FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 26, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 209-32(COR) and 223-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 26, 2013.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (2)

POR w.m. Santos
7:46pm. 11/26/13

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 209-32 (COR), "AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 31-40, AS *AMENDED* BY PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS",** was on the 26th day of November 2013, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this _____ day of _____, 2013, at_____ o'clock ____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

Rec'd w/m. Santos 7:46pm 11/26/13

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 209-32 (COR)
As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land; and further amended on the Floor.

Introduced by: Judith T. Won Pat, Ed.D
Vicente (ben) C. Pangelinan
T. R. Muña Barnes
Aline A. Yamashita, Ph.D
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas

AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 31-40, AS *AMENDED* BY PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 3 of Public Law 31-40, as *amended* by Public Law 31-234, is hereby *amended* to read as follows:

"**Section 3. Appropriation.** Upon USDOE approval to amend the Phase I and Phase II ARRA SFSF grant application, whereby, the amount of

"**Section 3. Appropriation.** Upon USDOE approval to amend the Phase I and Phase II ARRA SFSF grant application, whereby, the amount of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) of federal funds originally allocated for Capital Improvement Projects (CIPs), Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment is reprogrammed to Salaries and Benefits resulting in a reimbursement of funds appropriated and expended in Section 2 of Chapter II, Part I of Public Law 30-196, the reimbursement of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) from the SFSF grant authorized by the USDOE pursuant to the expenditure of local funds and certified by the TPFA *shall* be deposited to the Trust Account. The use of the reimbursed funds in the Trust Account *shall* be pursuant to the following amounts and requirements:

(a) Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) is appropriated from the Adequate Education Act Trust Account to the Guam Department of Education in Object Classes 230, 250 and 450 as follows: Object Class 230 (Contracts) – Thirty-Five Thousand Dollars ($35,000); Object Class 250 (Equipment) – Three Million Fifty Thousand Dollars ($3,050,000); and Object Class 450 (Capital Outlay) – Fifty-Seven Million Three Thousand Nine Hundred Thirty-Five Dollars ($57,003,935).

(b) The appropriation to Object Classes 230, 250 and 450 in this Section *shall* be continuing appropriations for the GDOE and *shall* be earmarked for Capital Improvement Projects and for the renovation, rehabilitation, and repair of Untalan Middle School and

Simon Sanchez High School, Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment approved by USDOE contained in the ARRA SFSF Phase I and Phase II grant application, including any subsequent amendments approved by USDOE; *provided*, that all these appropriations *shall* expire if *not* obligated by January 31, 2014.

(c) *Up to* the sum of Two Hundred Twenty-Six Thousand Dollars ($226,000) from the appropriation in Subsection (a), Object Class 250 may be transferred to Personnel Object Classes 112 to fund overtime for GDOE employees for the implementation of GDOE's Financial Management Information System.

(d) All interest and investment earnings from the Trust Account is hereby appropriated to the GDOE and *shall* be expended by the GDOE for the projects associated with the appropriation herein and *shall* only be expended for Object Classes 230, 250 and 450.

(e) GDOE *shall* report to *I Maga'lahi* and *I Liheslatura* on a monthly basis as to the obligation and expenditure of the funds from the Trust Fund and the completion of the ARRA/SFSF projects."

Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

NOV 26 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Thomas C. Ada
Acting Chairperson, Committee on Rules

RE: Committee Report on Bill No. 209-32 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 209-32 (COR), As Amended, "An Act to Amend Section ~~1~~ 3 of Public Law ~~31-234,~~ 31-40 As Amended by Public Law 31-234 Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds", sponsored by Speaker Judith Won Pat, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

5 TO PASS

0 NOT TO PASS

0 TO REPORT OUT ONLY

0 TO ABSTAIN

0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

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Website: http://senbenp.com

COMMITTEE REPORT
ON

Bill No. 209-32 (COR), As Amended

Sponsored by Speaker Judith T. Won Pat

AN ACT TO AMEND SECTION ~~1~~ 3 OF PUBLIC LAW ~~31-234~~ 31-40 AS AMENDED BY PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

NOV 2 6 2013

MEMORANDUM

To: **All Members**
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 209-32 (COR), As Amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 209-32 (COR), As Amended, "An Act to Amend Section ~~1~~ 3 of Public Law ~~31-234.~~ 31-40 As Amended by Public Law 31-234 Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds", sponsored by Speaker Judith T. Won Pat.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 209-32 (COR), As Introduced
4. Copy of Bill No. 209-32 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of Fiscal Note
8. Copy of COR referral Bill No.209-32 (COR)
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

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I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

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Bill No. 209-32 (COR), As Amended, "An Act to Amend Section ~~1~~ 3 of Public Law ~~31-234~~, 31-40 As Amended by Public Law 31-234 Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
Senator Vicente (ben) Cabrera Pangelinan **Chairman**	✓				
Vice Speaker BJ Cruz **Vice Chairperson**	✓				
Speaker Judith T. Won Pat **Member**	✓				
Senator Tina Rose Muña-Barnes **Member**					
Senator Dennis Rodriguez, Jr. **Member**					
Senator Michael San Nicolas **Member**					
Senator Tommy Morrison **Member**					
Senator Michael Limtiaco **Member**	✓				

Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

Committee Report

Bill No. 209-32 (COR): "An act to amend Section 1 of Public Law 31-234, relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds."

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on November 22, 2013 at 2:00pm in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were published in the newspaper of general circulation as required by the Open Government Law and disseminated via hand-delivery and e-mail to all senators and broadcasting outlets on November 15, 2013 (5-Day Notice) and on November 20, 2013 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Speaker Judith T. Won Pat, Member
Senator Tina Muña-Barnes, Member
Senator Tommy Morrison, Member
Senator Tom Ada
Senator Chris Duenas

(b) Appearing before the Committee

Ms. Taling Taitano – Deputy Superintendent, Guam Department of Education
Mr. Marcus Pido – Procurement Administrator, Guam Department of Education
Dr. Jose Cruz – Chairman, Guam Board of Education

(c) Written Testimonies Submitted

Mr. Jon Fernandez – Superintendent, Guam Department of Educaiton

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II. COMMITTEE PROCEEDINGS

Chairman Vicente (ben) C. Pangelinan: Bill NO. 209-32, introduced by Speaker Won Pat is an act to amend Section 1 of Public Law 31-234, relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds I have signed up Ms. Taling Taitano, Mr. Marcus Pido, and the board chairman Dr. Jose Cruz. The Speaker is not here at this time, she introduced this bill at the request of the Department, then the Department will speak for the need of this bill.

(a) **Testimony**

1. **Ms. Taling Taitano, GDOE Deputy Superintendent**

Ms. Taitano: Thank you Senator Pangelinan, Senators, my name is Taling Taitano and I am the Deputy Superintendent at the Guam Department of Education (GDOE) and written testimony was filed in support of this bill. Back in September of this year we met with the U.S. Department of Education (USDOE) and noted some concerns in regards to possible protest effects and their ability to fully obligate the funds at this time and they agreed to extend the obligation date through January 2014. We would ask that the obligation date of the local legislation mirror that extension. Additionally, we would like to ask that bill be amended to allow us to use the interest balance on the trust to reinvest it in the projects.

PANEL COMMENTS AND QUESTIONS

Chairman Vicente (ben) C. Pangelinan: The interest amounts to about…

Ms. Taitano: About $79,000.

Chairman Vicente (ben) C. Pangelinan: Ok. Dr. Cruz do you want to add to that?

2. **Dr. Jose Cruz, GEB Chairman**

Dr. Cruz: Mr. Chairman, thank you. My name is Dr. Jose Cruz and I am the Chairman of the Board of Education and I wholeheartedly support the extension. The federal people nodded to this but my question is really the expenditures to date. I don't see any accounting to where the ARRA grant was really expended. Ms. Taitano has been providing it but it is in general terms and I would like to see it, so it could be pointed out to the community, where in essence did the money go in the particular schools. I am interested in the schools because – I was just at the Governors office today about Simon Sanchez and if there was a repair at Simon Sanchez, what was really done and what was the specification of that repair? I come here really as a public person who is really interested in that public interest that I really feel wasn't made. In that regard, I can assure the legislature, as a board member that I would really be asking that it be more itemized for the sake of the people of Guam and for the sake of the community that's out there. I think if we inform the schools then their particular stakeholders can own that in their particular perspective and it would be very laudable if we can provide that. I don't think Taling will disagree but that was in light of

the latest cutting edge participation where Simon Sanchez receive ARRA grants and there were some dimensions of the grant that were really not honored. Secondly, the rejection of the public auditor is important to really know because we don't know – I'm sorry I'm haven't really looked into it because it hasn't been brought to my ear, but the cutting edge discussion this morning actually presents a more focused attention to really open that up because there are a lot of monies that were already granted and I thank the legislature to allow to put it in a trust fund. I think, the expenditure portion, for the people of Guam and for the stake holders is very important and you should be aware for your own – you know election is coming up – I'm not making it a political thing but really it is, if we stand publically out there in the community and money is very important and that is the major role of the legislature. I think accountability of the funds is most important and reporting of the funds out into the community and I assure you that I will request that accountability be presented to the board. Thank you for listening to me.

PANEL COMMENTS AND QUESTIONS

Chairman Vicente (ben) C. Pangelinan: Thank you. Ms. Taitano, I saw the report that was sent out today, just before this hearing, I opened that report and I agree with Dr. Cruz. It shows the projects but it didn't really break it down by school so that the stake holders at those schools may not be aware, either the parents or these students, of these projects that are being funded by the ARRA grants and so perhaps a greater and more detailed accounting be made available in that report. That can be given to the board and of course placed on the GDOE website so we can make that information available to the public.

The extension of the date is January 2014 and the USDOE has agreed to that date, is that correct?

Ms. Taitano: Yes, we have a letter from USDOE that I would be happy to provide.

Chairman Vicente (ben) C. Pangelinan: Can you do that so we can have a complete record for the other Senators when the committee report is filed. Senator Ada?

Senator Tom Ada: I guess somewhat of a follow on to Dr. Cruz's question, what is the amount that remains to be obligated? I'm just wondering, from the time the bill got introduced and then shortly after that there was this procurement issue regarding the security alarms that was around $600K that now $500K is under protest. Is that the balance that remains to be obligated? Can you clear that?

Ms. Taitano: We have about $364K that was unobligated that we were hoping to use as a contingency for ongoing projects, the Untalan projects have some civil work that is required and until they dig into the ground it's hard to know if there might be extra work involved. We were hoping it is less than 1% of the $60M. The OPA recently voided a contract for the Southern fire alarm and sprinkler system and that was about $500K.

Senator Tom Ada: So, with this extension is GDOE looking to reprogram that $500K or are you hoping that GDOE will actually be able to recover from the protest of that particular contract?

Ms. Taitano: I spoke to the Superintendent before I came here and we want to look at all of our options. There are certainly many projects that went unfunded because we had limited amount of money and I think he wanted to look at where it would make sense to put it.

Senator Tom Ada: If GDOE was going to pursue this procurement with the alarm system, although the OPA has thrown it out - Mr. Peto have you looked at the time line as to whether 30-days is going to be sufficient to be able to recover from that or will GDOE chalk it off as a loss and reprogram the funds for something else?

3. Mr. Marcus Pido, GDOE Procurement Administrator

Mr. Pido: As Ms. Taitano alluded to, we need to look at our options, but it's possible because this is still a pending appeal. The decision from the OPA was whether a 'stay' was in place and the decision was a 'stay' remained in place and so the signing of the contract is voided but there is still the case of the appeal on the merits of an appeal. Depending on how that is ruled, we may be forced to go back and re-evaluate that bid. Other than that, the Superintendent will make that decision on where that will go, on the spending of the money.

Senator Tom Ada: Ok. I'm just concerned that there is still this ongoing process in trying to sort out this protest and by the time it gets sorted out, one way or the other, January 31st is going to roll around. If the case was to rebid it – quite frankly I'm not optimistic that GDOE can recover from this whole situation. Can GOE at this point say, 'We're pulling out we're going to void any bid that may be put out and then move on to another project,' or are you on the hook now? On the hook so that you have got to go through the process and if it doesn't get resolved until after January 31st, it is going to have to be local funds to pay for that.

Ms. Taitano: I can't speak to the specifics of that procurement but we do have two indefinite quantity bids that were used for this project. One was for air conditioners and one was to extend wireless connectivity through out the schools. Both of those projects needed additional funding and we have a mechanism to add to them so if push comes to shove and we ran out of time, which is what was sort of the plan before we knew we were going to get the extension, if the extension had not been granted we would have put the $364K into one of those projects.

Senator Tom Ada: But you still have the pot of about $500K, right?

Ms. Taitano: Right. And both those projects together would need more than that if we wanted to do the maximum plan. If we wanted to do it as planned then both projects would need more than the money available.

Senator Tom Ada: Mr. Pido, as the procurement administrator for GDOE, does GDOE have the option to unilaterally pulling out of this protest and saying 'that's it, we're not going to go forward with any procurement of alarm systems?' and take that money now and reprogram it to something else that we also know is needed?

Mr. Pido: I think our legal counsel will be better able to answer that. I'm not sure of the jurisdiction of the OPA at this point and her pending her review on the merits of the appeal and where we will be directed to go in her decision. That is certainly one of the options we are considering. As Ms. Taitano alluded to, we do have indefinite quantity bids that are available to us under the trust.

Senator Tom Ada: I wish you the best of luck in being able to favorable move forward on the procurement and the tying up of the $500K. I'm afraid you're going to pass that deadline and you are going to be left holding the bag on it.

Chairman Vicente (ben) C. Pangelinan: Thank you very much Senator Ada. I would like to give the courtesy of the author of the legislation, we're in to the questioning round now.

Speaker Won Pat: Thank you Mr. Chairman. I would just like to say that we were in conversations with the superintendent and with Taling as well, with requests to this extension, but prior to that we have to get that (permission) from USDOE Washington. In the testimony however, the superintendent has now asked that beyond that the interest be considered as well for the department to use. What do you see, first of all, what is the amount of accumulated interest and what would those monies be used for?

Ms. Taitano: The amount of anticipated interest at this moment is $79K, we do have a number of indefinite quantity bids. We have a number of on going projects and should there be any requirements to increase those costs because of unforeseen events, we would use that first but we do have the need to purchase additional air conditioners and we also have a wireless project in the schools that could be used. There are many needs throughout the department so the decision to use the money would be related on how much time is available.

Speaker Won Pat: Do you have an idea if there are some projects that you are seeing an increase of cost or is that just in anticipation of?

Ms. Taitano: Right now we are just closing up our fire alarm project and in some cases the fire department ask that we put in additional devices so that has required an increase for those projects. The other ongoing project, that I mentioned earlier, is Untalan and once the civil work begins, we're unsure what they may find once that process and construction begins that may require additional funds.

Speaker Won Pat: Thank you very much.

Chairman Vicente (ben) C. Pangelinan: Thank you very much. I would also like to thank Senator Muña-Barnes for joining us. Taling, one real quick question, did you reserve a

contingency on any of these projects that are ongoing at this time? Sometimes there is a 10% contingency, are there any of those projects with contingencies?

Ms. Taitano: That is an interesting question because we have been debating with our legal counsel and our procurement officer about how to build in contingencies and how to look at how the other governments contracts to see how that may be done and we haven't been able to identify a vehicle to do that. When we had discussed with USDOE, the Untalan project is the one of concern, we were concerned that we would not get far enough into the project to know what the final cost will be but we believe the civil work will be done in the next couple of months and we will be able to lock up those costs. Most of the projects are done, it's just the Untalan project that is out there.

Senator Duenas: Thank you Mr. Chairman. While I certainly support the legislation and of the federal favorable consideration but Mr. Pedo I just have one question, I know there is no representation at this public hearing by the third party. Is that an indication that you would be representing their views or do they have a view on this particular proposal?

Mr. Pido: We have brought to the table that the USDOE has approved the January obligation extension and we considered these local funds and so we didn't ask the third party to come with us to this hearing.

Senator Duenas: I would take it then that this would be another acknowledgement that things are under control. Mr. Chairman, would it be appropriate to at least as where we are at in terms of the time line being the third party is not present?

Chairman Vicente (ben) C. Pangelinan: Not at this time.

Senator Duenas: Ok. So, this would be an indication of a good mark from the federal perspective.

Mr. Pido: Yes, it shows confidence that we will be able to obligate it by January 2014.

Senator Duenas: Thank you Mr. Chairman.

Chairman Vicente (ben) C. Pangelinan: Senator Ada, do you have a follow up question?

Senator Tom Ada: Can you clarify, in the bill it is seeking to extend the time line from September 30th to January 31st otherwise the appropriation "shall expire if not obligated" and I am little concerned about that language because in other ARRA grants that I am familiar with there is a time line as to when you obligate it and a time line as to when you can expend it. You go beyond that and all the invoices that come in beyond that date will be on your nickel. Is that the correct language, "shall expire if not obligated" or "shall not expire if not expended by January 31st."

Ms. Taitano: The documentation we received from USDOE have only indicated obligation deadlines no expenditure deadlines, sir.

Senator Tom Ada: Conceivably then, the alarm issue is considered obligated, or it's not until you have awarded it.

Ms. Taitano: No, she (OPA) voided the contract. Once it is obligated we have met USDOE standards.

Senator Tom Ada: You are certain that the obligation is the only requirement then.

Ms. Taitano: Yes.

Chairman Vicente (ben) C. Pangelinan: With no further questions and no further testimony from the public on this matter, please be cognizant of the Chairman's request on the additional request, the committee will then conclude this hearing. The Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at office@senbenp.com or through our website at www.senbenp.com.

This hearing is hereby adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 209-32 (COR), as amended, with the recommendation TO PASS.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 OCT 15 PM 3:58

Bill No. 209-32(COR)

Introduced by: Judith T. Won Pat, Ed.D.

AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 1 of Public Law 31-234 is hereby *amended* to read as follows:

"**Section 1. Appropriation.** Upon USDOE approval to amend the Phase I and Phase II ARRA SFSF grant application, whereby, the amount of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) of federal funds originally allocated for Capital Improvement Projects (CIPs), Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment is reprogrammed to Salaries and Benefits resulting in a reimbursement of funds appropriated and expended in Section 2 of Chapter II, Part I of Public Law 30-196, the reimbursement of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) from the SFSF grant authorized by the USDOE pursuant to the expenditure of local funds and certified by the

TPFA *shall* be deposited to the Trust Account. The use of the reimbursed funds in the Trust Account *shall* be pursuant to the following amounts and requirements:

(a) Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) is appropriated from the Adequate Education Act Trust Account to the Guam Department of Education in Object Classes 230, 250 and 450 as follows: object class 230 (Contracts) – Thirty-Five Thousand Dollars ($35,000); object class 250 (Equipment) – Three Million Fifty Thousand Dollars ($3,050,000); and object class 450 (Capital Outlay) – Fifty-Seven Million Three Thousand Nine Hundred Thirty-Five Dollars ($57,003,935).

(b) The appropriation to Object Classes 230, 250 and 450 in this Section *shall* be continuing appropriations for the GDOE and *shall* be earmarked for Capital Improvement Projects and for the renovation, rehabilitation, and repair of Untalan Middle School, Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment approved by USDOE contained in the ARRA SFSF Phase I and Phase II grant application, including any subsequent amendments approved by USDOE; *provided*, that all these appropriations *shall* expire if *not* obligated by ~~September 30, 2013~~ January 31, 2014.

(c) *Up to* the sum of Two Hundred Twenty-Six Thousand Dollars ($226,000) from the appropriation in Subsection (a), object class 250 may be transferred to personnel object classes 112 to fund overtime for GDOE employees for the implementation of GDOE's Financial Management Information System.

(d) GDOE *shall* report *to I Maga'lahi* and *I Liheslatura* on a monthly basis as to the obligation and expenditure of the funds from the Trust Fund and the completion of the ARRA/SFSF projects."

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 209-32 (COR)
As Amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

Introduced by: Judith T. Won Pat, Ed.D.

AN ACT TO AMEND SECTION ~~1~~ 3 OF PUBLIC LAW ~~31-234~~ 31-40 AS AMENDED BY PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section ~~1 of Public Law 31-234~~ 3 of Public Law 31-40 as amended by Public Law 31-234 is hereby *amended* to read as follows:

"**Section 3. Appropriation.** Upon USDOE approval to amend the Phase I and Phase II ARRA SFSF grant application, whereby, the amount of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) of federal funds originally allocated for Capital Improvement Projects (CIPs), Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment is reprogrammed to Salaries and Benefits resulting in a reimbursement of funds appropriated and expended in Section 2 of Chapter II, Part I of Public Law 30-196, the

reimbursement of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) from the SFSF grant authorized by the USDOE pursuant to the expenditure of local funds and certified by the TPFA *shall* be deposited to the Trust Account. The use of the reimbursed funds in the Trust Account *shall* be pursuant to the following amounts and requirements:

(a) Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) is appropriated from the Adequate Education Act Trust Account to the Guam Department of Education in Object Classes 230, 250 and 450 as follows: object class 230 (Contracts) – Thirty-Five Thousand Dollars ($35,000); object class 250 (Equipment) – Three Million Fifty Thousand Dollars ($3,050,000); and object class 450 (Capital Outlay) – Fifty-Seven Million Three Thousand Nine Hundred Thirty-Five Dollars ($57,003,935).

(b) The appropriation to Object Classes 230, 250 and 450 in this Section *shall* be continuing appropriations for the GDOE and *shall* be earmarked for Capital Improvement Projects and for the renovation, rehabilitation, and repair of Untalan Middle School, Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment approved by USDOE contained in the ARRA SFSF Phase I and Phase II grant application, including any subsequent amendments approved by USDOE; *provided*, that all these appropriations *shall* expire if *not* obligated by ~~September 30, 2013~~ January 31, 2014.

(c) *Up to* the sum of Two Hundred Twenty-Six Thousand Dollars ($226,000) from the appropriation in Subsection (a), object

class 250 may be transferred to personnel object classes 112 to fund overtime for GDOE employees for the implementation of GDOE's Financial Management Information System.

(d) All interest and investment earnings from the Trust Account is hereby appropriated to the GDOE and *shall* be expended by the GDOE for the projects associated with the appropriation herein and *shall* only be expended for Object Classes 230, 250 and 450.

(e) GDOE *shall* report *to I Maga'lahi* and *I Liheslatura* on a monthly basis as to the obligation and expenditure of the funds from the Trust Fund and the completion of the ARRA/SFSF projects."

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 209-32 (COR)
As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

Introduced by: Judith T. Won Pat, Ed.D.

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Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT, PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, November 22, 2013
Bill No. 209
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes	SUPPORT No
Talmytaitano	DOE	300 1556	tmtaitano@gdoe.net	✓	✓	✓	
Marcus Pido	DOE	300 1580	mypido@gdoe.net			✓	

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

www.gdoe.net
P.O. Box D.E., Hagatña, Guam 96932
Telephone: (671)475-0457 or 300-1547/1536•Fax: (671)472-5001
Email: jonfernandez@gdoe.net

JON J. P. FERNANDEZ
Superintendent of Education

November 21, 2013

Honorable Vicente (ben) Cabrera Pangelinan
Chair, Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land
I Mina'trentai Dos na Liheslaturan Guahan
Suite 101, Quan Building
324 West Soledad Avenue
Hagatna, GU 96910

RE: Bill 209-32 (COR), An Act to Amend Section 1 of Public Law 31-234, Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds

Hafa Adai Senator Pangelinan!

I want to thank Speaker Judith Won Pat for introducing this bill at my request. I respectfully ask that the bill be amended to allow the Guam Department of Education (GDOE) to use interest earned on the Adequate Education Trust Account (Trust) for projects identified in the legislation.

As a result of discussions in September 2013, US Department of Education (USDE) granted an extension of the obligation deadlines related to the Adequate Education Trust Account (Trust) to January 31, 2014. At that time, barring protests, I indicated that less than 1% of Trust would potentially be unobligated at the end of September 2013. Those remaining funds would be available for contingencies related to ongoing projects. However, earlier this month, the Office of the Public Auditor voided the contract for the Southern High Fire Alarm and Sprinkler System, deobligating almost $500,000.

As you are aware, the amount of funds needed to be invested towards the renovation of our schools is upwards of $89.9 million. I urge the speedy passage of Bill No. 209-32 to allow the GDOE the opportunity to allocate any remaining funds towards improving our aging school facilities.

Senseramente,

JON J. P. FERNANDEZ

cc: Speaker, I Mina'trentai Dos na Liheslaturan Guahan
Chairman and Members, Guam Education Board

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE DEPUTY SECRETARY

September 26, 2013

Please provide copy to Taling.

Honorable Eddie Calvo
Governor of Guam
P.O. Box 2950
Hagåtña, Guam 96932

Dear Governor Calvo:

The purpose of this letter is to inform you that, subject to the conditions set forth in this letter, the U.S. Department of Education (Department) extends from September 30, 2013 to January 31, 2014 the date by which Guam may obligate funds under the Adequate Education Act Trust Account (Trust Account). This extension is based on information that Guam provided to the Department regarding its progress in obligating Trust Account funds. In a report sent to the Department on September 23, 2013, Guam indicated that approximately $56 million of the $60 million of Trust Account funds were obligated and that contracts were pending for the obligation of approximately $3 million of additional funds.

The conditions for this extension are as follows:

- The Guam Department of Education will continue to have administrative responsibility for the Trust Account funds;
- Guam will obligate all Trust Account funds by January 31, 2014;
- By October 15, 2013, Guam will provide the Department with the amount of funds obligated by project as of September 30, 2013;
- On the 15th of each month, Guam will continue to provide the Department with a report on the progress in obligating funds and completing the relevant projects ;
- Guam will not oppose any steps by the Department to recover Trust Account funds not obligated by January 31, 2014; and
- Guam will not oppose any steps by the Department to rescind approval of the extension or to recover funds if Guam fails to provide the required reports by the dates noted above or does not make adequate progress in obligating the funds.

The Department will continue to work with Guam to ensure that public school children in Guam benefit from the timely obligation of the Trust Account funds.

310 8401

If you need any assistance or have any questions regarding this matter, please do not hesitate to contact James Butler of my staff at James.Butler@ed.gov or 202-260-9737.

Sincerely,

Ann Whalen
Director, Policy and Program Implementation
Implementation and Support Unit

cc: Jon Fernandez
Art Mariano

Bureau of Budget & Management Research
Fiscal Note of Bill No. 209-32 (COR)

AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

Department/Agency Appropriation Information		
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon Fernandez, Superintendent	
Department's General Fund (GF) appropriation(s) to date:		188,469,835
Department's Other Fund appropriation(s) to date: Territorial Education Facilities Fund, Healthy Futures Fund, School Lunch Nutritional Meals Fund, Cash Collections and Public Library Resources Fund		31,185,576
Total Department/Agency Appropriation(s) to date:		$219,655,411

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		$0	$0
FY 2014 Adopted Revenues	$0	$0	$0
FY 2014 Appro. (Bill No. 1(4-S))	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	$0	$0	$0	$0	$0	$0
(Specify Special Fund)	$0	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No
   If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / / N/A /X/ Yes / / No
   If no, what is the additional amount required? $ _____ / / N/A
3. Does the Bill establish a new program/agency? / / Yes /X/ No
   If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
   Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
   / / Requested agency comments not received by due date / / Other:

Analyst: Arthur R. Mariano Date: 11/13/13 Director: John A. Rios, Director Date: NOV 15 2013

Footnotes:
See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 209-32 (COR)

Comments:

The subject Bill proposes to amend Section 1(b) of P.L. 31-234, relative to extending the deadline to obligate funds deposited and appropriated from the Adequate Education Act Trust Fund to January 31, 2014. This extension is required in order for the Guam Department of Education to utilize approximately $364,358 in unobligated funds remaining in the aforementioned trust fund and is consistent with the extension authorized by the U.S. Department of Education on September 26, 2013.

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 17, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 209-32(COR)**

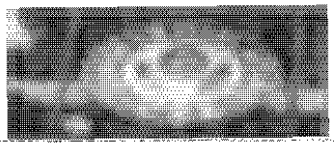
As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 209-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of

I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
209-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.	10/15/13 3:34 p.m.	10/17/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Nov 15, 2013 at 5:07 PM
To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Friday, November 22, 2013 beginning at 9:00 am and 2:00 pm in the Guam Legislature Public Hearing Room. The following is on the agenda:

9:00 AM

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

2:00 PM

Confirmation Hearing

Mr. Andrew C. Park, Member of the Guam Land Use Commission

Bills

Bill No. 209-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Amend Section 1 of Public Law 31-234, Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds.

Bill No. 219-32 (LS) – Introduced by Senator Vicente (ben) Cabrera Pangelinan: An Act to Amend §30109 of Article 1, Chapter 30, 5 Guam Code Annotated Relative to the duties of the Attorney General of Guam.

Bill No. 169-32 (LS) – Introduced by Senator Tina Muna Barnes: An Act to Rezone Lot No. 5168-4, Located in the Municipality of Tamuning, from Single-Family Dwelling Zone (R1) to Light Industrial Zone (M1).

Bill No. 223-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan: An Act to Appropriate the sum of Four Hundred Thousand Dollars ($400,000) for the Compensation to Farmers for Crop Damages

Program established pursuant to Chapter 64A, Title 5 of the Guam Code Annotated.

Yanggen un nisisita espesiåt na setbision, put fabot ågang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hålom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com Yanggen para un na'hålom testigu-mu, chule' para i ifisinan-måmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuattон Katta gi i Liheslatura, pat faks gi 473-4238; patsino imel gi office@senbenp.com Este na nutisiu inapåsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at office@senbenp.com

Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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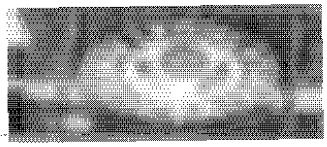

Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Nov 15, 2013 at 5:00 PM
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <jontalk@gmail.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, marvic@mvguam.com, louella@mvguam.com, Frank Whitman <frank@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Hafa Adai,
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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 20, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – SECOND NOTICE

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The following is the agenda:

9:00 am

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

2:00 pm

Confirmation hearing for Mr. Andrew C. Park, Member of the Guam Land Use Commission

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Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910
Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net
Website: http://senbenp.com

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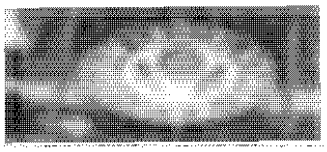

Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org> Wed, Nov 20, 2013 at 8:47 AM
To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **9:00am** and **2:00pm** on **Friday, November 22, 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

9:00 am

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

2:00 pm

Confirmation hearing for Mr. Andrew C. Park, Member of the Guam Land Use Commission

Bill No. 209-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Amend Section 1 of Public Law 31-234, Relative to extending the deadline to obligate or expend American Recovery and Reinvestment Funds.

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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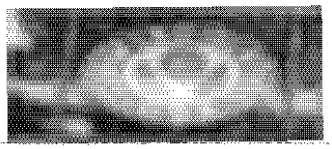

Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org> Wed, Nov 20, 2013 at 8:42 AM
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <jontalk@gmail.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, marvic@mvguam.com, louella@mvguam.com, Frank Whitman <frank@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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As of October 1, 2013

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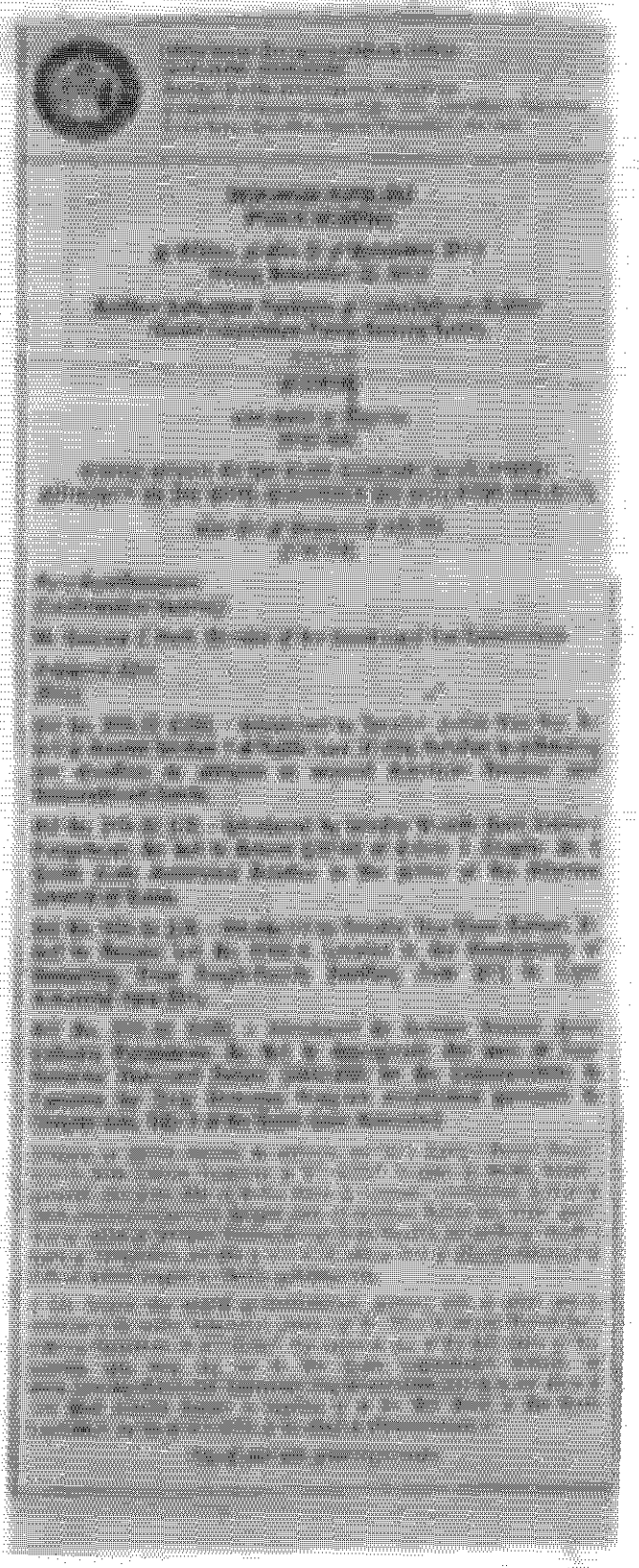

Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Betnes, gi diha 22 gi Nubembre, 2013
Friday, November 22, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

TAREHA
(AGENDA)

alas nuebi gi egga'an
(9:00 AM)

STATUS UPDATE BY THE GUAM ECONOMIC DEVELOPMENT AUTHORITY ON THE HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

alas dos gi despues di talo'åni
(2:00 PM)

Para Konfitmasion:
(Confirmation Hearing)

Mr. Andrew C. Park, Member of the Guam Land Use Commission

Priniponi Siha:
(Bills)

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I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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INEKUNGOK PUPBLEKO
(*PUBLIC* HEARING)

***gi Betnes, gi diha 22 gi Nubembre*, 2013**
Friday, November 22, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

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(AGENDA)

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32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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COMMITTEE ON RULES

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November 22, 2013

9:41 RECEIVED 22 NOV 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**

Subject: **Fiscal Notes & Waivers**

Hafa Adai!

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan.*

Si Yu'os Ma'ase'!

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

NOV 15 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **91-32(COR), [redacted], 181-32(COR), 202-32(COR), [redacted], 209-32(COR), 211-32(COR) and** Fiscal Note Waiver on the following Bill Nos.: **170-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 209-32 (COR)

AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

Department/Agency Appropriation Information		
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon Fernandez, Superintendent	
Department's General Fund (GF) appropriation(s) to date:		188,469,835
Department's Other Fund appropriation(s) to date: Territorial Education Facilities Fund, Healthy Futures Fund, School Lunch Nutritional Meals Fund, Cash Collections and Public Library Resources Fund		31,185,576
Total Department/Agency Appropriation(s) to date:		$219,655,411

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		$0	$0
FY 2014 Adopted Revenues	$0	$0	$0
FY 2014 Appro. (Bill No. 1(4-S))	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	$0	$0	$0	$0	$0	$0
(Specify Special Fund)	$0	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No
   If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / / N/A /X/ Yes / / No
   If no, what is the additional amount required? $ _____ / / N/A
3. Does the Bill establish a new program/agency? / / Yes /X/ No
   If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
   Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
   / / Requested agency comments not received by due date / / Other:

Analyst: Arthur R. Mariano Date: 10/29/13 Director: John A. Rios, Director Date: NOV 15 2013

Footnotes:

See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 209-32 (COR)

Comments:

The subject Bill proposes to amend Section 1(b) of P.L. 31-234, relative to extending the deadline to obligate funds deposited and appropriated from the Adequate Education Act Trust Fund to January 31, 2014. This extension is required in order for the Guam Department of Education to utilize approximately $364,358 in unobligated funds remaining in the aforementioned trust fund and is consistent with the extension authorized by the U.S. Department of Education on September 26, 2013.

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

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Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 21, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 209-32 (COR) through 211-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

2013 OCT 21 AM 11:41

Attachments (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
209-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.
210-32 (COR)	Michael F.Q. San Nicolas, Vicente (ben) C. Pangelinan, T.C. Ada, B. J.F. Cruz, Brant T. McCreadie	AN ACT TOADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND§§12104, 12106, AND 12107, OFCHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.
211-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADOPT THE BANKING AND INSURANCE BOARD PROPOSED REGULATIONS UNDER THE GUAM SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2010.

COMMITTEE ON RULES

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Senator
Aline Yamashita
Member

October 17, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 209-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 209-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan.*

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 OCT 15 PM 3:35

Bill No. 209-32(COR)

Introduced by: Judith T. Won Pat, Ed.D.

AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 1 of Public Law 31-234 is hereby *amended* to read as follows:

"**Section 1. Appropriation.** Upon USDOE approval to amend the Phase I and Phase II ARRA SFSF grant application, whereby, the amount of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) of federal funds originally allocated for Capital Improvement Projects (CIPs), Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment is reprogrammed to Salaries and Benefits resulting in a reimbursement of funds appropriated and expended in Section 2 of Chapter II, Part I of Public Law 30-196, the reimbursement of Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) from the SFSF grant authorized by the USDOE pursuant to the expenditure of local funds and certified by the

TPFA *shall* be deposited to the Trust Account. The use of the reimbursed funds in the Trust Account *shall* be pursuant to the following amounts and requirements:

(a) Sixty Million Eighty-Eight Thousand Nine Hundred Thirty-Five Dollars ($60,088,935) is appropriated from the Adequate Education Act Trust Account to the Guam Department of Education in Object Classes 230, 250 and 450 as follows: object class 230 (Contracts) – Thirty-Five Thousand Dollars ($35,000); object class 250 (Equipment) – Three Million Fifty Thousand Dollars ($3,050,000); and object class 450 (Capital Outlay) – Fifty-Seven Million Three Thousand Nine Hundred Thirty-Five Dollars ($57,003,935).

(b) The appropriation to Object Classes 230, 250 and 450 in this Section *shall* be continuing appropriations for the GDOE and *shall* be earmarked for Capital Improvement Projects and for the renovation, rehabilitation, and repair of Untalan Middle School, Technology Upgrades and Science, Technology, Engineering and Math (STEM) CIPs and Equipment approved by USDOE contained in the ARRA SFSF Phase I and Phase II grant application, including any subsequent amendments approved by USDOE; *provided*, that all these appropriations *shall* expire if *not* obligated by ~~September 30, 2013~~ January 31, 2014.

(c) *Up to* the sum of Two Hundred Twenty-Six Thousand Dollars ($226,000) from the appropriation in Subsection (a), object class 250 may be transferred to personnel object classes 112 to fund overtime for GDOE employees for the implementation of GDOE's Financial Management Information System.

(d) GDOE *shall* report *to I Maga'lahi* and *I Liheslatura* on a monthly basis as to the obligation and expenditure of the funds from the Trust Fund and the completion of the ARRA/SFSF projects."