



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. 371 (LS) "AN ACT TO AMEND § 6504.1 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING DUAL EMPLOYMENT FOR SCHOOL HEALTH COUNSELORS AND OTHER POSITIONS," which was signed into law by the Governor as **Public Law No. 26-143**.

This legislation attempts to solve some of the problems the government of Guam is experiencing with a shortage of employees in certain fields. The legislation allows those who are employed in other areas of the government and who are qualified to be part-time health counselors to also be employed as part-time health counselors if that employment does not conflict with their other employment. The legislation also extends the dual employment privilege to those government employees who are employed in one field and yet possess qualifications to work in the fields where the government is experiencing a shortage to afford them an opportunity to work in those other fields also, as long as the dual employment does not conflict with their primary employment.

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	
ACKNOWLEDGEMENT	
Received by	<i>[Signature]</i>
Time	2:50 P.M.
Date	9/17/02

0938

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. 371 (LS), "AN ACT TO AMEND § 6504.1 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING DUAL EMPLOYMENT FOR SCHOOL HEALTH COUNSELORS AND OTHER POSITIONS," was on the 4th day of September, 2002, duly and regularly passed.



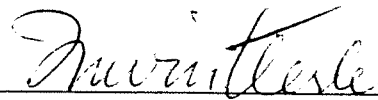
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 16th day of September, 2002,
at 3:55 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 9-17-02

Public Law No. 26-143

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

Bill No. 371 (LS)

As substituted by the Committee
on Education and amended
on the Floor.

Introduced by:

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

AN ACT TO AMEND § 6504.1 OF TITLE 4 OF THE
GUAM CODE ANNOTATED, RELATIVE TO
ALLOWING DUAL EMPLOYMENT FOR SCHOOL
HEALTH COUNSELORS AND OTHER
POSITIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 6504.1 of Article 5, Chapter 6 of Title 4 of the Guam
3 Code Annotated is hereby *amended* to read as follows:

4 "Section 6504.1. Dual Employment Prohibited. No
5 employee of the government of Guam may be employed on a full-time,

1 part-time or contractual basis by more than one (1) department, agency
2 or branch of the government of Guam at any time, *except* for:

3 (1) persons serving as part-time teachers, part-time school
4 health counselors and University of Guam instructors for the
5 Guam Community College, and instructors for the University of
6 Guam who may be employed during the summer and at any other
7 time *not* in conflict with their primary employment *if* they are
8 employed elsewhere in the government of Guam as their primary
9 employer;

10 (2) persons employed by the Youth Congress;

11 (3) persons employed on a part-time basis by boards or
12 commissions;

13 (4) persons employed as nurses, physicians, and as
14 ancillary/ allied health professionals in the government of Guam;

15 (5) attorneys engaging in the active practice of law, or
16 part-time judges or part-time court referees;

17 (6) persons employed on a part-time or contractual basis
18 who are individual and family counselors or chemical
19 dependency specialists; *or*

20 (7) any employee of the government of Guam whose
21 primary employment is *not* in any of the agencies or professions
22 listed in items (1), (2), (3), (4), (5) and (6) herein, but has training
23 and experience to qualify to be employed in the professions listed
24 in items (1), (2), (3), (4), (5) and (6) herein, may be employed in
25 secondary jobs in such professions within the government of

1 Guam; *provided*, that such secondary job is *not* in conflict with that
2 person's primary job and there are no other qualified applicants
3 not within the employ of the government of Guam."

4 **Section 2. Severability.** If any provision of this Law or its
5 application to any person or circumstance is found to be invalid or contrary to
6 law, such invalidity shall not affect other provisions or applications of this
7 Law which can be given effect without the invalid provisions or application,
8 and to this end the provisions of this Law are severable.

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

VOTING SHEET

5 Bill No. 371 (LS)

Resolution No. _____

Question: without engrossment

70-143

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.	✓				<i>4 passes</i>
CHARFAUROS, Mark C. <i>11</i>	✓				
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

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Final
9/3/02
Resubmitted
9/4/02

[Signature]

[Signature]
9/4/02
no engagement

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

Bill No. 371 (LS)
As substituted by the Committee on Education

Introduced by:

L.F. Kasperbauer
E.B. Calvo
J.F. Ada

1 AN ACT TO AMEND ~~§~~6504.1 OF CHAPTER 6, TITLE 4,
2 GUAM CODE ANNOTATED RELATIVE TO ALLOWING
3 DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF
4 GUAM OF SCHOOL HEALTH COUNSELORS AND TO
5 EXPAND THE CONDITIONS BY WHICH DUAL
6 EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION
7 AGENCIES.

8 BE IT ENACTED BY THE PEOPLE OF GUAM:

9 Section 1. Section 6504.1 of Chapter 6, Title 4, Guam Code Annotated to is
10 hereby *amended* to read:

11 § 6504.1. **Dual Employment Prohibited.** No employee of the government
12 of Guam may be employed on a full-time, part-time or contractual basis by more
13 than one (1) department, agency or branch of the government of Guam at any
14 time, except for: (1) persons serving as part-time teachers, part-time school health
15 counselors and University of Guam instructors for the Guam Community College
16 and instructors for the University of Guam who may be employed during the
17 summer and at any other time not in conflict with their primary employment if
18 they are employed elsewhere in the Government of Guam as their primary
19 employer; (2) persons employed by the Youth Congress; (3) persons employed on
20 a part-time basis by boards or commissions; (4) persons employed as nurses,
21 physicians, and as ancillary/ allied health professionals in the ~~Guam Memorial~~

1 ~~Hospital's Ancillary Services Department~~ in the Government of Guam, (5)
2 attorneys engaging in the active practice of law, or part-time judges or part-time
3 court referees, or (6) persons employed on a part-time or contractual basis who are
4 individual and family counselors or chemical dependency specialists. (7) Any
5 employee of the Government of Guam whose primary employment is not in any of
6 the agencies or professions listed in items (1), (2), (3), (4), (5) and (6) herein, but
7 has training and experience to qualify to be employed in the professions listed in
8 items (1), (2), (3), (4), (5) and (6) herein, may be employed in secondary jobs in
9 such professions within the Government of Guam provided that such secondary
10 job is not in conflict with his or her primary job. ✓

Passed FA No. 1
Date: 9/4 Time: _____

I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 371

Senator Proposing Amendment: vcp

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add the following to the last sentence:

“and there are no other qualified applicants not within the employ of the government of Guam”

(Below only for Clerk of Legislature's use and processing)

Date: September 3, 2002

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED


AUTHOR OF AMENDMENT

Concur *(initial)*


Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

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

NOV 20, 2002

Bill No. 371 (LS)

Introduced by:

L.F. Kasperbauer
E.B. Calvo
J.F. Ada

1 AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4,
2 GUAM CODE ANNOTATED RELATIVE TO ALLOWING
3 DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF
4 GUAM OF SCHOOL HEALTH COUNSELORS AND TO
5 EXPAND THE CONDITIONS BY WHICH DUAL
6 EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION
7 AGENCIES.

8 BE IT ENACTED BY THE PEOPLE OF GUAM:

9 Section 1. Section 6504.1 of Chapter 6, Title 4, Guam Code Annotated to is
10 herby *amended* to read:

11 § 6504.1. Dual Employment Prohibited. No employee of the government
12 of Guam may be employed on a full-time, part-time or contractual basis by more
13 than one (1) department, agency or branch of the government of Guam at any
14 time, except for: (1) persons serving as part-time teachers, part-time school health
15 counselors and University of Guam instructors for the Guam Community College
16 and instructors for the University of Guam who may be employed during the
17 summer and at any other time not in conflict with their primary employment if
18 they are employed elsewhere in the Government of Guam as their primary
19 employer; (2) persons employed by the Youth Congress; (3) persons employed on
20 a part-time basis by boards or commissions; (4) persons employed as nurses,
21 physicians, and as ancillary health professionals in the Guam Memorial Hospital's
22 Ancillary Services Department, (5) attorneys engaging in the active practice of

1 law, or part-time judges or part-time court referees, or (6) persons employed on a
2 part-time or contractual basis who are individual and family counselors or
3 chemical dependency specialists.

COMMITTEE ON EDUCATION
Mina' Bente Sais na Liheslaturan Guåhan

BILL NO. 371 (LS) AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BE WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES.

Friday, August 30, 2002
I Liheslatura Public Hearing Room

WITNESS SIGN-IN SHEET

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
			Oral	Written	For	Against
Address: LOUIS Luis Reyes	DOE	475-0495	/			

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
			Oral	Written	For	Against
Address: Fred Nishihira	DOE	475-0457	/		/	

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
			Oral	Written	For	Against
Address: Kenneth P. Clorgulf	DOE		/			

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
			Oral	Written	For	Against
Address:						

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
			Oral	Written	For	Against
Address:						



DEPARTMENT OF EDUCATION

P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



August 30, 2002

ROSIE R. TAINATONGO
Superintendent of Education

The Honorable Senator Larry F. Kasperbauer
Chairman, Committee on Education
26th Guam Legislature
155 Hessler Street
Hagatna, Guam 96932

Dear Mr. Chairman and Members of the Committee on Education:

Buenas! The Department of Education fully supports with modification the enactment of Bill No. 371 (LS), "AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BY WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES".

The Department of Education recommends a minor modification of line 14 and 15 of Bill No. 371 (LS). We recommend the language as follows: except for: (1) persons serving as part-time teachers, part-time school health counselors, part-time health care professionals and University of Guam instructors for the Guam Community College.....

The Department of Education has been hiring regular full-time teachers, school health counselors and health care professionals as part-time employees for after school programs and summer programs for several decades, however there is no statute that clearly authorizes dual employment of such full-time employees in the department. The hiring of full-time teachers, school health counselors, and health care professionals under part-time employment status has been based on decades of practice including some documents that implied authorization for hiring of permanent employees in part-time positions. The enactment of Bill No. 371 (LS) will clearly clarify the hiring status since most recently, the Civil Service Commission is questioning the propriety of dual employment of teachers, school health counselors and health care professionals through the post audits of personnel actions.

The Department of Education currently employs 285 full-time teachers, school health counselors, and health care professionals under part-time employment. Of the 285, 233 are part-time employees under the Deed Program, 24 under the Guam LAGU 21st Century Community Learning Center Program and 28 under the Special Education After-School Program. Furthermore, in the summer that just ended, the Department hired 505 part-time

COMMONWEALTH NOW!



teachers, school health counselors and health care professionals. These programs are 100% federally funded. In previous years, the Department of Education hired essentially the same number of teachers, school health counselors, and health care professionals under part-time employment and we anticipate such hiring to continue in the future. These programs supplement regular instruction of students by helping them improve learning and development of their skills and talents.

While the Department of Education relies strongly on decades of practice and established precedence in the hiring of regular full-time teachers, school health counselors and health care professionals under part-time employment such as for the after school programs and summer programs, the department feels more secured in its hiring practice by relying on public law that clearly authorizes such employment.

I want to express my support of Bill No. 371 (LS) and I also want to thank the chairman and members of the Committee on Education for giving us the opportunity to submit testimony on this bill.

Senseramente,



ROSIE R. TAINATONGO
Superintendent of Education

Trini T. Torres
Tel.: (671) 477-0638

GMF P.O. Box 24295
Barrigada, GU 96921

email: trinit@netpci.com
Fax: (671) 477-0638

August 30, 2002

The Honorable Larry F. Kasperbauer,
Vice Speaker and Senator
I Mina' Bente Sais na Liheslaturan Guahan
Twenty-Sixth Guam Legislature
Suite 200
130 Asspinal Street
Hagatna, Guam 96910

Carlos
8/30/02 11:05a
Div'd By: Trini Torres

SUBJECT: Bill No. 371 (COR)

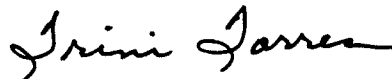
Dear Honorable Senator Kasperbauer:

During this time of critical need for teachers and school health counselors at our public schools, I would like to express my appreciation for your Bill No. 371 (COR) which helps to address this critical need in our public schools.

The above bill, however, only partially addresses the much needed solution(s) to the problem. I believe that those teachers and school health counselors who voluntarily purchased early retirement (Public Law No. 26-19 Section 2, (c)) and those who took voluntary separation with compensation, and who cannot be re-employed or reinstated for a period of *at least* three (3) years, should be given a waiver for the remaining time of their 3-year waiting period. I suggest that those who have been out be given a waiver for the remaining waiting period which is less than 6 months, so those who want to return now to the public schools can return. This will also help to alleviate, to some degree, our critical need for certified school teachers and counselors.

I support Bill No. 371 (COR).

Very truly yours,



* Trini Torres

* A certified secondary
science teacher.



COMMITTEE ON EDUCATION

*Vice Speaker Larry F. Kasperbauer
Chairman*

PUBLIC HEARING
Friday, August 30, 2002 – 9:00 A.M.
I Liheslatura Public Hearing Room

AGENDA

- **BILL NO. 371 (LS) AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BE WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES.**



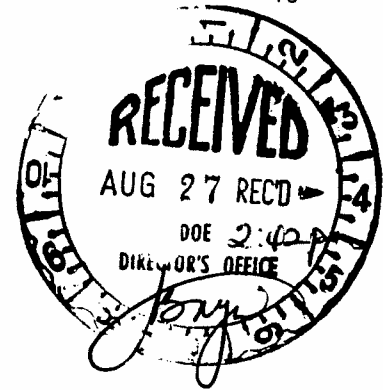
Senator Larry F. Kasperbauer, Ph.D.
Vice Speaker • Chairman, Committee on Education

155 Hesler Street
Hagåtña, Guam 96910

Telephone (671) 475-KIDS
Fax (671) 475-2000
e-mail: lk4kids@lta.net
webpg: www.lk4kids.com

August 27, 2002

Ms. Rosie Tainatongo
Superintendent
Department of Education
Hagatna, Guam



Re: Notice of Public Hearing

Dear Ms. Tainatongo:

Please be advised that the Committee on Education will conduct a Public Hearing on Friday, August 30, 2002, beginning at 9:00 a.m. at *I Liheslatura* Public Hearing Room to receive testimony on the following:

- **BILL NO. 371 (LS) AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BY WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES.**

Your presence will be helpful to the committee's deliberations and the success of this hearing. Please extend this invitation to others you feel appropriate. Should you require further information, please contact the office of Vice Speaker Kasperbauer. Thank you for your time and kind consideration.

Sincerely,


LARRY F. KASPERBAUER, Ph.D.

cc: Fred Nishihira - DOE Legal Counsel
Luis Reyes - DOE Personnel Services

Enclosure

GOVERNMENT MEETINGS

Editor's note: Government meeting submissions will be tightly edited. Meetings will run on a space-available basis. Deadline is noon Friday for publication Saturday, Sunday and Monday, and noon Monday through Thursday for next-day publication. In the event of a local holiday, deadline will be noon the previous weekday.

ON THE NET

▲ For the complete, searchable database of upcoming government meetings, visit www.guampdn.com



COMMITTEE ON EDUCATION: 9 a.m. Aug. 30, legislative public hearing room. Public hearing on Bill 371. For information or special accommodations, call 475-5437.

GUAM PAROLE BOARD: 8:30 a.m. Aug. 30, Parole Services Division conference room, Department of Corrections, Tiyan. Antonio Tedtaota, Segundo Sablan, Jeffrey Salvacion, first parole desirability hearing; Maximino Mendiola, second PDH; Benjamin Charfauros, Edward L. Jones, first PED after revocation; Christopher Manglona, Jesse J. Duenas, Vincent Salas, preliminary revocation hearing; Ana S. Toyes, William F. Matinas, Efran Batadlan, Gerald Leon Guerrero, Benjamin Millar, first PDH; Christopher Unchangco, first PDH; Owen Magallanes, second PDH; Robert I. Revells, Jesse W. Longa, Andrea Manglona, Joseph F. Reyes, Brian Martinez, first PED after revocation; Jeffrey Toisacan, third PED after revocation; Steven Santos, Michael Santos, Ruben J. Cruz, Robert Torralba, Klayton K. Kebekol, Christopher Paloma, Raymond Mesa, preliminary revocation hearing; Dhemy Jordá, Carl G. Okada, Sandy F. Pangelinan, Richard G. Guerrero, Robby B. Aquino, first PED after revocation (waived).

GUAM COUNCIL ON THE ARTS & HUMANITIES AGENCY: Monthly board meeting 4 p.m. Sept. 3, CAHA conference room, 212 Aspinal Ave., Hagåtña. For special accommodations, call 475-4226/0220.

GUAM STATE INDEPENDENT LIVING COUNCIL: Meeting noon to 2 p.m. Sept. 3, DVR Conference in Tiyan. For special accommodations, call 475-4627 or 475-4658.

CIVIL SERVICE COMMISSION: 5:30 p.m. Sept. 3, 490 Chalan Palasyo, Agaña Heights. Hearing: E.M. Supercles vs. GIAA; signing of judgment of dismissal: J.T. Finona vs. DOE, signing of decision and order: J.C. Benavente vs. DOE.

BOARD OF EXAMINERS FOR BARBERING AND COSMETOLOGY: Special session meeting 9 a.m. Sept. 3, Health Professional Licensing Office, 1302 East Sunset Blvd., Tiyan. For information, call 475-0251/2.

COMMITTEE ON EDUCATION: 9 a.m. Sept. 3, legislative public hearing room. Confirmation hearing on the appointments of Maria S. Connolly, Forrest M. Harris and Antonio B. Jesus as members of the Guam Community College Board of Trustees. For information or special accommodations, call 475-5437.

MAYORS COUNCIL OF GUAM: 10 a.m. Sept. 4 (each first Wednesday), council's conference room, RJB complex, Adelup. Call 472-6940 or 477-6886/8461.

GUAM COMMUNITY COLLEGE BOARD OF TRUSTEES: Semimonthly meeting 6 p.m. Sept. 4, president's office conference room. For information or special accommodations, call 735-5637.

GUAM BOARD OF ALLIED HEALTH EXAMINERS: Noon, Sept. 6, Health Professional Licensing Office, 1302 East Sunset Blvd., Tiyan. Agenda copies available at 1304 East Sunset Blvd. Call 475-0251/2.

NOTARY EXAM: 8:30 a.m. Sept. 9, Suite 2-200E, Judicial Center Building, 120 West O'Brien Drive, Hagåtña. Call Lou Baza, 475-3324, 8 a.m. to noon daily (except holidays).

GUAM ENVIRONMENTAL PROTECTION AGENCY: Board meeting 5 p.m. Sept. 18, Bldg. 17-3304 Mariner Ave., Tiyan. For agenda copies, call 475-1622/1658.

MAYORS COUNCIL OF GUAM: Special meeting 10 a.m. Sept. 18 (each third Wednesday), council's conference room, RJB complex, Adelup. Call 472-6940 or 477-6886/8461.

UNIFIED JUDICIAL COMMITTEE: Noon, Sept. 19, Justice Monessa Lujan appellate courtroom, Supreme Court of Guam, third floor, Guam Judicial Center, 120 West O'Brien Drive, Hagåtña. Agenda copies will be available during the meeting. For special accommodations, call Gloria Duenas Cruz, 475-3119.

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NOTICE

The Pacific Daily News will be published on the following dates:

PUBLICATION DATE

Friday, August 30, 2002
Saturday, August 31, 2002
Sunday, September 1, 2002
Monday, September 2, 2002
Tuesday, September 3, 2002
Wednesday, September 4, 2002

The Pacific Daily News

TRIPLE

MARSHAL

LOW PRICE

205/60R13 \$4
185/60R14 \$5
185/65R14 \$4
195/50R15 \$6
205/50R15 \$6
205/65 R15 \$6

It's not her degrees that make Carmen qualified to be our senator.

It's the degree of concern and determination for our children's education, along with her knowledge and experience that make her prepared to serve.

Dr. CARMEN FERNANDEZ

For Senator

EDUCATION:
George Washington High School, Mangilao
University of Guam, Mangilao, Bachelor of Business Management
University of Guam, Mangilao, Master's Business Administration
Nova Southeastern University, Florida: Doctor of Business Administration/Human Resource Management

EMPLOYMENT:
University of Guam, 1988 - 2002
Vice-President, Administration & Finance, Assistant Professor, College of Business & Public Administration, Center for Continuing Education, Student Life Officer, Student Affairs Officer.

19th, 20th, 21st Guam Legislatures, 11 Management Consultant, Office of the Executive Office of Governor Ricardo J. Bordallo, Staff Assistant for Youth Affairs & Governmental/Foreign Affairs, 1981-1984 Information & Public Affairs, 1984-1988

GOVERNMENT MEETINGS

▲ Continued from Page 7

GUAM BOARD OF MEDICAL EXAMINERS: 12:30 p.m. Aug. 28, Guam Memorial Hospital Authority cafeteria conference room, Tamuning. For special accommodations, call 475-0251/2.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS: 5 p.m. Aug. 28, GHURA conference room. For special accommodations, call Michael Duenas, 477-9851/4 or TTY/TDD 472-3701.

CHAMORRO LAND TRUST COMMISSION: 9 a.m. Aug. 29, Building 907, Central Ave., Tiyan. For special accommodations, call 475-4251.

COMMITTEE ON EDUCATION: 9 a.m. Aug. 30, legislative public hearing room. Public hearing on Bill 371. For information or special accommodations, call 475-5437.

GUAM PAROLE BOARD: 8:30 a.m. Aug. 30, Parole Services Division conference room, Department of Corrections, Tiyan. Antonio Teodoro, Segundo Sablan, Jeffrey Salvacion, first parole desirability hearing; Maximo Mendiola, second PDH; Benjamin Charfauros, Edward L. Jones, first PED after revocation; Christopher Manglona, Jesse J. Duenas, Vincent Salas, preliminary revocation hearing; Ana S. Toves, William F. Mafnas, Efran Batodan, Gerald Leon Guerrero, Benjamin Millar, first PDH; Christopher Unchangco, first PDH; Owen Magallanes, second PDH; Robert I. Revels, Jesse W. Longa, Andrea Manglona, Joseph F. Reyes, Brian Martinez, first PED after revocation; Jeffrey Taisacan, third PED after revocation; Steven Santos, Michael Santos, Ruben J. Cruz, Robert Torralba, Klayton K. Kebekal, Christopher Palomo, Raymond Mesa, preliminary revocation hearing; Dhemy Jorda, Carl G. Okada, Sandy F. Pangelinan, Richard G. Guerrero, Robby B. Aquino, first PED after revocation (waived).

MAYORS COUNCIL OF GUAM: 10 a.m. Sept. 4 (each first Wednesday), council's conference room, RJB complex, Adelup. Call 472-6940 or 477-6886/8461.

GUAM BOARD OF ALLIED HEALTH EXAMINERS: Noon Sept. 6, Health Professional Licensing Office, 1302 East Sunset Blvd., Tiyan. Agenda copies available at 1304 East Sunset Blvd. Call 475-0251/2.

NOTARY EXAM: 8:30 a.m. Sept. 9, Suite 2-200E, Judicial Center Building, 120 West O'Brien Drive, Hagåtña. Call Lou Bazza, 475-3324, 8 a.m. to noon daily (except holidays).

Divorce
Basic Uncontested \$495 + filing fee
Uncontested with settlement agreement
\$750 + filing fee
THREE DAYS PROCESSING TIME
Agana Legal Clinic
Attorney William D. Agana
472-8A72

For Real Access
TO GOVERNMENT
Jesus Castor Torres
VOTE #7
For Senator (R)
Friend of Jesus Castor Torres
Joseph E. Salas, Inc., Incubator, P.O. Box 7710, Agaña, Guam 96915



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	Reg.	SALE/del.	10'	12'	14'	16'	18'
2"x4"	\$0.73	\$0.64	4.13	4.96	5.78	6.83	7.44
Available in Bundle Quantity at Contractor's LOWEST PRICE							
2"x4"	\$0.94	\$0.84	5.34	6.40	7.46	8.96	9.60
2"x6"	\$1.09	\$0.96	---	11.52	13.44	15.36	17.28
Also Available U.S. LP-2 in 2"x6", 2"x10", 2"x12"; Mahogany 1"x2" etc.							

	INTERIOR		EXTERIOR		36"x80" S&E
	Reg.	Sale	Reg.	Sale	
1/4"	\$10.95	\$ 9.48	\$11.95	\$9.98	32"x80" S&E
3/8"	\$17.95	\$15.98	\$19.95	\$16.98	30"x80" S&E
1/2"	\$23.95	\$20.98	\$25.95	\$22.98	36"x80" S&E
5/8"	\$30.95	\$26.98	\$32.95	\$28.98	32"x80" S&E
3/4"	\$36.95	\$31.98	\$38.95	\$33.98	30"x80" S&E
Lauan BB Reg. \$29.95 Sale \$24.89; U.S. Reg. \$22.95 Sale \$28.89					28"x80" S&E
Lauan Phenolic Black ONE side Reg. \$31.98 SALE \$26.89					24"x80" S&E
Lauan Phenolic Black TWO side Reg. \$33.98 SALE \$28.89					Products Availability Subject to Change

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CUSTOMER APPRECIATION

FRIDAY, AUGUST 27, 2002 • CLIFF

Early Bird Game - 6:30 p.m. - Regular

**LETTER "X" BONANZA (14 NOS. OR LESS).....
CONSOLATION.....**

**FLUSH W/SUPER JACKPOT BLACKOUT (51 nos. o
MIDDLE CARD.....**

TOP CARD.....

BOTTOM CARD.....

CONSOLATION.....

DOUBLE ACTION BLACKOUT (35 nos or less).....

CONSOLATION.....

EARLY BIRD GAMES (3).....

REGULAR GAMES (11).....

PACKAGES: ONE PACKAGE.....

TWO PACKAGES.....

THREE PACKAGES.....

FOUR PACKAGES.....

MILLENNIUM MACHINES (10+2).....



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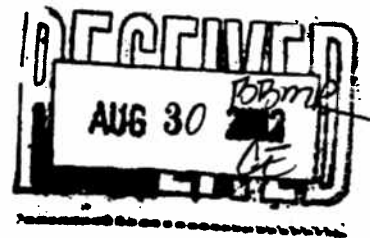


August 30, 2002

Mr. Paul Leon Guerrero
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagatna, Guam 96932

Dear Mr. Leon Guerrero:

Buenas yan hafa adai!



Pursuant to Chapter 9 of Title 2, Guam Code Annotated, I respectfully request that your office issue Fiscal Notes for the attached bill(s):

- **Bill No. 371 (LS)**
- **Bill No. 375 (COR)**

Thank you for your time and consideration to this matter.

Sincerely,


LARRY F. KASPERBAUER, Ph.D.

Enclosure



MINA ' PENTE SAIS NA LIHE LATURAN GUAHAN

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

*Senador Mark Forbes, Gebilu
Kabisiyon Mayurát*

28 AUG 2002

MEMORANDUM

TO: Chairman
Committee on Education

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

SUBJECT: Principal Referral - Bill No. 371 (COR)

Carlos
Member of the Vice-Speaker
Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs
David For... *Forbes*
David For... *Gene (Staff)*

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



September 3, 2002

The Honorable Antonio R. Unpingco
Speaker
I Mina Bente Sais Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

Via: Committee on Rules

Dear Speaker Unpingco:

The Committee on Education, to which was referred **BILL NO. 371 (LS) AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BY WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES**, herein reports back with the recommendation TO DO PASS as substituted by the Committee on Education.

Votes are as follows:

7 To Pass

___ Not to Pass

___ To the Inactive File

___ Abstained

Sincerely,


LARRY F. KASPERBAUER, Ph.D.

Enclosures



September 3, 2002

MEMORANDUM

To: All Members
Committee on Education

From: Chairman

Subject: Voting Sheet

Transmitted herewith are the voting sheets and Committee Report on **BILL NO. 371 (LS)** AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BY WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES, for your review and signature.

Attention to this matter is greatly appreciated.


LARRY F. KASPERBAUER, Ph.D.

Attachments

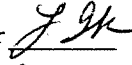


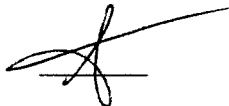

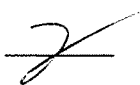

COMMITTEE ON EDUCATION

I Mina' Bente Sais Na Libeslaturan Guåban
 155 Hesler Street · Hagåtña, Guam 96910

Chairman: Vice Speaker Lawrence F. Kasperbauer Vice-Chairman: Senator Mark Forbes
 Ex-Officio Member: Speaker Antonio R. Unpingco

VOTING SHEET ON:

Substitute BILL NO. 371 (LS) AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BY WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES.

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Vice Speaker Lawrence F. Kasperbauer <i>Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Forbes <i>Vice-Chairperson</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker Antonio R. Unpingco <i>Ex-Officio</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joseph F. Ada <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Thomas C. Ada <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Frank Blas Aguon, Jr. <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne M.S. Brown <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Felix P. Camacho <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Charfauros <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kaleo Scott Moylan <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Vicente Pangelinan <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Angel L.G. Santos <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Won Pat <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
Committee on Education

Vice Speaker Lawrence F. Kasperbauer, Chairperson

Committee Report On

Bill No. 371 (LS): AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO ALLOWING DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF GUAM OF SCHOOL HEALTH COUNSELORS AND TO EXPAND THE CONDITIONS BY WHICH DUAL EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION AGENCIES.

I. OVERVIEW

The Committee on Education held a public hearing on Friday, August 30, 2002 at 9:00 a.m. at I Liheslatura's Public Hearing Room.

Committee Members Present:

Vice Speaker Lawrence F. Kasperbauer, Chairperson

Providing Testimony on the Bill:

The Department Of Education represented by the following persons:

Ms. Rosie R. Tainatongo, Superintendent of Education

Mr. Kenneth P. Chargualaf, Associate Superintendent/Secondary Education, DOE

Mr. Luis Reyes, Personnel Services Administrator, DOE

Mr. Fred Nishihira, DOE Legal Counsel

Mr. Benny P. San Nicolas, Retired Educator

Dr. John Rider, Academic Affairs Division Vice President, Guam Community College

Ms. Trini Torres

II. Testimony

The Department Of Education officials testified as a group in favor of the Bill. The Superintendent advised the Committee that because of the limited numbers of individuals who qualify as teachers and health counselors on Guam, the Department has exhausted most alternatives to fill such vacancies. She noted that there are many employees working outside of DOE in the Government of Guam that hold credentials to fill these positions on a part-time basis but are prohibited from doing so because of limitations in public law on dual employment. She noted that the bill would remove such limitations while at the same time protect the agency that is the primary employer. She suggested that the bill be expanded to allow healthcare professionals working in other agencies to besides education related agencies to hold dual

employment at DOE. She also suggested that DOE be allowed to pay higher salaries for substitute teachers that are certified teachers who are retired or employed elsewhere in Gov Guam noting that many will not work for the low wages of \$9.00 per hour that they are limited to for substitutes. The Superintendent also submitted written testimony that she read to the Committee.

Mr. Benny P. San Nicolas testified in favor of the Bill. He suggested that the bill also include provisions that allow retirees to teach part-time and as substitutes. Chairman Kasperbauer informed him that such a provision already exist in Guam Law.

Dr. John Rider submitted written testimony in favor of the Bill. He suggested that the restrictions be loosed to allow any employee of the Government of Guam regardless of where they are employed or in what profession, who meet the qualifications to be teachers, instructors, or health counselors to be employed on a part-time basis in any educational institution.

Ms. Trini Torres submitted written testimony in favor of the Bill and requested that teachers and health counselors who took the voluntary separation and early retirement be allowed to return.

III. Findings and Recommendation

The Committee finds that dual employment of individuals who qualify as teachers or health counselors is a viable means of providing DOE and other education agencies in the government of Guam with such qualified professions. The Committee further finds that restrictions to allow for such dual employment be removed with the limitation that such dual employment does not interfere or conflict with the employee's primary job. The Committee agrees with the recommendations of the Superintendent and the GCC VP and incorporated such recommendations in a substitute bill.

It is the recommendation of the Committee on Education that Substitute Bill No. 371 (LS) be reported out with the recommendation **TO DO PASS**.

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

Bill No. ^{LS}371602

Introduced by:

L.F. Kasperbauer *LFK*
E.B. Calvo *EC*
J.F. Ada *JFA*

1 AN ACT TO AMEND §6504.1 OF CHAPTER 6, TITLE 4,
2 GUAM CODE ANNOTATED RELATIVE TO ALLOWING
3 DUAL EMPLOYMENT WITHIN THE GOVERNMENT OF
4 GUAM OF SCHOOL HEALTH COUNSELORS AND TO
5 EXPAND THE CONDITIONS BY WHICH DUAL
6 EMPLOYMENT IS ALLOWED IN GUAM'S EDUCATION
7 AGENCIES.

8 BE IT ENACTED BY THE PEOPLE OF GUAM:

9 Section 1. Section 6504.1 of Chapter 6, Title 4, Guam Code Annotated to is
10 hereby *amended* to read:

11 § 6504.1. **Dual Employment Prohibited.** No employee of the government
12 of Guam may be employed on a full-time, part-time or contractual basis by more
13 than one (1) department, agency or branch of the government of Guam at any
14 time, except for: (1) persons serving as part-time teachers, part-time school health
15 counselors and University of Guam instructors for the Guam Community College
16 and instructors for the University of Guam who may be employed during the
17 summer and at any other time not in conflict with their primary employment if
18 they are employed elsewhere in the Government of Guam as their primary
19 employer; (2) persons employed by the Youth Congress; (3) persons employed on
20 a part-time basis by boards or commissions; (4) persons employed as nurses,
21 physicians, and as ancillary health professionals in the Guam Memorial Hospital's
22 Ancillary Services Department, (5) attorneys engaging in the active practice of

1 law, or part-time judges or part-time court referees, or (6) persons employed on a
2 part-time or contractual basis who are individual and family counselors or
3 chemical dependency specialists.