




Office of the Governor of Guam

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Office of the People's Speaker
vicente (ben) c. pangelinan

SEP 28 2004

TIME: 2:30 () AM () PM
RECEIVED BY: 

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

28 SEP 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 373 (LS), "AN ACT TO ZONE A PREVIOUSLY UNZONED PORTION OF THE CALVO FAMILY PROPERTY IN MONGMONG, TOTO, MAITE," which I signed into law on September 24, 2004 as **Public Law No. 27-105**.

Sinseru yan Magåhet,



FELIX P. CAMACHO
I Maga' Låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

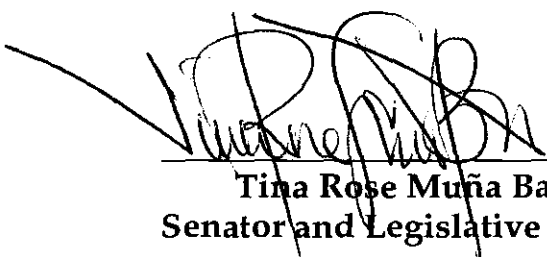
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

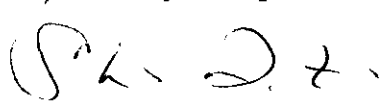
This is to certify that Bill No. 373 (LS), "AN ACT TO ZONE A PREVIOUSLY UNZONED PORTION OF THE CALVO FAMILY PROPERTY IN MONGMONG, TOTO, MAITE," was on the 24th day of September, 2004, duly and regularly passed.


Attested:

vicente (ben) c. pangelinan
Speaker


Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 24 day of September,
2004, at 5:15 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 9/24/04

Public Law No. 27-105

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 373 (LS)

As amended.

Introduced by:

J. A. Lujan
Mark Forbes
L. F. Kasperbauer
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
C. Fernandez
R. Klitzkie
L. A. Leon Guerrero
T. R. Muña Barnes
v. c. pangelinan
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO ZONE A PREVIOUSLY UNZONED
PORTION OF THE CALVO FAMILY PROPERTY IN
MONGMONG, TOTO, MAITE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that our island community mourns the untimely passing of former Senator
4 Edward M. Calvo and that the late former Senator Calvo gave a lifetime of
5 commitment to Guam both as a Senator in the 14th Guam Legislature and as a
6 business and community leader. The late former Senator Calvo was a true
7 pioneer who played an integral role in the growth and development of Guam

1 over the past several decades. Our Island of Guam continues to benefit
2 greatly from the late former Senator Calvo's countless contributions and
3 achievements. He will forever serve as an inspiration to the people of Guam.

4 *I Liheslaturan Guåhan* further finds that the late former Senator Edward
5 M. Calvo was devoted to his beloved family and that it is appropriate that he
6 be laid to rest on the Calvo family property located in Mongmong, Toto,
7 Maite.

8 *I Liheslaturan Guåhan* further finds that a portion of the Calvo family
9 property in Mongmong, Toto, Maite, which had previously been taken by the
10 United States Government, was recently returned to the Calvo family by deed
11 from the Guam Ancestral Lands Commission to Veronica M. Calvo, and that
12 the returned property has never been zoned pursuant to the Zoning Laws of
13 Guam.

14 Therefore, in honor of the late former Senator Edward M. Calvo, it is the
15 intent of *I Liheslaturan Guahan* to zone the previously unzoned portion of the
16 Calvo property in Mongmong, Toto, Maite for use as a private cemetery for
17 the Calvo family.

18 **Section 2. Zoning Provision.** Lot No. 2053-A-1, consisting of 9470
19 square meters, located in the municipality of Mongmong, Toto, Maite, Guam
20 is hereby established as "A" (Rural Zone) property. The Department of Land
21 Management is hereby directed to amend its zoning maps accordingly.

22 **Section 3. Conditional Use Provision.** Notwithstanding any contrary
23 provisions of the Zoning Law of Guam, *I Liheslaturan Guahan* hereby grants a
24 "Conditional Use" approval for the construction and operation of a private
25 family cemetery on Lot No. 2053-A-1, Mongmong, Toto, Maite, Guam.

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

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session
LEGISLATIVE DAILY JOURNAL
20th Legislative Day – 115th Calendar Day
September 13, 2004 to September 25, 2004

CALL TO ORDER: At 2:52 p.m., Monday, September 13, 2004, the Honorable vicente (ben) c. pangelinan, Speaker of *I Mina'Bente Siete Na Liheslaturan Guåhan*, called *I Liheslatura* to order.

PRAYER:

Senator Aguon led the Body in prayer.

“In the name of the Father, and of the Son and of the Holy Spirit, Amen. Heavenly Father we thank you very much once again bringing the members of this august Body together to deliberate on upcoming issues that will affect this entire community over the course of the next fiscal year.

We ask you to continue to guide us, give us the wisdom, and the tenacity to be able to ensure that regardless as to what the decisions are that we will continue to come together for the good of the people of Guam.

We ask you to continue to bless us in the name of your Son, Our Lord, Amen.

In the name of the Father, and of the Son, and of the Holy Spirit, Amen.”

SINGING OF THE GUAM HYMN IN CHAMORRO AND THE NATIONAL ANTHEM:

Senator Forbes was requested by Speaker pangelinan to lead the singing of the Guam Hymn in *Chamorro* and the National Anthem.

ROLL CALL: The roll was called, and the following Senators answered to their names:

PRESENT: Senators F. B. Aguon, Jr., J. M.S. Brown, F. R. Cunliffe, C. Fernandez, Mark Forbes, L. F. Kasperbauer, R. Klitzkie, L. A. Leon Guerrero, J. A. Lujan, T. R. Muña Barnes, v. c. pangelinan, J. M. Quinata, R. J. Respicio, A. D. Sanford and Ray Tenorio - 15

ABSENT: 0

At this time Senator Leon Guerrero was recognized and, notwithstanding the House Rules, moved that the Body accept and adopt the Agenda of September 13, 2004.

On the motion to accept the Agenda dated September 13, 2004, the question was put; there was no objection and motion was carried.

CALL FOR THE APPROVAL OF THE LEGISLATIVE DAILY JOURNAL:

Senator Leon Guerrero moved to approve the Journal and waived its reading of 8/10/04 to 8/27/04 and to append to today's Legislative Daily Journal.

On the motion to approve the Journal of 8/10/04 to 8/27/04 and to waive its reading and to append to this day's proceeding, the question was put and there was no objection and motion was carried.

COMMUNICATIONS AND PETITIONS, MESSAGES FROM THE GOVERNOR, REPORTS OF STANDING COMMITTEES:

Senator Leon Guerrero informed the Chair that there are communications and petitions; there are messages from the Governor; and there are reports of Standing Committees, moved to waive the reading of all Communications and Petitions, messages, and reports and that they be appended in today's Journal. There was no objection and motion was carried. (See Appendix I)

REPORTS OF SELECT COMMITTEES:

There were no Select Committee Reports.

INTRODUCTION AND FIRST READING OF BILLS AND RESOLUTIONS:

Senator Leon Guerrero moved to waive the reading of Bill Nos. 349(COR) to 353(COR) and that they are given its first reading, and that Resolution Nos. 189(COR) and 190(COR) be also given its first reading and further, that all resolutions that are commendatory, congratulatory and condolence in nature introduced on this legislative day be recorded as first read and approved by the Body with technical corrections made by the Legal Counsel.

On the motion, the question was put and without objection, motion was carried.

MOTIONS:

Speaker pangelinan informed the Body that it is now in MOTIONS and recognized Senator Aguon.

Senator Aguon, notwithstanding the objections in the veto of the Governor on Substitute Bill No. 268(COR), moved to place vetoed Bill No. 268(COR), as substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform and amended in the Committee of the Whole, on the Voting File for possible override.

On the motion, Speaker pangelinan recognized Senator Aguon and asked the Members if there are any interested in speaking and Senator Leon Guerrero raised her hand.

Senator Aguon, speaking on the motion to place vetoed Substitute Bill No. 268(COR), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING

MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," on the Voting File, spoke at length in his support of the override.

Next to speak were Senators Leon Guerrero, Respicio, Sanford and Fernandez all in support of an override.

Senator Forbes, in speaking on the motion, stated he wanted to commend the Members of the Majority for some sections. There were certain sections of this Bill and that they liked some of those things. There were a few things that were in this Bill that they were very clear about that they did not like. One of them is that we still have some very significant concerns with respect to whether or not there is going to be a sufficiency of funds to meet all of the income tax refund obligations. It is not so much an issue of inflated revenue projections versus contracted revenue projections, as it is the methodology by which those were arrived at when it revolves around the issue of refunds. That is something that did not get resolved to a sufficient satisfaction for the Minority to feel comfortable. Senator Forbes continued on his opposition against the override and concluded that they did not support the override; that all the Minority Senators did not vote on its original passage and will not be voting for its override.

Also speaking on the motion was Senator Muña Barnes in support of the override, followed by Senators Brown and Kasperbauer against the motion.

While Senator Brown was speaking Senator Aguon assumed the Chair. After Senator Kasperbauer spoke, Speaker Pangelinan was next to speak in support of the override and Senators Klitzkie and Tenorio in opposition of the override.

Also among those speaking in full support of the override were Senators Quinata and Cunliffe who were followed by Senator Lujan opposing the override.

Speaker pangelinan, having resumed the Chair, recognized Senator Aguon to close on his motion to place Vetoed Substitute Bill No. 268(COR) on the Voting File for possible override.

In closing deliberations on the override of Vetoed Substitute Bill No. 268(COR), Senator Aguon noted that a number of our colleagues were stepping forward and literally and physically rolling up their sleeves, Senator Aguon stated that this was not a budget that was crafted in a matter of a couple of days. This was a budget in which we had oversight hearings in May, and then readjustments and reconsiderations, and then were followed up with oversight hearings in July. Two separate occasions when, in fact, we came before this Body in the public hearing room, called the different agencies and requested specific information in terms as to what their budgetary requirements were. Further, he asked did they have their sleeves rolled up? Absolutely. Those that were present at the public hearings had their sleeves rolled up and were ready to work for this budget which is what we have before us. He further stated that they had put true faith and effort into this budget proposal. Subsequent to the budget hearings and the discussions, they had multiple opportunities to be able to converse with a lot of these agencies during the lapsed time when in fact the Office of Finance and Budget and the Committee were formulating this proposal. Aside from that, we had two extensive weeks of direct budget section-by-section discussion and consideration of the contents within Bill No. 268. That would have been the opportune time to step forward and say, "Yes, maybe we have a little bit too much pork. This is what my proposal is to reduce allocations to certain agencies or programs and this is how you're to offset it." But you know Mr. Speaker to stand here now and claim that in fact this is a budget that doesn't address the requirements of this government going into Fiscal Year 2005, I am going to have to stand here and take major exceptions to those statements, with all due respect to our colleagues in the Hall. He spoke at length in support of the override. In closing, he asked his colleagues to consider this and he feels comfortable that 447 is an achievable figure, and yes, we will reach that figure if we work collectively.

There being no other speakers, Speaker pangelinan called for the vote on the motion, notwithstanding the Governor's veto on Bill No. 268(COR), to place Vetoed Substitute Bill No. 268(COR), as substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform and amended in the Committee of the Whole, on the Voting File for the purposes of override. Without objection, it was so ordered.

CONSIDERATION OF THE DAILY FILES:

Voting File: Vetoed Substitute Bill No. 268(COR) was placed here.

Bill No. 268 (COR)

As substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform and amended in the Committee of the Whole.

Introduced by:

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform
By request of *I Muga'lahaen Guåhan*, the Governor of Guam, in accordance with the Organic Act of Guam, as *amended*.

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

The Speaker asked, "Notwithstanding the objections of *I Muga'lahaen Guåhan*, should *I Mina'Bente Siete Na Lihelaturan Guåhan* override Vetoed Substitute Bill No. 268(COR), as amended?"

The roll was called and Vetoed Substitute Bill No. 268 (COR), as amended, failed passage and veto was sustained by the following votes:

AYES: Senators F. B. Aguon, Jr., F. R. Cunliffe, C. Fernandez, L. A. Leon Guerrero, T. R. Muña-Barnes, v. c. pangelinan, J. Q. Quinata, R. J. Respicio, and T. Sanford – 9

NAYS: Senators J. M.S. Brown, Mark Forbes, L. F. Kasperbauer, R. Klitzkie, J. A. Lujan, and Ray Tenorio - 6

RECESS:

Having disposed of the Voting File, Speaker pangelinan declared *Liheslatura* in Recess until 10:00 a.m. Thursday, September 16, 2004.

RECONVENING OF SEPTEMBER 16, 2004:

At 10:30 a.m., Speaker pangelinan called the Body to order and immediately recognized Senator Forbes.

RECESS:

Senator Forbes, having been recognized, moved to recess until 2:00 o'clock this afternoon. There was no objection

(Senators Klitzkie and Lujan arrived after Recess was declared.)

RECONVENING:

At 4:30 p.m., Speaker pangelinan called the body to order then recognized Senator Aguon.

Senator Aguon, addressing the Chair, moved that Bill No. 363(LS), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE AND JUDICIAL BRANCHES OF THE

GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," be placed on the top of the Second Reading File for consideration by the Body. Senator Aguon, for the information of his colleagues, stated this contains very similar budgetary provisions as was discussed and considered in Bill No. 268.

On the motion, there was no objection and motion was carried.

Again, Senator Aguon moved to place Bill No. 364(LS), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, WHICH, TOGETHER WITH ANY OTHER GENERAL APPROPRIATIONS ACTS FOR FISCAL YEAR 2005 SHALL BE KNOWN AS THE 'GENERAL APPROPRIATIONS ACT OF 2005'," at the bottom of the Second Reading File.

On the motion, the question was put and without objection it was so ordered.

RECESS:

Senator Leon Guerrero moved to recess until 2:00 p.m., tomorrow. There was no objection and Speaker pangelinan declared, at 4:45 p.m., *I Liheslatura* in Recess.

RECONVENING OF SEPTEMBER 17, 2004:

At 3:05 p.m., *I Liheslaturan Guåhan* was called to order by Speaker pangelinan.

SECOND READING FILE: The following were placed in this order:

9/16/04

- 1) Bill No. 363(LS)
- 2) Bill No. 364(LS)

At this time, Senator Aguon addressed the Chair and moved that the Body resolve into a Committee of the Whole for purposes of discussing Bill No. 363(LS) and Bill No. 364(LS), and that the legislative hall be prepared accordingly.

On the motion to resolve into a Committee of the Whole, the question was put and motion was carried. A five-minute recess was declared to prepare the hall for the Committee of the Whole.

COMMITTEE OF THE WHOLE ON BILL NO. 363(LS) AND BILL NO. 364(LS):

Senator Aguon, upon convening the Committee of the Whole, proceeded to lay the ground rules and informed the Members that because most of the information contained here in Bill No. 363 and Bill No. 364 have previously been discussed he noted that the Members are to try, to the greatest extent possible, to remain within a five-minute time allocation per section and if, in fact there are no additions or deletions, we will proceed to subsequent sections. Also for their information, there was a spread sheet distributed yesterday that reflects the budget comparison, agency by agency, entity by entity, program by program, that is all inclusive of the allocation in Bill No. 363 and also there was an additional document that reflects the allocation and the appropriation of the General Fund contained in Bill No. 364.

Bill No. 363(LS):

Senator Aguon asked the Members to refer to the budget comparison document that reflects the allocations of the General Fund, Special Funds, Federal match, as well as the entire fiscal year total, inclusive of Fiscal Year 2004 allocations and the chief executive proposal for fiscal year 2005.

On Chapter I, General Provisions, Section 1, Short Title, there were no objections.

On Section 2, Estimated Revenues for Fiscal Year 2005, among those speaking were Senator Forbes, Speaker pangelinan (opposition), Senators Tenorio and Klitzkie.

Senator Klitzkie moved to amend line 18, page 9, to increase the amount of "\$71,049,000" to read "\$72,000,000". On the amendment, Senator Forbes spoke in support, followed by Speaker pangelinan and Tenorio. There being no other speakers on the Klitzkie amendment, Senator Klitzkie closed discussion.

On the Klitzkie amendment, the question was put and objection was raised by Senator Sanford. Senator Sanford spoke on her objection to the amendment. Senator Sanford wanted to reiterate the point that was made from a previous speaker about the need to make sure that it is \$72,000,000. The point she wanted to make was that for two fiscal years before, this is our third budget, we have indeed put aside \$72,000,000 for the prior two budgets that were passed by this Legislature. It has also been mentioned that \$85,000,000 had been disbursed by this administration in tax refunds. So there is still \$39,000,000 left of appropriations or set aside, so if we add \$71 or \$72 or whatever, that leaves about a \$110,000,000, so if Art wants to cut another \$72,000,000, why stop there; he can go up to \$110,000,000. So whether we go \$71,049,000 or \$72,000,000 she thinks that it is just a matter of perspective here. Is the Administration going to issue the checks? Is he going to have the cash allotment needed to coincide with the appropriations that we are asking from this budget bill? She thinks that is the question that needs to be answered. Art may want to cut \$72,000,000; but is there \$72,000,000 in cash? She just wanted to be sure that if we are going to change this number, we need to figure out how to balance this budget because we either try and go back and revisit the discussion about trying an increase in gross receipts tax, or figure out the revenues. She further noted that we need to pay attention in whether or not we increase the \$71,049,000 to \$72,000,000. We need to pay attention so that we need to figure out what number to put there and irregardless of what number is put there, it does not guarantee the ability of the Director of Revenue and Taxation to cut the check for \$72,000,000 as we have found out in the last two fiscal years. There is still a real long line of tax refunds that needs to be cut

and paid to our people. Her point here is that, even if we put the \$72,000,000, it has not materialized into actual tax refunds that go out to our people. We've spent a lot of time discussing this, but what is the reality. What we've been giving is that we have allocated \$120,000 and only \$85,000,000 have been paid out to the people in tax refunds and wanted to make that point.

Senator Klitzkie asked to close again after having allowed Senator Sanford to speak on his motion, and was allowed to do so.

There being no other speakers on the Klitzkie motion, the Chair called for the vote; motion failed.

Senator Forbes, at this time, requested to come back and revisit this section. There was no objection.

RECESS:

Moving on to Chapter II, a brief discussion ensued on the appendices. The Chair noted to come back again to Chapter II; then declared a one-minute Recess.

RECONVENING:

Reconvening the Committee of the Whole, Senator Aguon moved on to Chapter III. Senator Aguon stated that Chapter III is just a reflection of all the debt obligations, very similar to the information provided on Bill No. 268. There were no questions.

RECESS:

At this time, Senator Aguon declared a one-minute Recess.

RECONVENING:

Recess having expired, Senator Aguon informed the Members that the Body will return to page 13, Chapter II, at 9:00 a.m. Monday

morning. There was no objection, and he declared Recess until Monday morning at 9:00 a.m.

RECONVENING OF SEPTEMBER 20, 2004.

At 9:50 a.m., Senator Aguon reconvened the Committee of the Whole and discussions continued on Bill No. 363(LS).

Senator Aguon stated that they were on Chapter II, General Appropriations, Section 1, page 13, and because the figures correspondingly apply to the Appendices, they will also be discussing those particular allocations. He then asked if there were any questions, discussions or deliberations on Chapter II. He further noted that Chapter II would allocate out of the General Fund allocations or anticipated revenues of 414.9 Million Dollars to the agencies contained in the appendices. Once more, he asked if there were any questions, comments or deliberations, or additions, deletions or reductions.

Senator Aguon, just to highlight the Appendix A, stated that the overall allocation in terms of the General Fund in Appendix A, reflects the education, public safety, and health care agencies. Department of Education personnel allocation would be in the amount \$30,800,000, with appropriation for operations at the level of \$18,884,255 and with a total General Fund allocation, and noted to please be mindful that this only reflects Bill No. 363, total allocation of \$149,684,255. The Public Safety, Guam Police Department General Fund allocation for personnel is at a level of \$16,210,933, Operations - General Fund \$325,146, Operations - Special Fund \$653,147, also a Federal match of \$332,370 with a total allocation for the Guam Police Department in Bill No. 363 at \$17,521,596. Guam Fire Department General Fund for personnel at a level of \$19,327,939, Operations at a level of \$548,393; Special Fund for personnel \$492,666; Operations \$568,940, that is Special Fund allocations directly from E911 system or program with a total allocation for the Guam Fire Department of \$20,937,938. Department of Corrections General Fund allocation for personnel is \$9,070,526; Operations is \$3,177,694, with a total General Fund allocation level of \$12,250,220. Public Health and Social

Services General Fund allocations for personnel at a level \$7,168,603; Operations \$12,566,931; under the Special Fund category \$3,647,557; Federal match of \$20,134,029; total allocation in Appendix A for Department of Public Health and Social Services is \$42,517,120. Department of Mental Health and Substance Abuse General Fund for Personnel at a level \$3,732,914; Operations \$777,425; Special Funds at a level of \$456,477; total allocation for Department of Mental and Substance Abuse is at a level of \$4,966,816.

On Appendix A, Speaker pangelinan and Senator Forbes spoke on the appendix.

Discussion ensued with Senators Forbes and Leon Guerrero, Speaker pangelinan and Senator Quinata, each speaking on Appendix A.

Senator Quinata noted that Customs and Quarantine was omitted on the Appendix as far as identifying departments and agencies, and moved to include Customs and Quarantine to Public Safety. There was no objection.

Also speaking was Senator Klitzkie. He had asked if the two bills were put together by a Committee. Senator Aguon replied that it was not put together by the Committee, but by the Chair with the assistance of OFB, and of course, to reflect also other Members of the Body.

There being no other discussion on Chapter II, Senator Aguon moved the discussion to Chapter IV, page 16, General Fund Miscellaneous Appropriations.

On Section 1, Senator Aguon noted that it is self-explanatory.

Section 2, Appropriation to the Department of Education for Summer School, there was no discussion.

Section 3, Appropriation for Textbooks, there was no discussion.

On Section 4, Senator Aguon stated that this is an additional allocation because of the request for some additional funds to the Chair on Education for 1.7 Million Dollars for textbooks. There was no discussion.

Section 5, Department of Education Teacher Reclassification and Nurses Outstanding Compensation and Increments Appropriations. Senator Aguon noted that this relates directly to statements made by Speaker pangelinan regarding the teachers' reclassification versus reclassification.

Section 6, Appropriations to the University of Guam. Senator Brown spoke on the appropriations on WERI, and noticed there is an appropriation on the other Bill and during the public hearing, officials from the University of Guam wanted to incorporate the appropriations for WERI as part of the University of Guam budget, and asked why is it separated. Speaker pangelinan stated that when we took a look at the Governor's submittal of a 410 budget and his allocations for the different departments and agencies, the Governor actually did not fund any of the WERI appropriations, whatsoever. He had a reduced funding for the University of Guam and did not include any of the additional appropriations to that effect. One of the elements that we are trying to put together in Bill 363 is to allocate the appropriations that were identified by the Governor under a 410 cap. As much we could, stay within that cap to give the Governor an opportunity to take a look at the bill that has the elements that he had wished to be funded in his submittal to the Legislature. In some instances, we took some of those appropriations that were not identified by the Governor and placed them in the additional bill. And that is why you will see some of those miscellaneous appropriations that were in the original 447 budget have been placed in the 364 budget.

After the pangelinan explanation, Senator Brown moved to include on page 18, Section 3(b) and (c) of Bill No. 364 referenced "WERI" to Bill No. 363, Chapter IV, Section 6, Appropriations to the University of Guam.

Among those speaking on the Brown amendment were Senators Forbes, Muña Barnes, and Respicio. There being no other speakers, Senator Brown closed discussion on her amendment.

On the Brown amendment, Senator Aguon called for the vote to include the WERI appropriations with the University of Guam and with objection, motion failed.

Senator Brown questioned the Member quorum and requested a roll call since there was a lack of quorum when voting on her amendment.

Once again, the Chair called for the vote and the Brown amendment failed for lack of votes.

Senator Aguon proceeded through the other Sections 7, 8, 9, 10, 11 and 12 of Bill No. 363 with no questions or discussions.

On Section 13, Senator Forbes asked some questions, but there were no changes, and the Committee moved on to the Section 14 with no discussion.

There was little or no discussion on Sections 15, 16, 17, 18 and 19 and no changes were made, but it was noted to revisit Section 19.

On Section 20, Senator Forbes moved to include Section 11(a) and (b) of Bill No. 364 to Section 20 of Chapter III of Bill No. 363 referenced Office of Public Auditor and annual single audit.

On the Forbes amendment, discussion ensued with Speaker pangelinan and Senator Klitzkie speaking.

RECESS:

At this time, 11:49 a.m., Senator Aguon declared Recess until 2 o'clock this afternoon.

RECONVENING:

At 2:30 p.m., Senator Aguon called the Committee of the Whole to order.

Senator Forbes was called to close discussion on his amendment to include Section 11(a) and (b) of Bill No. 364 to Section 20 of Chapter III of Bill No. 363, referenced Office of Public Auditor and annual single audit.

On the Forbes amendment, the Chair called for the vote and motion failed.

There were no changes to Section 21, Appropriation to Guam Election Commission.

Moving on to Section 2, Guam Memorial Hospital Retirement Fund Contribution, Senator Klitzkie moved to delete the words "the pending" on page 32, line 14 and add, at the end, the phrase, "and those who apply to retire."

On the Klitzkie amendment, Senator Leon Guerrero stated that when this section was discussed and the 1.2 million was brought forward, the Hospital was consulted and they were saying that they were only aware of seven individuals who have been processed for retirement, but there would be other individuals, but they didn't know for sure, but they said 1.2 million would be more than enough, but they wanted to put that amount for personnel who were thinking of retiring, but haven't been processed yet. She is concerned that with this amount, it won't catch those people who are thinking of retiring and could not come up with that amount. She further stated that what they had planned for this was to be able to give them an amount that would maybe capture those people who are thinking of retiring in this coming fiscal year and not yet processed.

Senator Klitzkie, in closing, requested a brief Recess to collect his thoughts to include language that would achieve the intent that the Majority Leader mentioned.

RECESS:

At this time, Senator Aguon declared a brief Recess to allow Senator Klitzkie to work on his amendment.

RECONVENING:

Recess having expired, Senator Aguon called upon Senator Klitzkie on his amendment.

Senator Klitzkie stated that the language read "outstanding retirement fund contribution due on behalf of personnel who retire". They can't retire because the contributions has not been paid in then to delete "the pending" and "have been processed for retirement", and add the word "retire". Senator Aguon then asked if the phrase reads: "...due on behalf of personnel who have been process for retire"?

RECESS:

Senator Klitzkie then asked again for a brief Recess to rephrase his amendment, and it was so ordered.

RECONVENING:

Recess having expired, Senator Klitzkie started to state his rephrased amendment but was instructed by the Chair to withdraw his original amendment. Senator Klitzkie then so moved to withdraw his amendment; there was no objection. Senator Klitzkie then continued to state his amendment as follows: "..retirement fund contribution due on behalf of personnel who retire in order to perfect their eligibility", and to delete the phrase "of the pending" to end of the line 15. There was no objection and motion was carried.

There were no changes on Section 23, Appropriation to the Department of *Chamorro* Affairs, and the Body proceeded to Section 24.

Senator Kasperbauer, on Section 24, moved to amend on page 32, line 23, to delete, after "services", the phrase, "provided by the Association of Government Accountants."

On the Kasperbauer amendment, Senator Klitzkie spoke in support the motion. There being no other speakers on the Kasperbauer amendment, the question was put and with objection, motion failed.

Again, Senator Kasperbauer moved to insert a "Subsection (a)" before the word "sum" on line 21, and to add a new Subsection (b) to read: "(b) If the Association of Government Accountants is *not* contracted to perform the training identified in (a) above, the amount appropriated shall *revert* back to the General Fund."

On the amendment, Senator Cunliffe noted that what if the Association of Government Accountants is contracted but not for the full amount of money, and moved to amend the Kasperbauer amendment to read: "any monies not expended pursuant to Subsection (a) above shall revert back to the General Fund."

On the Cunliffe amendment to the Kasperbauer amendment, Senator Klitzkie was not in support, followed by Senator Forbes who also spoke against the Cunliffe amendment to the amendment. Senator Kasperbauer spoke against the Cunliffe amendment.

Senator Cunliffe was called upon to close discussion on his amendment to the Kasperbauer amendment. On the Cunliffe amendment to the Kasperbauer amendment, the Chair called for the vote, but motion failed.

On the main motion (Kasperbauer amendment), Senator Kasperbauer closed discussion and urged his colleagues to support this amendment.

On the primary amendment to Section 24, the Chair called for the vote and without objection, motion was carried.

Other Senators speaking on Section 24 were Senator Brown, followed by Speaker Pangelinan and Senator Klitzkie.

Senator Klitzkie moved to delete Section 24 on Bill No. 363 with the understanding to include this section when Bill No. 364 is discussed.

Speaking on the Klitzkie motion to delete Section 24 and to include same on Bill No. 364, Senator Kasperbauer spoke in support.

On the Klitzkie motion, an objection was raised from the Floor by Senator Muña Barnes, and the Chair then called for the vote, and with objection, motion failed.

Moving on to Section 25, Appropriation to the Department of Military Affairs for Office of Veterans Affairs, Senator Forbes spoke in full support of this section.

There was no discussion on Sections 26 and 27, and the Body moved on to Section 28.

Discussion ensued on Section 28 with Senators Forbes, Leon Guerrero and Quinata speaking on this section.

Senator Forbes asked where did the figure of \$1,500,000 come from and how was this derived? Senator Aguon stated that \$1,046,177 was extrapolated out of the Department of Education requirement for a one-step increment adjustment of 2,700 employees within that department. That figure was extrapolated to entail 7,000 line agency employees that will be greatly impacted as a result of the re-implementation of increments under the General Fund, and that is where the balance figure comes from.

Senator Forbes asked Senator Aguon if he has a number that would indicate how much would be required to be appropriated if we simply restore the increment in a manner that would be consistent with the actual increment earned by the employees. In short, if an employee would do an increment, he would receive one, if they were to do two they would receive two. Senator Aguon informed Senator

Forbes that since March of this year, he has requested that information from the Executive Branch on three separate occasions and he has yet to receive a direct response to what that figure would be. Senator Forbes stated that when the Body gets to the appropriate section in Chapter VI, it is his intention to introduce an amendment to alter the language in Chapter VI, so that rather than it simply being a single step increment, that we simply catch everybody up to where they belong. When that occurs, if it should be successful, obviously it would necessitate additional funding. Senator Aguon informed Senator Forbes that the Committee has yet to receive any information as to exactly what the breakdown is and how much it would cost.

Next to speak on Section 28 was Senator Quinata, who moved to amend page 33, line 23, to add a "period (.)" after "accordingly", and a capital "I" on "increments", and to add, on line 24, the word "the" before "Department". There was no objection on the amendment and was so ordered.

Also speaking on Section 28 was Senator Leon Guerrero who moved to insert the word "funded" after "employees" on line 21, page 33. There was no objection and motion was carried.

There being no further discussion on Chapter IV, Senator Aguon moved on to Chapter V. There were no changes to Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9.

On Section 10, Senator Forbes moved to amend page 38, line 5, Section 10(b), to delete "Youth Affairs" and insert "Mental Health and Substance Abuse". There was no objection and was so ordered. Further, Senator Forbes, on the same page, moved to insert "Director of Mental Health and Substance Abuse" after "DYA". Again, it was so ordered without objection. Lastly, Senator Forbes moved to have the Legal Counsel make technical corrections to include Department of Mental Health and Substance Abuse on line 22, page 37. There was no objection and motion was carried.(Senator Muña Barnes presided while Senator Forbes was speaking.)

There were no changes to Sections 11 and 12, and the Committee moved on to Section 13, Appropriations to the Guam Visitors Bureau.(Senator Sanford assumed the Chair).

There were no changes to Section 13(a)(1) and (2); but on Subsection (b), item (3), Senator Forbes moved to increase the amount of "\$25,000" to "\$50,000".

Senator Quinata, on the amendment, noted to keep Yona at \$25,000, and that the Yigo gym also needs repair.

RECESS:

At this time, the Chair declared a brief Recess.

RECONVENING:

Recess having expired, Senator Forbes first moved to delete item (5) on lines 14 and 15, on page 42, the \$60,000 appropriation for the fireworks. There was no objection.

Again, Senator Forbes, on his motion, noted that he is making a comprehensive motion for both items (3) and (4) and that he is making it with his colleagues, Senators Lujan and Quinata, to take all the \$25,000 amounts on Talofofu, Yona, Tamuning, and Yigo and to increase each to \$40,000, to allocate from the \$60,000 the amount of \$15,000 to the \$25,000 for each gym for a total of \$40,000 each.

On the Forbes motion, Senator Kasperbauer spoke in full support of the amendment to increase the amount to \$40,000 each, as indicated.

There being no other speakers on the Forbes amendment, the question was put and without objection, motion was carried.

On page 43, Speaker pangelinan moved to amend item (4), line 21, to change the word "wholesale" to read "wholesome". There was no objection and was so ordered.

Discussion ensued on Sections 14, 15, 16, 17, 18 and 19; there were no changes.

RECESS:

At 5:00 p.m., Senator Sanford declared Recess, and to return at 7:30 o'clock this evening.

RECONVENING:

Senator Aguon, Recess having expired, called the Committee of the Whole to order at 8:00 p.m.

Moving on to Chapter VI, Miscellaneous Provisions, on page 49, discussion ensued on Section 1, Reinstatement of Salary Increments and Merit Bonuses. Senator Forbes and Speaker pangelinan spoke on this Section, with Senator Aguon informing them that there were two separate instances where the information was requested from the Administration.

Senator Cunliffe, speaking on this Section, moved to amend line 4, to delete the word "only" and replace with "not less than". On the amendment, the Chair called for the vote and without objection, motion was carried.

Senator Forbes, speaking on Section 2, moved to amend line 25, Item (5) to read:

“(5) Uniformed, Forensic, and Crime Lab Personnel for Law Enforcement.”

On the amendment, Senators Fernandez, Brown, Tenorio and Klitzkie spoke in support of the Forbes amendment.

There being no other speakers on the Forbes amendment, Senator Forbes closed discussion on his amendment. After closing discussion, the question was put and motion was carried.

Discussion moved on to Section 2, where Senator Respicio moved to amend line 20, item (2) to include the "Territorial Veterinarian". There was no objection and was so ordered.

Still on Section 2, Senator Tenorio moved to amendment Item (4) to read:

"(4) Positions determined by the Civil Service Commission ("CSC") as difficult to recruit and retain;"

On the Tenorio amendment, the Chair called for the vote and motion was carried without objection.

Discussion moved on to Sections 3, 4 and 5 with no changes. On Section 6, Senator Brown moved to amend page 52, lines 16 through 22, to delete Section 6, Moratorium on Compensation for Boards and Commission.

On the Brown amendment, Senator Cunliffe opposed, followed by Senator Forbes who spoke in support of the amendment, and Speaker pangelinan who opposed the amendment.

There being no other speakers on the Brown amendment, Senator Brown closed discussion on her motion to delete Section 6. At this time, Senator Aguon called for the vote and with objection, motion was defeated.

Discussion continued on Chapter VI with no changes on Sections 7 and 8.

On Section 9, page 55, Senator Forbes moved to amend line 18, Item (5) to add after "Uniformed", the phrase, "and forensic and crime lab". There was no objection.

RECESS:

At this time, Senator Aguon declared a one-minute Recess.

RECONVENING:

Recess having expired, Senator Forbes continued speaking on Item (5), at which time he asked Senator Quinata, oversight Chair, a question. Senator Forbes asked "Is the Legislature aware that there are some distinct problems with the communications system at GPD and would it be worthwhile to add additional communications technicians to deal with those problems if they exist?" Senator Quinata replied that he doesn't know the issue about having problems with the communications system, but definitely does agree with the author of the amendment to include, maybe not, we have people work in what we call the "TLC" that have to be trained for those kinds of issues, or as far as taking in calls and giving out the calls out to the officers, but maybe we can, instead of just doing it down the line, if we can somehow make it any specialty positions in the police department if it isn't an administrative type of support it can handle, and is pretty sure they might leave out a position. Senator Forbes moved to take a one-minute Recess to work on that language.

RECESS:

At this time, a one-minute Recess was declared.

RECONVENING:

Senator Forbes moved to withdraw his amendment, but was informed it passed, and instead moved to reconsider the action of the Body on the Forbes amendment. There was no objection. Further Senator Forbes moved to delete on line 18, Item (5) the word "Uniformed".

On the amendment, Speaker pangelinan moved to replace the word to be deleted, with the word "classified". There was no objection.

On the Forbes amendment, as amended, the Chair called for the vote and without objection, motion was carried.

There were no changes on Section 10, but on page 57, under Section 11, Senator Forbes moved to add "Guam Police Department" after "Guam Memorial Hospital Authority". Senator Forbes spoke that this will enable GPD to hire a psychologist and it would be valuable to the department in terms of investigations.

Senator Cunliffe was not in favor of the amendment and asked Senator Forbes why a psychologist. Senator Forbes explained for the high stress because of the nature of the work of the Guam Police Department.

On the Forbes amendment, Senators Tenorio, Klitzkie and Kasperbauer all supported the amendment. Senator Cunliffe, at this time, withdrew his objection to the Forbes amendment.

At this time, Senator Leon Guerrero noted that the discussion went from shall "we allow them to be hired as unclassified" or "do we need a psychologist or not". She does not think that that is the debate. The debate isn't that we don't need or do need a psychologist, she thinks that how are we going to allow the opportunity to have it much more accessible or maybe easier to hire a psychologist. In the debate she was thinking of the Department of Corrections because DOC has a full-time psychologist. And she thinks that they are contracted, but there are a full-time psychologist and a forensic nurse. They are not hired as unclassified, but hired as contracted. The nurse is hired as a classified employee. The mechanism to hire a psychologist is there and is wondering if we do need to have it specified for GPD and to be made an exception to the unclassified portion, because the opportunity to hire them is there, the mechanism and the way to hire is through professional contract or even through a classified position. She is not saying that she is objecting, but just saying that there is that opportunity and that there are other agencies that do have psychologists.

There being no other speakers, the Chair called for the vote and without objection, motion was carried.

Other Senators speaking on Section 12 were Senators Tenorio and Cunliffe.

RECESS:

There was a request to Recess from the Floor, and at 10:00 p.m., Senator Aguon declared Recess until 10:00 a.m., September 21, 2004.

RECONVENING OF SEPTEMBER 21, 2004

At 10:55 a.m., Senator Aguon called the Committee of the Whole to order and immediately recognized Senator Forbes.

Senator Forbes, speaking on Section 12 again, moved to amend, on page 58, line 20, to insert "Guam Police Department" after "*I Liheslaturan Guåhan*". There was no objection and motion was carried.

Also speaking on Section 12 was Senator Klitzkie who moved to replace Section 12. He noted that there are two places where there are three "x's", one has a superscript 1 and superscript 2, and that would be the place exceptional, where you indicate exceptional treatment for an agency, etc., and to read: "Except for xxx positions in the classified and unclassified service shall not be filled pursuant to a contractual arrangement. Pursuant to the procurement law, departments and agencies may enter into agreements with independent contractors provided that no such agreement xxx."

Senator Klitzkie then spoke on his amendment. After debate on his amendment, he later withdrew his amendment and to prepare another amendment. There was no objection.

Senator Aguon noted that while Senator Klitzkie is working on his amendment, the Committee will move to the other sections.

Moving on to Section 13, 14, 15, 16, and 17. On Section 18, Senator Muña Barnes moved to amend lines 16 and 19, to read: "School

Lunch/SAE/Child Nutritional meal Reimbursement Fund". There was no objection and motion was carried.

Still under Section 18, Senator Klitzkie moved to delete Item (b), lines 4 to 7.

On the amendment, Senator Forbes spoke in support, while Senator Fernandez opposed the amendment to delete Item (b). Other Senators speaking were Senator Kasperbauer who spoke in support, followed by Senator Respicio who opposed the amendment, and Speaker Pangelinan.

There being no other speakers, the Chair called for the vote to delete item (b) of Section 18, and motion failed.

On Section 19, Senator Forbes requested to come back to this Section because it requires a lengthy discussion. Senator Aguon then stated that it will be entertained this afternoon after lunch. There was no objection.

On Section 20, Attorney Salary Schedule, Senator Brown asked why this section is entertained in the Bill, when it was introduced as a separate bill, and why wasn't this entertained as a separate measure. Senator Aguon requested Senator Cunliffe to respond to her question.

Senator Cunliffe, in response, stated that the Attorney General and many of the government attorneys are having trouble keeping employees, and with the budgetary constraints and the aspects, this is a tool to allow the Attorney General, not only to retain existing employees, and he noted that he just lost another attorney last Friday, but it also seeks to bring parity to the government attorneys who are being underpaid because of years of service outside the government versus years of service inside the government, and because it's a budgetary issue in determining what these salary schedules are going to be, the Vice-Speaker's Office included it in this budget.

RECESS:

At this time, at 12:18 p.m., Senator Aguon declared Recess until 2:00 p.m., this afternoon.

RECONVENING:

At 2:45 p.m., Senator Aguon called the Committee of the Whole back to order and discussion again ensued on Section 20.

Discussion moved on to Section 21; there was no change.

At this time, Senator Aguon informed the Members that it will go back to Section 12, and immediately recognized Senator Klitzkie to offer his amendment.

Senator Klitzkie, having been recognized, informed that the amendment being offered has "Bob & Randy" on the top, and then moved to replace the Section with language, as follows, on Section 12, Chapter VI, pages 58 and 59:

"Section 12. Prohibition on Personal Services Contracts.

Except for positions at the University of Guam, the Community College, the Department of Education, the Unified Judiciary of Guam, _____, and *I Liheslaturan Guåhan* positions in the classified and unclassified service shall *not* be filled pursuant to a contractual arrangement.

Pursuant to the procurement law, government of Guam departments and agencies may enter into agreements with independent contractors provided that *no* such agreement may contract for services ordinarily provided by the positions defined in the classified service.

It is *not* the intention of this Section to prohibit the use of independent contracts for obtaining commonly recognized professional services, such as licensed health professionals, licensed architects, licensed engineers, legal services, actuarial services and auditing services (to include the Government of Guam Annual Single Financial Audit) in those agencies that don't otherwise regularly provide such services by appointment of a regular employee."

On the Klitzkie amendment, Senator Forbes moved to insert “the Guam Police Department,” and to delete the word “and” before “*Liheslaturan Guåhan*”. There was no objection.

Senator Tenorio moved to delete “Unified Judiciary of Guam”. Senator Cunliffe opposed the deletion. On the Tenorio amendment to the main amendment, with objection, motion failed.

Senator Aguon made a technical correction to insert “Guam” before “Community College” on the Klitzkie amendment. There was no objection.

RECESS:

Senator Klitzkie, having been recognized to close discussion, moved for a one-minute Recess to allow him to prepare his two amendments to his original amendment and was so ordered by the Chair.

RECONVENING:

Senator Klitzkie, upon reconvening from Recess, moved to add his concern on health professionals, and to move the word “and” and to add after “*Guåhan*”, the phrase “‘and’ licensed health professionals at the Guam Memorial Hospital, the Department of Public Health and Social Services and the Department of Mental Health and Substance Abuse,”.

Discussion ensued with Senator Klitzkie moving to insert, on the first line of his amendment after the word “positions”, the phrase, “filled in accordance with the merit system”. There was no objection and motion was carried.

Again, Senator Klitzkie moved to add, at the end of the second paragraph after “classified service”, the phrase, “unless permitted by the organic statute of an agency.” Without objection, motion was carried.

Speaker pangelinan moved to go back to Section 1 of this Chapter referenced increments. On the motion, the question was put; there was no objection and was so ordered.

Speaker pangelinan, speaking on Section 1, moved to add the following amendment, to read:

“Section 1. Reinstatement of Salary Increments and Merit Bonuses. (a) Notwithstanding any other provision of law, not less than a one-step salary increment shall be uniformly restored to all eligible employees of all branches and entities of the government of Guam; autonomous agencies and public corporations; and the Mayors Council and Mayoral Offices.

(b) The information provided by the Administration conflicts regarding the amount necessary to fully restore salary increments to all employees, and I Liheslatura is therefore unable to determine an exact amount required. However, I Liheslatura finds that Fiscal Year 2003 lapses totaling over Fourteen Million Dollars (\$14,000,000.00) have been identified and used as recently as June 2004 by I Maga’lahi to fund various agencies, including I Maga’lahi’s Office, and were not directed to pay for tax refunds or to lift the freeze on salary increments.

(c) Notwithstanding any other provision of law or this Act, lapses in Fiscal Year 2004 and all other prior years appropriations to the Executive Branch from the General Fund shall not revert to the General Fund, but shall be identified by I Maga’lahen Guåhan and reported to the Speaker of I Liheslaturan Guåhan within forty-five (45) days of the close of Fiscal Year 2004, identifying the source and amount of the lapse; provided that these unexpended lapses may be expended as necessary for the payment of the uniform restoration of all salary increments due to all Executive Branch government of Guam employees funded by the General Fund pursuant to Subsection (a). Unless otherwise provided in this Act, lapses shall not be used for any other purpose. A report detailing the amount and source of all lapses to be used for restoration of salary increments shall be transmitted by I Maga’lahi to I Liheslaturan Guåhan at least fourteen (14) days prior to the proposed expenditure. Failure to provide notice as provided in this Section shall render the expenditure null and void.”

Among those speaking on the pangelinan amendment were Senator Forbes, (Senator Sanford presided) followed by Senator Aguon who

spoke at length in support of the proposed amendment; Senators Leon Guerrero, Respicio and Sanford (Senator Muña Barnes presided) in support and Senator Muña Barnes (Senator Sanford resumed the Chair) who also supported the proposed amendment.

Senator Aguon, having resumed the Chair, then recognized Senator Kasperbauer and informed the Members that after Senator Kasperbauer has spoken on the pangelinan amendment, the Committee will recess and reconvene at 8:00 p.m. this evening.

After Senator Kasperbauer spoke on the amendment, Speaker pangelinan was recognized to close on his amendment. Speaker pangelinan moved to amend, on the fifth line of Subsection (c), to change "may" to "shall". There was no objection.

There being no other speakers on the pangelinan amendment on Section 1, the Chair called for the vote and without objection, motion was carried.

RECESS:

At 5:40 p.m., Senator Aguon declared the Committee of the Whole in Recess and to reconvene at 8 o'clock this evening.

RECONVENING:

Senator Leon Guerrero, presiding, called the Committee of the Whole to order at 9:20 p.m., and immediately recognized Senator Forbes, who moved to recess until 9:00 a.m., tomorrow morning. There was no objection.

RECESS:

At 9:24 p.m., the Chair declared the Committee of the Whole in Recess until 9:00 a.m., Wednesday, September 22, 2004.

RECONVENING OF SEPTEMBER 22, 2004:

At 9:30 a.m., Senator Aguon called the Committee of the Whole to order and Senator Forbes requested a Recess before the Body began discussion on Section 19. However, Senator Aguon informed Senator Forbes that the Body will return to Section 19, and will now discuss Section 21.

There were no changes on Section 21, and discussion continued on to Sections 22 and 23.

On Section 24, page 69, Senator Klitzkie moved to delete Section 24, Department of Education Privatization Analyses.

Senator Fernandez objected to the deletion of this Section, while Senator Forbes supported Klitzkie's amendment. Speaker pangelinan opposed the amendment and Senator Kasperbauer supported the deletion.

Senator Klitzkie, in closing discussion on his amendment, again spoke in full support of the deletion.

There being no other speakers on the Klitzkie amendment, the question was put and with objection, motion failed.

Discussion again resumed on Section 24, with Senator Forbes moving to delete Item (6) of Section 24 on page 70.

Senator Fernandez objected to the Forbes amendment, followed by Senator Leon Guerrero, also in objection. Senators Kasperbauer and Klitzkie spoke in support of the Forbes amendment.

After Senator Forbes closed discussion on his amendment to delete Item (6), the question was put and with objection, motion failed.

Having finished discussion on Section 24, Senator Aguon returned the discussion back to Section 21 as earlier moved, and then asked Senator Forbes to discuss his concern.

Senator Forbes stated that his concern had not been addressed, but had thought discussion would go to Section 19, and asked if we are on Section 21. Senator Aguon responded yes.

Senator Forbes then spoke on Section 21, Guam Visitors Bureau, and requested a few minutes recess in order to consult other Members on this Section, and asked questions from Senator Cunliffe on the language, which he answered.

Senator Klitzkie, speaking on the Section, moved to amend page 67, to delete from line 1, starting with "Neither" and ending on the word "Guam" on line 3, and replace with the following and to delete the words "Personal service" on lines 5 and 6; capitalize "C" on "contracts", and insert "to individuals" after "Contracts", to read:

"§9109(c). The Bureau shall not employ employees in any foreign country or territory. Neither the Board nor the General Manager shall enter into contracts with individuals in foreign countries or territories. All work to be done in foreign countries or territories shall be outsourced to a firm, association, or corporation as may be deemed necessary or appropriate. ~~Personal service~~ Contracts to individuals shall not be permitted for such services."

On the Klitzkie amendment, the Chair called for the vote and without objection, it was so ordered.

Discussion reverting back to Section 19, Senator Tenorio moved to amend page 62, Subsection "(c)", as follows:

"(c) Employees entitled to annual leave hereunder may accumulate up to three hundred twenty (320) hours. Any annual leave earned by eligible employees in excess of three hundred twenty (320) hours, hereinafter referred to as 'excess annual leave', shall be credited to such employee's accumulated sick leave, provided, that no more than one hundred (100) hours shall be credited to sick leave at the end of each fiscal year. The determination and crediting of accumulation of excess annual leave to and crediting of excess hours sick leave, shall be done at the end of each fiscal year.

Notwithstanding the provision of this Section, employees who have ~~excess accumulated~~ annual leave ~~in excess of three hundred twenty (320) hours~~ as of February 28, 2003 may carry over their excess annual leave and ~~shall use the excess amount of leave, prior to retirement or termination from service.~~ At the time of retirement ~~or~~ termination of service, that portion permitted to be credited to sick leave shall be so credited, ~~and the remainder of the excess leave, if any, shall be lost.~~ Nothing herein shall allow lump sum compensation or retirement credit for annual leave in excess of three hundred twenty (320) hours."

Senator Quinata, speaking on the Tenorio amendment, opposed and noted the existing Section is sufficient. Senator Forbes spoke in support of the amendment, followed by Senator Kasperbauer who moved to delete the last sentence on the Tenorio amendment.

On the Kasperbauer amendment to the Tenorio amendment, Senator Quinata opposed the Kasperbauer amendment. There being no other speakers on the Kasperbauer amendment to the amendment, the question was put and motion failed.

On the main amendment, Senators Muña Barnes, Leon Guerrero, Speaker pangelinan and Senator Cunliffe all opposed the Tenorio amendment.

After Senator Tenorio closed discussion on his amendment, the Chair called for the vote and with objection, motion failed.

RECESS:

At 11:50 a.m., Senator Aguon declared Recess until 2 o'clock in the afternoon.

RECONVENING:

Recess having expired, Senator Aguon called the Committee of the Whole back to order and informed the Members they were still on Section 19, with Senator Forbes speaking on the Section; however

there were no more amendments offered and discussion moved to Section 16.

Senator Tenorio, speaking on Section 16, Street Light Fund, moved to replace Section 16 as follows:

"1. Subsection (a) of §7161 of Title 16, Guam Code Annotated, is amended to read:

'(a) There is established within the Treasury of Guam a fund to be known as the Street Light Fund, which shall be maintained separate and apart from any other funds, including the General Fund of the government of Guam and independent records and accounts shall be maintained in connection therewith. Money in the Street Light Fund shall be used to pay for the installation and operation of public street lights. All revenues deposited in the Fund are ~~appropriated~~ reserved for use by ~~to~~ the Guam Power Authority for payment for operation and installation of public street lights. The Treasurer of Guam shall transfer funds to Guam Power Authority pursuant to this Section and the end of each month'."

2. A new Subsection (e) is hereby *added* to §7161 of Title 16, Guam Code Annotated, to read:

'(e) No funds from the Street Light Fund may be expended or encumbered without an appropriation ~~authorization~~ by *I Liheslaturan Guåhan*'."

On the proposed Tenorio amendment, Senator Tenorio moved to make grammatical corrections: In Section 1, fourth line from the bottom, change "revenue" to "revenues"; change "is" to "are". On Section 2, delete "authorization" and leave all other language. On the amendment to the amendment, without objection, motion was carried.

On the main motion, as amended, the question was put and without objection, motion was carried.

Moving on to Section 25, discussion ensued with Senators Kasperbauer, Forbes and Leon Guerrero speaking on this Section. There were no changes.

RECESS:

At 3:30 p.m., Senator Aguon declared Recess until 9:00 a.m., September 23, 2004.

RECONVENING:

Senator Aguon called the Committee of the Whole to order at 9:45 a.m., and informed the Members that they were on pages 70 and 71, entertaining Section 26, Reprogramming of Festival of Pacific Arts Appropriation. There was a request for some additional information in terms of the breakdown for the IX Festival of Pacific Arts.

Senator Muña Barnes, having been recognized, proceeded to give the breakdown on the financial status based on the existing section. Senator Muña Barnes informed the Chair that the Festival Committee is asking for assistance in this matter knowing that they would have to raise the difference and on the commitment that they made to this Body when the appropriations first came into play. She further noted that the Festival of the Arts happened in the island of Palau. We had over 173 delegates representing our island of Guam. Our island of Guam was well represented; we had visual artists, performing artists, craftsman, we had all our artist people there, and we had storytellers and our literary arts people there. Because of our presentation in this Festival of the Arts, a couple of our representatives were afforded the opportunity to continue to showcase the expertise of our Guam delegation and were offered the seafaring folks and the master craftsman that they would be given a grant from the state of Hawaii, so that they can teach their people what expertise that we have here in Guam.

Discussion ensued on expenditures and Senator Klitzkie requested to hold off discussion until we get more information on this and to

return to this Section when we get the requested information and would make an amendment once this information has been received.

Also speaking on this Section were Senators Kasperbauer, Respicio and Forbes. There being no other discussion on section 26, the Chair then informed the Members that they will come back to this Section once the information has been received.

Discussions moved on to Sections 27, 28 and 29. On Section 29, Senators Klitzkie and Forbes and Speaker Pangelinan spoke on this Section, with Senator Klitzkie moving to delete Section 29.

On the motion, there was an objection raised from the Floor, and motion failed.

Senator Forbes, speaking on Section 29, Acting Appointments, moved to amend page 72, on lines 7 through 11, to delete "or, in.....*Liheslatura*", and replace with: "or a person who has been appointed to fill a position on a permanent basis but whose nomination has not been received by *I Liheslatura*."

RECESS:

Shortly after Senator Forbes offered his amendment, Senator Aguon declared Recess until 2 o'clock in the afternoon.

RECONVENING:

Recess having expired, Senator Aguon recognized Senator Muna Barnes.

Going back to Section 26, Senator Muña Barnes moved to delete Section 26 and replace with the attached amendment (See Appendix ___). Among those speaking on the Muña Barnes amendment were Senators Klitzkie, Sanford, Cunliffe and Brown. There being no other speakers on the Muña Barnes amendment, Senator Aguon called for the vote and there was an objection from the Floor, but the motion was carried.

Senator Aguon noted that we have concluded discussion on Section 26 with the understanding that we will come back to Section 26 to entertain concerns by Senators Kasperbauer and Klitzkie if they have an amendment to offer, and that it would be a reconsideration, of possibly allowing a reconsideration and discuss this particular Section.

Senator Klitzkie then moved to delete all of the language in Section 2 of the amendment by Senator Muña Barnes recently adopted, except for the last line, as adopted.

On the Klitzkie amendment, Senator Klitzkie spoke in support of his proposed amendment, followed by Senator Tenorio who supported the amendment.

On the Klitzkie amendment, the Chair called for the vote and with objection, motion failed.

Discussion having concluded on Section 26, Senator Aguon moved on to Section 29.

Senator Forbes, having been recognized, spoke on his earlier amendment on Section 29.

On the proposed amendment, Senator Leon Guerrero, Speaker pangelinan spoke on the amendment. At this time, Senator Aguon declared a brief Recess.

RECONVENING:

Upon reconvening, Speaker pangelinan continued speaking on the amendment and offered an amendment to the Forbes amendment. Speaker pangelinan stated that this is complimentary to the Forbes amendment.

On the pangelinan amendment to the Forbes amendment, (See Appendix __), Speaker pangelinan spoke on his amendment to

Section 29. On the amendment to the Forbes amendment on Section 29, Senator Tenorio moved to replace “the Legislature” with “*Liheslatura*”. There was no objection and motion was carried.

On the pangelinan amendment, as amended, to the Forbes amendment, the question was put and without objection, motion was carried.

On the primary amendment, as amended, motion was carried.

Still speaking, Speaker pangelinan continued on to the next section, Section 30, to replace this section with his proposed amendment.

On this amendment to Section 30, Speaker pangelinan moved to delete the phrase, “plus three (3) legislative days” on subsection (d). There was no objection and motion was carried. On the main amendment, as amended, and after discussion on Section 30, the Chair called for the vote and without objection, motion was carried.

Speaker pangelinan, again, moved to replace Section 31 with his proposed amendment on this section. As in the previous amendment, Speaker pangelinan moved to delete the phrase, “plus three (3) legislative days” on §2103.12, Acting Capacity. There was no objection and motion was carried. On the main amendment, as amended, and after discussion on Section 31, the Chair called for the vote and without objection, motion was carried.

Reverting back to Section 28, Temporary Assignment, Senator Kasperbauer moved to amend page 72, line 1, after the word “Board” insert “except for teachers detailed as assistant principals or acting principal whose appointments should not exceed 365 days.”

Senator Fernandez spoke in support of the Kasperbauer amendment and asked her colleagues to support this amendment.

On the Kasperbauer amendment on Section 28, Senators Lujan, Fernandez and Leon Guerrero all spoke, with Senator Leon Guerrero requesting a Recess to prepare an amendment.

RECESS:

At this time, the Chair declared a one-minute Recess.

RECONVENING:

Recess having expired, Senator Sanford, presiding, called the Body to order and informed the Members that they are still awaiting the proposed amendment by Senator Leon Guerrero, and that there is a request to go back and re-entertain Section 26.

At this time, Senator Aguon was recognized and thanked the Chair for reconsidering and coming back to Section 26. Senator Aguon then moved to amend page 70, to delete Section 26, in its entirety. There was no objection and was so ordered.

RECESS:

Senator Sanford then declared a one-minute Recess.

RECONVENING:

Senator Aguon having resumed the Chair, stated that while awaiting Senator Kasperbauer's amendment on Section 28, subject to that, there has been a suggestion to recess until 1:00 p.m. tomorrow afternoon. There was no objection.

RECESS:

At 4:51 p.m., Senator Aguon declared Recess until 1:00 p.m., Friday, September 24, 2004.

RECONVENING OF SEPTEMBER 24, 2004:

At 2:05 p.m., Senator Aguon called the Committee of the Whole to order, and informed the Members that they were still on Section 28, page 71, and pending his arrival, asked if there are any more

questions and there being no other discussion with the exception of Senator Kasperbauer, then stated that they will proceed to Section 32.

There were no discussions on Sections 32, 33, 34, 35, and 36. On Section 36, Senator Klitzkie asked if the proponent of this Section could give an explanation; this was not in the first budget bill. That being the case, Senator Aguon informed the Members that it will revert back to this Section 36.

On Section 37, Senator Klitzkie again asked the same request of Section 36. On the inquiry of Senator Klitzkie, Senator Aguon called upon Speaker pangelinan who was recognized. Speaker pangelinan noted that he has an amendment and basically it is a stylistic change that 2004 should be crossed out. He further stated that the Legislature passed in P.L. 27-40, an extension for the implementation of the Article 9 of the Uniform Commercial Code. We had passed the Uniform Commercial Code in the previous year, in the previous Legislature. Uniform Commercial Code governs transactions and perfecting of interest by commercial parties in business transactions. When we had passed the Uniform Commercial Code, we had adopted the Uniform Commercial Code from the National Association of Tax Commissioners and the Uniform Commercial Code organization that drafts these kinds of codes for states and territories. In most states and territories, every single one had, in fact, adopted the new Article 9, with the exception of Guam. The problem came to us when the Small Business Administration started rejecting typhoon loans because the Small Business Administration required that all of those loans be subject to the Article 9 of the new Uniform Commercial Code. Guam had not adopted it and the SBA could not issue and perfect their interest on those loans. We then adopted the UCC9 with the proviso that the implementation date be deferred so that the government of Guam can prepare itself. He had sponsored that legislation. In the meantime, they had met with the Chamber of Commerce, the members of the Guam Bar Association and the Department of Revenue and Taxation, plus other interested parties. What happened in the adoption of the original code, was that there were some policies that Guam had to make because of the voluminous nature of it, where you choose to adopt one version or

section over another version of a section, and Guam did not make that adoption. We actually had two options and it was unclear which section was applicable to Guam, because only one could be applicable at the time. We got a group together and started working on the implementation of that, and the Department of Revenue and Taxation actually started receiving filings from the UCC9. Speaker pangelinan then continued to explain that this Section 37 will extend the application of the new Article 9 until October, 2005 and that would give us a year's time to work on perfecting the Article 9, the choices we have to make in making those choices, the forms we have to fill out, plus we have to enact Article 2 and Article 2a and any other articles that are required, but those are the major two articles that tie up to transactions under the Article 9. This would extend the date to October 1, 2005, and there was also a fee schedule for the filing of the statements under Article 9, and once again those will be extended until the new Article is adopted and so forth. Speaker pangelinan then moved to replace Section 37, Extension of UCC Article 9 Implementation Date to read:

"Section 37. Extension of UCC Article 9 Implementation Date. (a) Section 2 of Public Law 27-40 is hereby *amended* to read as follows:

'Section 2. A new Section 5 is hereby *added* to Public Law 26-172 to read as follows:

'Section 5. The provisions of this Act shall be effective October 1, ~~2004~~ 2005, and shall apply to transactions entered into and events occurring after October 1, ~~2004~~ 2005'.

(b) Section 3 of Public Law 27-40 is hereby *amended* to read as follows:

'Section 3. A new Section 6 is hereby *added* to Public Law 26-172 to read as follows:

'Section 6. A fee schedule for the filing of financing statements, amendments, continuations, statements, and releases shall be promulgated pursuant to the Administrative Adjudication Law and filed with *I Liheslaturan Guåhan* thirty (30) days prior to October 1, ~~2004~~ 2005'."

On the pangelinean amendment to Section 37, there was no further discussion and the question was put and without objection, motion was carried.

Moving on to Section 38, the Chair then asked for the Senators consideration to go back to page 72. There was no objection and Senator Kasperbauer was recognized to speak on Section 28.

Senator Kasperbauer offered a revised amendment to Section 28 (See Appendix ___). Senator Kasperbauer amended his amendment to change "administrators", to read "principals". There was no objection.

Senator Leon Guerrero, speaking on the amendment, moved to insert the phrase "provided that there are no qualified applicant for those positions and..." after "three hundred sixty (360) days". There was no objection and was so ordered.

Again, Senator Leon Guerrero moved to make a minor change on the second page of the amendment to insert after "assigned" the phrase "The Speaker" before "*I Liheslaturan*". There was no objection and motion was carried.

Further, Senator Kasperbauer noted that this amendment has the incorporated efforts of himself, Senator Fernandez and Leon Guerrero and to add their initials after LK as co-sponsors of this amendment. There was no objection.

On the main amendment, as amended, Senator Aguon called for the vote and without objection, motion was carried.

Moving along, Senator Aguon stated that there was a request from Senator Quinata to come back and revisit the directorship and head of agency acting capacity and that amendment is still being finalized as we speak, and moved to ask if there are any additional sections to Chapter VI.

Speaker pangelinan moved to add a new section to amend the business license law, passed earlier, on the filing fee and report, to read:

"Section __. Filing Fee for Annual Audit Report. 18
GCA §4304(g) is hereby *amended* to read:

'(g) The filing fee for an annual report shall be One Hundred Dollars (\$100.00), with the exception of nonprofit corporations. The filing fee for an annual report for nonprofit corporations shall be Ten Dollars (\$10.00).'

On the pangelinan amendment to add a new section on the filing fee to Chapter VI, the question was put and without objection, it was so ordered.

After the adoption of Speaker pangelinan's amendment, Senator Leon Guerrero asked the Chair if they could reconsider. After everybody is done with their amendments, she would like to make an amendment on page 70, regarding the issue of privatization of cafeteria services. On the reconsideration, there was no objection and it would be entertained after all amendments are made.

Next to speak was Senator Sanford, who moved to add a new section increasing the government contribution on insurance premium; for the DC plan to cover the pre-retirement disability and survivor benefits to read:

"Section __. Ancillary Benefit Account. Subsection (b) of Section 8209 of Article 2 of Chapter 8 of Title 4, Guam Code Annotated, is hereby *amended* to read:

"(b) Furthermore, prior to the adoption of welfare benefit plans for pre-retirement disability and survivor death benefits in Article 4 of this Title, each participating employer shall also make a contribution to the Ancillary Benefit Account for the sole purpose of financing pre-retirement disability insurance and survivor death insurance premiums, in an amount equal to a designated percentage of such member's base pay, the percentage to be determined on a quarterly basis by the Board within its sole discretion, in an amount not to exceed two percent (2%) of each member's base pay."

Speaker pangelinan and Senator Leon Guerrero spoke in support of the Sanford amendment. There being no other speakers on the above amendment, the question was put and without objection, motion was carried.

Again, Senator Sanford moved to add a new section to read:

"Section 39. Employees on Active Duty. A new Section 8209.2 is hereby *added* to Article 2 of Chapter 8 of Title 4, Guam Code Annotated, to read:

'Section 8209.2. Employees on Active Duty. The government shall pay the employer's and member's Government of Guam Defined Contribution Retirement System contributions, group health insurance premiums, and group life insurance premiums for all officers and other employees of the government of Guam who are on leave without pay and on active duty with the Guam National Guard or the reserve components of any of the Armed Services of the United States. All agencies and departments of the government of Guam shall fund, from their respective annual budgets, the contributions for retirement, health insurance, and life insurance authorized by this Section. The provisions of this Section shall be effective October 1, 2004'."

Senator Leon Guerrero, speaking on the amendment, spoke in support of this amendment for our employees on active duty in the Armed Services of the United States.

On the Sanford amendment, the Chair called for the vote and without objection, it was so ordered.

RECESS:

At this time, the Chair declared a brief Recess.

RECONVENING:

Recess having expired, and Senator Sanford presiding, Senator Leon Guerrero moved that the Committee of the Whole temporarily rise for the purpose of going into Regular Session and to place Bill No. 373(LS) on top of the Second Reading File. There was no objection and was so ordered.

RECONVENING OF REGULAR SESSION:

Speaker pangelinan called *I Liheslatura* to order and immediately recognized Senator Leon Guerrero.

Senator Leon Guerrero, notwithstanding the House Rules, stated that the Committee of the Whole has temporarily risen and moved to go back to MOTIONS. There was no objection and was so ordered.

MOTIONS:

Under MOTIONS, Speaker pangelinan recognized Senator Forbes who moved to place Bill No. 373(LS), "AN ACT TO ZONE A PREVIOUSLY UNZONED PORTION OF THE CALVO FAMILY PROPERTY IN MONGMONG, TOTO, MAITE," on top of the Second Reading File. There was no objection.

SECOND READING FILE: The following was placed in this order:

9/16/04

- 1) Bill No. 373(LS)
- 2) Bill No. 363(LS)(Committee of the Whole temporarily arisen)
- 3) Bill No. 364(LS)

Bill No. 373(LS):

Senator Lujan, having been recognized, was informed by Speaker pangelinan that Section 2103 of Title 2, of the legislative statutes, Chapter 2, requires a public hearing on every bill, unless the presiding officer waives that public hearing and certifies that emergency conditions exist involving danger to public health and public safety, the requirement for public hearing may be waived, and in the event the bill is identical to a bill introduced earlier, which

latter bill received a public hearing, then a public hearing for that identical bill may be waived. However, Speaker pangelinan finds it difficult to certify that emergency conditions exist, but for the purpose of meeting the intent of the law, in terms of a public hearing, requested that the Body resolve into a Committee of the Whole to receive or allow the reception of any comments on the Bill, and then move on the Bill.

Senator Forbes moved that the Speaker preside in the Committee of the Whole. There was no objection.

On the motion to resolve into a Committee of the Whole for consideration of Bill No. 373, there was no objection and was so ordered.

COMMITTEE OF THE WHOLE ON BILL NO. 373(LS):

Senator Lujan moved to place Bill No. 373(LS). "AN ACT TO ZONE A PREVIOUSLY UNZONED PORTION OF THE CALVO FAMILY PROPERTY IN MONGMONG, TOTO, MAITE," on the Third Reading File. There were no objections.

Senator Forbes moved that the Committee of the Whole rise on the matter of Bill No. 373(LS) with the recommendation to do pass.

On the motion for the Committee of the Whole to rise on the matter of Bill No. 373(LS) with the recommendation to do pass, there was no objection.

RECONVENING OF REGULAR SESSION:

Having reconvened Regular Session, Speaker pangelinan recognized Senator Forbes.

Senator Forbes reported back to the Body that the Committee of the Whole has risen in the matter of Bill No. 373(LS), and with the recommendation to place on the Third Reading File and to do pass. There was no objection and was so ordered.

THIRD READING FILE: Bill No. 373(LS) was placed here.

Before voting on Bill No. 373(LS), Senator Forbes moved that the Body vote on Bill No. 373(LS) without engrossment. There was no objection and motion was carried.

Prior to voting, Speaker pangelinan asked Senator Forbes if there is any objection to adding all the Senators as co-sponsors, and there was no objection. Speaker pangelinan then called for the vote to add all Senators as co-sponsors and without objection, it was so ordered.

Bill No. 373 (LS)

As amended.

Introduced by:

J. A. Lujan
Mark Forbes
L. F. Kasperbauer
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
C. Fernandez
R. Klitzkie
L. A. Leon Guerrero
T. R. Muña Barnes
v. c. pangelinan
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO ZONE A PREVIOUSLY UNZONED
PORTION OF THE CALVO FAMILY PROPERTY IN
MONGMONG, TOTO, MAITE.**

The roll was called and Bill No. 373(LS) was passed by the following votes:

AYES: Senators F. B. Aguon, Jr., J. M.S. Brown, C. Fernandez, Mark Forbes, L. F. Kasperbauer, R. Klitzkie, L. A. Leon Guerrero, J. A. Lujan, T. R. Muña Barnes, v. c. pangelinan, J. M. Quinata, R. J. Respicio, Toni Sanford and Ray Tenorio - 14

NAYS: - 0

ABSENT: Senator F. R. Cunliffe - 1

Before announcing the passage of Bill No. 373(LS), Senator Forbes, having been recognized, moved to excuse Senator Cunliffe on his absence. There was no objection and motion was carried.

Speaker pangelinan informed the Body that they have disposed of all matters on the Third Reading File and would now entertain a motion to return to the Committee of the Whole, and was so moved by Senator Aguon. On the motion, there was no objection, and the Body returned to the Committee of the Whole.

COMMITTEE OF THE WHOLE ON BILL NO. 363(LS):

Senator Aguon, having reconvened the Committee of the Whole, recognized Senator Quinata (moving for Senator Aguon) who moved to add a new Section to Chapter VI, to read as follows;

"Section __. Amendment to Allow Annual Single Audit.
Section 30 of Chapter IV of Public Law 27-29 is hereby *amended* to read:

'Section 30. Appropriation for Government of Guam Annual Single-Audit. The sum of Three Hundred Thousand Dollars (\$300,000) is hereby appropriated from the General Fund to the Department of Administration for the *sole* purpose of outsourcing the government of Guam annual single financial audit for Fiscal Year 2003. The Office of the Public Auditor shall be responsible for the administration of such funds and shall maintain oversight of the conduct of the annual audit. Provided that the

contract for the annual single financial audit is procured pursuant to 2 GAR Section 2112 and other applicable provisions of the procurement law and regulations, the contract shall *not* be considered a contract for personal services that might otherwise be prohibited by Section 13, Chapter V of this Act. (Public Law 27-29).”

On the Quinata amendment to add a new section, the question was put and without objection, was so ordered.

Next to speak was Senator Kasperbauer, who moved to add a new section to Chapter 6, to read as follows:

“Section __. **Transfer of DOE Employees.** A new item (n) is hereby *added* to Section 3103 of Title 17, Guam Code Annotated, to read:

“(n) Notwithstanding any other provision of law or personnel rules and regulations, the Superintendent shall have the authority to assign, detail or transfer employees to various physical locations within the Department of Education. The exercise of such authority shall be administered only in accordance with Policy adopted by the Board and shall not (1) result in a change in position title and/or job duties, and/or (2) contradict the provisions of any collective bargaining agreement in effect at the time of the transfer nor violate any employees rights thereto.”

RECESS:

Senator Aguon asked if there is any discussion on the Kasperbauer amendment, and then declared a brief Recess at this time.

RECONVENING:

Recess having expired, Senator Aguon informed the Members that there are numerous amendments being prepared, among them Senator Kasperbauer, and moved on to entertain other amendments.

At this time, Senator Leon Guerrero was recognized. Senator Leon Guerrero moved to add a new section to Chapter VI of the Bill, to read:

“Section _____. For all Department of Education privatized cafeterias or cafeteria services, vendors shall comply with 5 GCA 5001(e) and Chapter 68 of Title 5, Guam Code Annotated, relative to the procurement of local products, in place and stead of the Department of Education. The Department of Education shall require compliance with these provisions as part of its contracts for privatization.”

Senator Leon Guerrero, speaking on her amendment, informed the Body that what this does is allow our local farmers and fishermen the opportunity to continue doing business with the Department of Education even when the cafeteria services are privatized and awarded to various vendors. In speaking with the local fishermen, it was brought out that the vendors are concerned when the cafeteria services are privatized, that the vendors may not be able or may not buy from these local fishermen and local farmers, and what her amendment does it just assures that when the Department of Education privatizes these food services, the local law that we have currently in the books, will apply to these vendors in the process of the whole privatization program.

On the Leon Guerrero amendment, Senator Respicio spoke in support of the amendment. Senator Forbes spoke in support of the amendment, but would like to offer an amendment to the Leon Guerrero amendment.

Senator Klitzkie, speaking on the amendment, asked the sponsor of the amendment to yield to his questions. There was no objection. Senator Klitzkie proceeded to ask his question as by “vendors”, is it meant of those who have contracted with the DOE to provide cafeteria services. Senator Leon Guerrero stated that is her understanding of vendors. It would be those that were awarded the cafeteria services and food services.

Again, Senator Klitzkie asked “in place and stead of the Department of Education” what is meant by that language. Senator Leon Guerrero responded these vendors would then be doing those services instead of the Department of Education. Further, Senator Leon Guerrero stated that the intent of her amendment is that currently DOE is mandated by public laws, as cited in this amendment, that they are to buy, from local farmers and local fishermen, local products, so when that function from the Department of Education is transferred over to vendors, then those same mandates of the law would then apply to those vendors and the vendors would then buy from local fishermen and local farmers.

Further discussion ensued with a suggestion to amend Chapter 68, 5GCA 5001(e) and appropriate places.

Speaker pangelinan, speaking in support of the amendment, moved to amend by inserting after “cafeteria services” the phrase “contractors operating Department of Education privatized cafeterias and food services” and deleting the word “vendors”.

RECESS:

At this time, the Chair declared a brief Recess.

RECONVENING:

Recess having expired, Senator Leon Guerrero, having been recognized, moved to withdraw her original amendment. There was no objection.

Senator Leon Guerrero then moved the following:

“Section 41. DOE Privatization Cafeteria Requirement. A new Subsection (d) is hereby *added* to §3112(a)(16) of Chapter 3, Division 2 of Title 17, Guam Code Annotated, to read:

‘(d) For all Department of Education privatized food services, cafeterias, or cafeteria services, contractors operating DOE cafeterias and food services shall comply with 5GCA 5001(e) and Chapter 68 of Title 5, Guam Code

Annotated, relative to the procurement of local products, in place and stead of the Department of Education. The Department of Education shall require compliance with these provisions as part of its contracts for privatization subsequent to the enactment of this Subsection'."

On the Leon Guerrero amendment, Senator Klitzkie spoke in support of the amendment.

There being no other speakers on the Leon Guerrero amendment, the Chair called for the vote and without objection, motion was carried.

RECESS:

At 5:55 p.m., Senator Aguon declared Recess until 9:00 p.m. this evening.

RECONVENING:

At 9:43 p.m., Senator Sanford, presiding called the Committee of the Whole to order and immediately recognized J. M. Quinata.

Senator Quinata moved to add a new section to Chapter VI, to read as follows:

"Section __. **Dual Employment Prohibited.** 4 GCA
Section 6504.1 is hereby *amended* to read:

'§6504.1. (a) No Officer or employee of the government of Guam may be employed on a full-time, part-time or contractual basis or hold an appointment to more than one (1) position in the classified or unclassified service in any department or agency or by more than one (1) department, agency or branch of the government of Guam at any time, except for:

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

- (2) persons employed by the Youth Congress;
- (3) persons employed on a part-time basis by boards or commissions;
- (4) persons employed as nurses, physicians, and as ancillary/allied health professionals in the government of Guam;
- (5) attorneys engaging in the active practice of law, or part-time judges or part-time court referees;
- (6) persons employed on a part-time or contractual basis who are individual and family counselors or chemical dependency specialists; or
- (7) any employee of the government of Guam whose primary employment is not in any of the agencies or professions listed in items (1), (2), (3), (4), (5) and (6) herein, but has training and experience to qualify to be employed in the professions listed in items (1), (2), (3), (4), (5) and (6) herein, may be employed in secondary jobs in such professions within the government of Guam; provided, that such secondary job is not in conflict with that person's primary job and there are no other qualified applicants not within the employ of the government of Guam.

(b) Effective upon confirmation, *no* official who occupies a position requiring the consent of *I Liheslatura*, may be paid salary for or fill a classified position. Certifying officers shall *not* certify funds for the classified position in contravention of this Section and shall be liable under 4 GCA Chapter 14'."

On the amendment, discussion ensued with Senator Tenorio, Speaker pangelinan, Senators Brown, Klitzkie, and Forbes all speaking on the amendment.

There being no other speakers on the Quinata amendment, the question was put and without objection, motion was carried.

At this time, Senator Kasperbauer was recognized to continue discussion on his earlier amendment on transfer of DOE employees.

"Section ____. **Transfer of DOE Employees.** A new item (n) is hereby *added* to Section 3103 of Title 17, Guam Code Annotated, to read:

'(n) Notwithstanding any other provision of law or personnel rules and regulations, the Superintendent shall have the

authority to assign, detail or transfer employees to various physical locations within the Department of Education except that:

(1) The transfer of any employee shall *not* result in a loss of pay or salary;

(2) The transfer of any employees shall *not* occur if the employee has filed a legitimate grievance with the Civil Service Commission for discrimination based on political affiliation, gender, or sexual harassment, unless the said transfer is agreed to by the employee;

(3) The Superintendent shall submit to the Speaker of *I Liheslaturan Guåhan* and the Director of the Civil Service Commission notification of said transfer;

(4) The employee shall be provided written notice thirty (30) days *prior* to the beginning of the pay period in which the employee is to be transferred, unless the notice period is voluntarily waived by the employee; and

(5) This Section shall *not* be used to transfer employees acting in the best interest of the Department in reporting or exposing bad business practices or illegal activities'."

After Senator Kasperbauer spoke on his amendment, the Chair called for the vote and without objection, motion was carried.

Senator Forbes moved to add a new section to Chapter VI. to read:

"Section ____. **Foster Homes.** Stipends and fees paid to Foster Homes as administered by the Department of Public Health and Social Services shall be immediately increased by fifty percent (50%), across the board. Beginning in Fiscal Year 2006, such fees and stipends shall be increased by five percent (5%) per annum, for a period of ten (10) years."

Among those speaking on the Forbes amendment on Foster Homes were Senator Klitzkie, Speaker pangelinan, Senators Kasperbauer and Respicio, all in support.

In closing discussion, Senator Forbes moved to amend his amendment by adding, at the end, the following to read:

"Section ____. **Foster Homes.** Stipends and fees paid to Foster Homes as administered by the Department of Public Health

and Social Services shall be immediately increased by fifty percent (50%), across the board. Beginning in Fiscal Year 2006, such fees and stipends shall be increased by five percent (5%) per annum, for a period of ten (10) years. 'The sum of One Hundred Fifty Thousand Dollars (\$150,000.00) is hereby appropriated from the General Fund to accomplish the purpose of this Section'."

On the amendment, Senator Leon Guerrero spoke in support of the amendment to the amendment.

On the amendment to the Forbes amendment, the Chair called for the vote and without objection, motion was carried.

There being no other speakers on the Forbes amendment, as amended, the Chair called for the vote on the Forbes amendment, as amended, and without objection, motion was carried.

Next to speak was Senator Kasperbauer, who moved to add a new section to Chapter IV, to read:

"Section ____. **Garnishment of Income Tax Refunds for DOE Tuition Default.** A new §3215.1 is hereby *added* to Chapter 9, Title 17, of the Guam Code Annotated, to read:

'§3215.1. Garnishment of Income Tax Refunds in the event of a default on payment of Tuition and Fees. The Department of Education may, subject to the terms and conditions of a *Memorandum of Understanding* with the Department of Revenue and Taxation, garnish the tax refunds due to any former or current employee who has defaulted on the payment of tuition and fees for in-services training and for which a judgment has been issued. Such garnishment shall *not exceed* the judgment amount'."

On the Kasperbauer amendment, the Chair called for the vote and without objection, motion was carried.

At this time, Senator Leon Guerrero presided over the Committee of the Whole.

Next to be recognized was Senator Tenorio, who moved to strike/delete the last sentence of his earlier adopted amendment on subsection (a) of §7161, page 60, to read:

“Section 16. Street Light Fund. (a) Subsection (a) of §7161, Title 16, Guam Code Annotated, is hereby *amended* to read:

‘(a) There is established within the Treasury of Guam a fund to be known as the Street Light Fund, which shall be maintained separate and apart from any other funds, including the General Fund of the Government and independent records and accounts shall be maintained in connection therewith. Money in the Street Light Fund shall be used to pay for the installation and operation of public street lights. All revenues deposited in the Fund are reserved for use by the Guam Power Authority for payment for operation and installation of public street lights. ~~The Treasurer of Guam shall transfer funds to Guam Power Authority pursuant to this Section at the end of each month.~~’”

On the Tenorio amendment to delete the last sentence on his earlier adopted amendment, the Chair called for the vote and without objection, motion was carried.

RECESS:

Senator Tenorio requested for a one-minute Recess to prepare an amendment, which he is offering. There was no objection.

RECONVENING:

Recess having expired, Senator Leon Guerrero informed the Members that while waiting for Senator Tenorio’s amendment, that the Committee will go back to Chapter V to entertain Senator Respicio’s amendment.

At this time, Senator Respicio, having been recognized, moved to add a new section to appropriate funds from the Plant and Inspection and Permit Fund to the Department of Agriculture, to read on page 48:

“Section 20. Plant Inspection and Permit Fund Appropriation. The sum of Forty Thousand Dollars (\$40,000.00) is hereby appropriated from the Plant Inspection and Permit Fund to the Department of Agriculture, pursuant to Section 73207 of Title 5, Guam Code Annotated, for the administration, operation, maintenance, and improvement of the Plant Inspection Station of the Department of Agriculture.”

On the Respicio amendment, there was no objection and was so ordered.

RECESS:

Having adopted the Respicio amendment, the Chair asked Senator Tenorio if he was ready with his amendment, and Senator Tenorio wasn't ready and the Chair declared a brief Recess.

RECONVENING:

Recess having expired, Senator Aguon presiding, informed the Members that while awaiting Senator Tenorio's final draft of his amendment, the Committee will proceed to Chapter VII.

Moving on to Chapter VII, there were no discussions on Sections 1, 2, 3, 4, 5, 6, 7 and 8.

On Section 9, Senator Quinata moved to replace Section 9 with the following:

“Section 9. Exemption from BBMR Allotment Release Control. The provisions of 5 GCA §1303 shall *not* be applicable to the Mayors Council of Guam, *I Liheslaturan Guåhan*, the Office of the Public Auditor, the Office of Finance and Budget, the Office of the Attorney General, the Department of Education, and the Judicial Branch. Said entities may draw against their respective appropriations in order to meet their respective obligations as the need arises, in accordance with a draw down schedule such entities shall submit to the Department of Administration.”

On the Quinata amendment, there was no objection and motion was carried.

There was no discussion on Sections 10 and 11, and the Committee reverted to Chapter VI.

Senator Tenorio, at this time, offered his proposed amendment regarding taxicabs, and moved to add a new section to Chapter VI, to read:

“Section ____ Repeal and reenact §11106 of Title 16, Guam Code Annotated to read:

‘Every person who owns or has control over any taxicab shall assess passengers for hire the following rates, fares or charges for services rendered by means of such taxicab.

Flag Down Rate	2.25
(good for first ½ mile)	
Each Additional ¼ mile	0.75
First Mile	3.75
Waiting Time Every Two Minutes	0.75

The foregoing schedule of fares and charges shall be posted pursuant to the provisions of §11102 of this Chapter; provided however that the Director of Revenue & Taxation shall retain authority to adopt a schedule of taxicab fares pursuant to §11105 of this Chapter if such fares are less than those established in this section’.”

“Add a new Section ____ to Chapter VI: Section ____ shall be effected forty-five (45) days after enactment of this Act.”

On the Tenorio amendment, Senator Leon Guerrero spoke against the amendment.

There being no other speakers on the Tenorio amendment, the Chair called for the vote and with objection, motion was defeated.

Senator Aguon informed the Members that they have concluded discussions on Chapters VI and VII and of Bill No. 363(LS), and there

being no further discussion on Bill No. 363(LS), stated we also have Bill No. 364(LS) on the Agenda.

Senator Forbes asked if he could have a procedural question, and noted that the Committee is doing this in an interesting way and wanted to know what the boundaries are that are circumscribed by this interesting way we are doing this. We have concluded discussion on Bill No. 363, and we are going to have discussion on Bill No. 364, and yet, since the subject matter of Bill No. 364 is pretty much the same as the subject matter of Bill No. 363, his question is we are not rising and sending Bill No. 363 down to the Third Reading File yet, so it is still in the Committee of the Whole. Although we are not discussing it anymore, as per your instructions, changes that are made in Bill No. 364 may have a very direct bearing to Bill No. 363. Senator Aguon stated that there being no objections from the Body, stated Senator Forbes is correct. Senator Forbes then stated that we are going to have to discuss Bill No. 364 while we still have Bill No. 363 lingering in the back of our minds, because changes we make in Bill No. 364 could automatically affect provisions in Bill No. 363. His question is, will Senator Aguon permit unified motions to Bill No. 364 that would, concomitantly at the same time, have an effect on Bill No. 363, i.e., if there is a motion to move an appropriation from Bill No. 363 to Bill No. 364, is that a valid motion? It seems to him it is; or if one makes a motion to increase funding for one particular provision that happens to be included or decrease funding for a provision that happens to be included in Bill No. 363, then the change in Bill No. 364 would automatically have an effect on the same item on Bill No. 363. So when we make motions, can we make a motion referencing the prior Bill?

RECESS:

At this time, Senator Aguon declared a one-minute Recess.

RECONVENING:

Recess having expired, Senator Aguon called the Committee of the Whole back to order, and just before commencing discussion on Bill

No. 364(LS), there was one additional proposal by the Majority Leader, and the Chair then recognized Senator Leon Guerrero.

Senator Guerrero requested to go back to the amendment for the \$150,000 for Public Health to fund the stipends for the Foster Home parents, and moved that the "\$150,000 be appropriated from the Safe Homes, Safe Streets Fund".

On the amendment, the question was put and without objection, it was so ordered.

Senator Aguon then requested that Senator Leon Guerrero make the adjustments on the Safe Homes, Safe Streets Fund. Senator Leon Guerrero responded and moved that on page 10, line 23 of Bill No. 363(LS), to change "\$1,446,854.00" to read "\$1,596,854.00". On the motion to adjust the figure on page 10 to reflect the \$150,000 additional, there was no objection and motion was carried.

RECESS:

After adopting the Leon Guerrero amendment, Senator Aguon informed the Members that they have concluded all discussions on Bill No. 363(LS), and declared a one-minute Recess.

RECONVENING:

Recess having expired, the Committee of the Whole was called to order by Speaker pangelinan and he immediately recognized Senator Aguon, who moved that the Committee of the Whole has accepted its actions on Bill No. 363(LS), as amended, and that to report back to the Body its having discussed and passed the version of Bill No. 363(LS), with all amendments intact, and that it be placed on the Third Reading File for consideration of the Body.

On the motion to rise on the matter of reporting Bill No. 363(LS), with all amendments intact, back to the Body with the recommendation to place on the Third Reading File to do pass, the question was put and without objection, motion was carried.

RECONVENING OF REGULAR SESSION:

Speaker pangelinan reconvened Regular Session and immediately recognized Senator Aguon.

Senator Aguon moved to report back to the Body that the Committee of the Whole has risen in its deliberations and have concluded its purpose on Bill No. 363(LS), as amended, and to place Bill No. 363(LS), with all amendments intact, on the Third Reading File with the recommendation to do pass.

On the motion to place Bill No. 363(LS), as amended, on the Third Reading File, Speaker pangelinan called for the vote and without objection, it was so ordered.

RECESS:

Having placed Bill No. 363(LS), as amended, on the Third Reading File, Speaker pangelinan, at 11:38 p.m., declared *I Liheslatura* in Recess until 11:00 a.m., September 25, 2004, at which time the Body will once again resolve into a Committee of the Whole on the matter of Bill No. 364(LS).

RECONVENING OF SEPTEMBER 25, 2004 AND CONVENING OF THE COMMITTEE OF THE WHOLE ON BILL NO. 364(LS):

At 11:55 a.m., Senator Aguon convened the Committee of the Whole on Bill No. 364(LS), and for the information of the Body, informed the Members that a copy of the numerical breakdown, in terms of allocation of General Funds appropriations contained in Bill No. 364(LS), is provided for their information.

Before proceeding on the discussion of Bill No. 364(LS), the Chair acknowledged the presence of former Senator Katherine B. Aguon.

On Section 1, there was no discussion. On Section 2, Speaker pangelinan noted that in the Governor's earlier submittal and later

submittal, both the February and the June submittal of a suggested budget and expenditure plan, that there was no separation, that the funding of education was lumped with the various department and agencies, such as the University of Guam, the Guam Community College and the Department of Education. And if you took then the funding levels for the previous years and allocated it against the lump sum payments, after funding the operations of the departments associated with education you had zero (0) dollars left for the scholarship programs. So, there really was no line item delineation in the budget for any scholarship program whatsoever in that amount. There was no room for it in the amount transmitted by the Governor, and it is our commitment to continue to fund the scholarship programs such as the merit award, the nursing program, the pro-tech award, the regents scholar, the marine lab graduate assistance program, of course, the Doc Sanchez scholarship program and the John F. Quan programs. These are essential commitments that we made for students that we have awarded in the past and need to continue to fund. Also speaking was Senator Brown who asked what is the breakdown to know, what is the remainder from this past fiscal year to know what to carry over. Senator Aguon informed Senator Brown that it is not readily available as of the last budget discussion and the answer is no. A brief discussion ensued on this issue.

Moving on to Section 3, Senators Klitzkie, Forbes, pangelinan, Leon Guerrero and Respicio all spoke on this Section regarding "Appropriations to the University of Guam". Aquaculture Development and WERI were discussed.

Senator Fernandez, speaking on Section 3, moved to amend this Section; on subsection (a), line 8, after "Such funds", to change "may", to read "shall"; subsection (b), line 16, change "may not", to read "shall not"; and on page 6, line 2, change "may", to read "shall".

On the amendment, Speaker pangelinan and Senator Forbes both spoke on the language, followed by Senator Leon Guerrero who supported the Fernandez amendment. Others also speaking, included Senators Kasperbauer, Lujan and Respicio.

There being no other speakers on the Fernandez amendment, the question was put and without objection, motion was carried.

Senator Forbes, speaking on the Bill, moved to amend Section 4, to increase the amount appropriated to the *Y Kuantan Salappe's Prinsepat* (Principal's Fund) from "\$555,000" to "\$1,050,000", and the second part is that to have it basically distributed among the 37 schools. Senator Forbes stated that another of his Members will be making the de-appropriation as to where the money will be coming from.

On the Forbes amendment, Senator Kasperbauer spoke in support, while Speaker pangelinan noted that \$555,000 would ensure that there is something at each school to deal with some of the day-to-day requirements that may take too long to go through the regular process and is satisfied with the amount appropriated.

There being no other speakers on the Forbes amendment, Senator Forbes closed discussion on his amendment.

On the Forbes amendment, the Chair called for the vote and with objection, motion was defeated.

There were no discussions on Sections 5, 6, 7 and 8. On Section 9, Senator Lujan moved to delete Section 9, on page 8, lines 14 through 17 on the "Appropriation to the Legislative Tax Review Commission".

Speaking on this Section, Senator Tenorio stated that he does not support Section 9.

Speaking on the Lujan amendment, Speaker pangelinan spoke against the amendment, followed by Senator Klitzkie who was in support. Other Senators also speaking against the Lujan amendment were Senators Muña Barnes, Leon Guerrero and Respicio. Senators Kasperbauer, Tenorio and Forbes all spoke in support of the Lujan amendment.

Senator Lujan then was recognized to close discussion on his amendment to delete Section 9. There being no other speakers, the Chair called for the vote and with objection, motion failed.

On Section 10, Senator Forbes moved to delete it in its entirety. Speaker Pangelinan, Senators Leon Guerrero and Respicio spoke against the deletion, while Senators Klitzkie, Tenorio, Lujan and Kasperbauer spoke in support of the deletion. There being no other speakers on the Forbes amendment to delete Section 10, the Chair called for the vote and with objection, motion was defeated.

Moving on to Sections 11 and 12, there was a brief discussion on Section 12, "Appropriations to Mayors Council of Guam. There were no discussions on Sections 13, 14, 15, and 16. On Sections 17 and 18, there was brief discussion on each, followed by no discussions on Sections 19 and 20.

On Section 21, Senator Tenorio moved to increase the transfer authority of the Governor back up from 10% to 15%. There was objection and motion failed.

Senator Klitzkie moved to amend and repeal 11GCA §11106, but was instructed to submit his amendment in writing.

RECESS:

At 6:15 p.m., Senator Aguon suspended discussions on Bill No. 364(LS) until 10:00 p.m., later that evening.

RECESS:

Recess having expired, Senator Aguon called the Committee of the Whole back to order.

Senator Klitzkie again moved to add a new Section to repeal 11GCA §11106, the operative portion of the Tax Commission, but withdrew his amendment without objection.

Senator Klitzkie moved to add new sections to change the bill number from Bill No. 364 to Bill No. 365, that Section 23 is a de-appropriation and re-appropriation section; to de-appropriate the amount of \$135,360 from sums appropriated to the Legislature prior to July 1, 2004 and to re-appropriate the same amount to the Library Resources Fund. The next section says, "Notwithstanding any other law or rule, the Chairperson of Rules is authorized to reduce the allotment to Senator Klitzkie by an amount equal to the sum de-appropriated by this Section." And also add a new Section 24, to say that the "Severability Clause" would say that the "Severability Clause" would be severable.

On the Klitzkie amendment, Senators Tenorio and Forbes spoke in support of the amendment.

There being no other speakers, Senator Klitzkie closed discussion on his amendment to have \$135,360 transferred from his senatorial budget to the public school library resources fund and withdrew his proposed Section 24 amendment.

The Chair then called for the vote and with objection, motion failed.

At this time, Senator Aguon asked the Members if there are any other discussions on the other sections or proposed sections of Bill No. 364(LS) and there being none, informed the Members that discussions on Bill No. 364(LS) has concluded, and that the Committee of the Whole would rise with the recommendations that Bill No. 364(LS) be placed on the Third Reading File with all amendments intact, and with further recommendation to do pass, as amended.

Speaker pangelinan, having been recognized, moved that the Committee of the Whole rise on the matter of Bill No. 364(LS) and report back to the Body that we recommend the approval of Bill No. 364(LS) and to place on the Third Reading File, with all amendments intact. There was no objection and motion was carried.

RECONVENING OF REGULAR SESSION:

Speaker pangelinan called *I Liheslatura* back to order and immediately recognized Senator Aguon.

Senator Aguon, having been recognized, reported back to the Body that the Committee of the Whole has completed its discussion on Bill No. 364(LS), with the recommendation to do pass Bill No. 364(LS), as amended, and to place same on the Third Reading File with all amendments intact. There was no objection and was so ordered.

THIRD READING FILE: Bill No. 363(LS) and Bill No. 364(LS) were placed here:

Bill No. 363 (LS)

As amended in the Committee of the Whole.

Introduced by:

Committee on Appropriations and
Budgeting, General Governmental
Operations, Reorganization and Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

The roll was called and Bill No. 363(LS) was passed by the following votes:

AYES: Senators F. B. Aguon, Jr., J. M.S. Brown, C. Fernandez, Mark Forbes, L. F. Kasperbauer, R. Klitzkie, L. A. Leon Guerrero, J. A. Lujan, T. R. Muña Barnes, v. c. pangelinan, J. M. Quinata, R. J. Respicio, Toni Sanford and Ray Tenorio - 14

NAYS: - 0

EXCUSED ABSENCE: Senator F. R. Cunliffe - 1

Bill No. 364 (LS)

As amended in the Committee of the Whole.

Introduced by:

Committee on Appropriations and
Budgeting, General Governmental
Operations, Reorganization and Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, WHICH, TOGETHER WITH ANY OTHER GENERAL APPROPRIATIONS ACTS FOR FISCAL YEAR 2005 SHALL BE KNOWN AS THE "GENERAL APPROPRIATIONS ACT OF 2005".

The roll was called and Bill No. 364(LS) was passed by the following votes:

AYES: Senators F. B. Aguon, Jr., C. Fernandez, L. A. Leon Guerrero, T. R. Muña Barnes, v. c. pangelinan, J. M. Quinata, and R. J. Respicio, Toni Sanford - 8

NAYS: Senators J. M.S. Brown, Mark Forbes, L. F. Kasperbauer, R. Klitzkie, J. A. Lujan and Ray Tenorio - 6

EXCUSED ABSENCE: Senator F. R. Cunliffe - 1

MOTION TO ADJOURN:

Having disposed of the items on the Third Reading File, Senator Leon Guerrero moved to adjourn subject to the Call of the Speaker. On the motion to adjourn subject to the Call of the Speaker, there was no objection.

ADJOURNMENT:

At 11:15 p.m., Speaker pangelinan declared *I Liheslaturan Guåhan* adjourned subject to his Call.

Respectfully submitted:

PATRICIA C. SANTOS
Clerk of the Legislature

SUSAN S. GUMATAOTAO
Deputy Clerk

APPROVED:

v. (ben) c. pangelinan
Speaker

ATTACHMENTS