomous or semi-autonomous agency,
20 public corporation or other public instrumentalities responsible for the
21 safety program.
- 22 (g) 'Immediate Supervisor' means an employee responsible for
23 assigning, delegating and supervising the work assignments of an
24 employee.

1 (h) 'Employee' means an employee of the government of Guam.

2 **Section 3. Appropriation to the Solid Waste Management Fund.**

3 Pursuant to Public Law Number 26-35 and notwithstanding any other
4 provision of law, the Director of the Department of Public Works shall
5 authorize hazardous/environmental duty pay differential to Solid Waste
6 Technicians assigned to the Ordot Landfill, transfer stations, and solid waste
7 collections, who perform work which involves exposure to hazardous
8 conditions or physical hardship (environmental conditions) from the
9 tipping/user fees deposited into the Solid Waste Management Fund. GOSH
10 requires an annual letter or memorandum from the Director of Public Works
11 on the status of hazardous duty or environmental exposure; requests for an
12 extension are subject to GOSH review, certification and approval.

13 **Section 4. Authorization for the Department of Public Works to Use**
14 **Funds Appropriated in Fiscal Year 2002.** The director of the Department of
15 Public Works is hereby authorized to use projected lapses from its Fiscal Year
16 2002 appropriations for the purpose of paying overtime earned in Fiscal Year
17 2001 by drivers assigned to Bus Operations.

18 **Section 5. Restriction upon I Maga'lahaen Guåhan's Transfer**
19 **Authority.** Notwithstanding any other provision of law, *I Maga'lahaen Guåhan*
20 shall *not* use his transfer authority to utilize any monies appropriated herein
21 and said funds shall *not* be transferred or used for any other purpose.

22 **Section 6. Reversion of Funds.** Notwithstanding the general
23 provisions of §22406 of Title 5 of the Guam Code Annotated, which require
24 that unused and de-appropriated funds revert to the General Fund, or any
25 other provision of law to the contrary, all unused funds appropriated herein

1 shall, in all circumstances, and whether in whole or in part, shall be carried
2 over into the next fiscal year and shall be expended *exclusively* for hazardous
3 pay to solid waste technicians assigned to the Ordot Landfill, transfer stations
4 and solid waste collections administered by the Department of Public Works.

5 **Section 7. Reporting Requirement.** The Department of Public Works
6 shall submit a detailed report of the expenditures of the funds appropriated
7 by this Act to the Speaker of *I Liheslaturan Guåhan*, to the Chairpersons of the
8 Committee on Ways and Means and the Committee on Public Works, Health
9 and Human Services of *I Liheslaturan Guåhan*, within sixty (60) days following
10 the close of Fiscal Year 2002. If any unused portion of the funds appropriated
11 herein is carried over into Fiscal Year 2003, the provisions contained in this
12 Section so do apply.

13 **Section 8. Effective Date.** The provisions of this Act shall become
14 effective immediately upon enactment.

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