



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>3:55pm</u>
Date	<u>3.11.98</u>

MAR 11 1998

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Refer to  
**Legislative Secretary**

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 288 (COR), "AN ACT TO ADD A NEW PARAGRAPH (f) TO §54102 OF ARTICLE 1, CHAPTER 54, DIVISION 5, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO LEADING TO J. Q. SAN MIGUEL ELEMENTARY SCHOOL AND SUBSEQUENTLY ANY ROAD LEADING TO ANY SCHOOL THAT IS UNSAFE OR DO NOT MEET THE HIGHWAY STANDARDS ESTABLISHED BY DEPARTMENT OF PUBLIC WORKS", which I have signed into law today as **Public Law No. 24-147**.

This legislation designates the Guam Highway Fund to repair, widen, and repave Clara Street in Toto, leading to J. Q. San Miguel Elementary School, as well as to widen the Toto-Canada Road to 3 lanes. It also provides authorization to compensate private landowners with money or land exchange on a value-for-value basis for land needed to widen roads. Finally, this legislation indicates that any other road which leads to a school and which does not yet meet highway standards established by the Department of Public Works can also be repaired through the Guam Highway Fund.

Very truly yours,

[Signature]  
Carl T. C. Gutierrez

Attachment: 00699

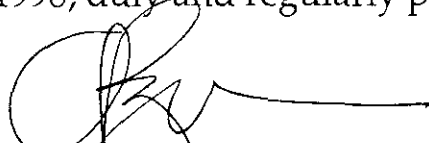
cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 3/11/98  
Time: 2:05pm  
Rec'd by: [Signature]  
Print Name: Tanice Mesa

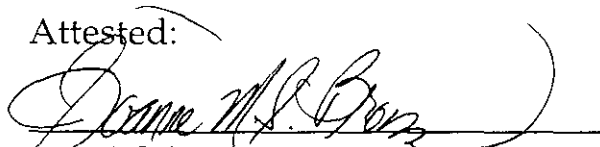
TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 288 (COR), "AN ACT TO ADD A NEW PARAGRAPH (f) TO §54102 OF ARTICLE 1, CHAPTER 54, DIVISION 5, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO LEADING TO J.Q. SAN MIGUEL ELEMENTARY SCHOOL AND SUBSEQUENTLY ANY ROAD LEADING TO ANY SCHOOL THAT IS UNSAFE OR DO NOT MEET THE HIGHWAY STANDARDS ESTABLISHED BY DEPARTMENT OF PUBLIC WORKS," was on the 27<sup>th</sup> day of February , 1998, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

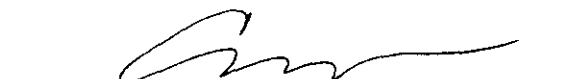
Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 4th day of March, 1998, at 8:54 o'clock 9 .M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 3-11-98

Public Law No. 24-147

**TWENTY-FOURTH GUAM LEGISLATURE**  
**1997 (FIRST) Regular Session**

**Bill No. 288 (COR)**

As substituted by the Author  
and amended on the Floor.

Introduced by:

E. J. Cruz  
J. C. Salas  
Felix P. Camacho  
L. F. Kasperbauer  
A. C. Blaz  
J. Won Pat-Borja  
T. C. Ada  
F. B. Aguon, Jr.  
E. Barrett-Anderson  
J. M.S. Brown  
Francisco P. Camacho  
M. C. Charfauros  
W. B.S.M. Flores  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. Leon Guerrero  
V. C. Pangelinan  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco

**AN ACT TO ADD A NEW PARAGRAPH (f) TO  
§54102 OF ARTICLE 1, CHAPTER 54, DIVISION 5,  
PART 1 OF TITLE 5 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO THE WIDENING  
AND REPAVING OF CLARA STREET IN TOTO  
LEADING TO J.Q. SAN MIGUEL ELEMENTARY  
SCHOOL AND SUBSEQUENTLY ANY ROAD**

**LEADING TO ANY SCHOOL THAT IS UNSAFE  
OR DO NOT MEET THE HIGHWAY STANDARDS  
ESTABLISHED BY DEPARTMENT OF PUBLIC  
WORKS.**

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

**Section 1. Legislative Statement.**

The Guam Legislature finds that Clara Street, the only road leading to the J.Q. San Miguel Elementary School is subjecting everyone, especially school children ages four (4) – twelve (12) years old, to traverse an unsafe public access road to the school. J.Q. San Miguel Elementary School is located approximately 6/10th of a mile from the intersection of Clara Street and Roy T. Damian Street in Toto. This area leading to the school is surrounded by ravines. The Guam Legislature further finds that there is a segment of Clara Street which is only fourteen feet (14') wide extending over two hundred fifty feet (250'), with at least a thirty foot (30') drop on each side of the road, where at times two (2) school buses meet with children on the unpaved portion walking sharing the same narrow segment of Clara Street. More importantly, the Guam Legislature finds that within the past three (3) months, reports of school buses and cars were involved in accidents or near mishaps along Clara Street. Over one-third (1/3) of the six hundred (600) plus school children in J.Q. San Miguel Elementary School are being transported by their parents causing considerable traffic congestion to and from the school. During peak traffic hours approximately one hundred fifty (150) cars and buses, and twenty-five (25) – thirty (30) ambulatory school children use Clara Street to access J.Q. San Miguel Elementary School. And for other roads leading to schools that are of

1 equal or more risk than Clara Street, the Mayor or the Director of the  
2 Department of Education shall submit a request to the Department of Public  
3 Works for school access road improvement under this Act. Therefore, the  
4 Guam Legislature, extremely sensitive to the safety of the school children and  
5 the residents, does hereby express its desire to act expeditiously and rectify  
6 this problem.

7 **Section 2.** A new Subsection (f) is hereby added to §54102 of Article 1,  
8 Chapter 54, Division 5, Part 1 of Title 5 of the Guam Code Annotated to read  
9 as follows:

10 “(f) Notwithstanding any other provisions of law, One Million  
11 Five Hundred Thousand Dollars (\$1,500,000) is hereby appropriated  
12 from the Territorial Highway Fund to the Department of Public Works  
13 for the following:

14 (1) the repair, including, but not limited to, widening,  
15 paving and side walks, of Clara Street in Toto, leading to J.Q. San  
16 Miguel Elementary School;

17 (2) the widening of Toto-Canada Road to three (3) lanes and  
18 establish a middle lane from Route 4 intersection to the Toto  
19 Community Center;

20 (3) subsequently at the written request of the Mayor or the  
21 Director of the Department of Education, any road leading to any  
22 school that is unsafe or does not meet the highway standards  
23 established by the Department of Public Works shall also be  
24 repaired under this Act; and

1                   (4) monetary compensation or land exchange on a value-  
2 per-value basis to private landowners whose properties are  
3 condemned as a result of the provisions of Subsection (f)."



TWENTY-FOURTH GUAM LEGISLATURE

# Office of the Vice-Speaker

ANTHONY C. BLAZ

LEGISLATIVE  
COMMITTEE  
MEMBERSHIP

Chairman  
Finance & Taxation

Vice-Chairman  
Rules,  
Government Reform  
& Federal Affairs

Education

Natural Resources

Health &  
Human Services

Tourism, Economic  
Development & Cultural  
Affairs

Judiciary,  
Public Safety &  
Consumer Protection

Transportation,  
Telecommunications, &  
Micronesian Affairs

MEMBERSHIP

Guam Finance  
Commission

Commission on Self  
Determination

February 25, 1998

The Honorable Speaker Antonio R. Unpingco  
24th Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Finance and Taxation, to which was referred Bill No. 288 (COR), "AN ACT TO ADD A NEW ITEM (f) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO LEADING TO J.Q. SAN MIGUEL ELEMENTARY SCHOOL AND SUBSEQUENTLY ANY ROADS LEADING TO SCHOOLS THAT ARE UNSAFE OR DO NOT MEET THE HIGHWAY STANDARDS ESTABLISHED BY DEPARTMENT OF PUBLIC WORKS," herein reports back with the recommendation **TO DO PASS**.

Votes of the committee members are as follows:

8 To Pass

0 Not To Pass

0 To Place in Inactive File

0 Abstained

0 Off-Island

0 Not Available

Sincerely,

Anthony C. Blaz

Committee on Finance and Transportation

Voting Sheet on

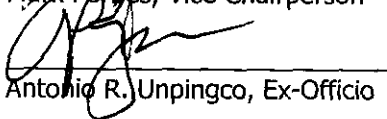
Bill No. 288 (COR)

"AN ACT TO ADD A NEW ITEM (f) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO LEADING TO J.Q. SAN MIGUEL ELEMENTARY SCHOOL AND SUBSEQUENTLY ANY ROADS LEADING TO SCHOOLS THAT ARE UNSAFE OR DO NOT MEET THE HIGHWAY STANDARDS ESTABLISHED BY DEPARTMENT OF PUBLIC WORKS."

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
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Anthony C. Blaz, Chairperson

  
Mark Forbes, Vice Chairperson

  
Antonio R. Unpingco, Ex-Officio

Elizabeth Barrett-Anderson, Member

Joanne M.S. Brown, Member

  
Edwardo J. Cruz, Member

  
Lawrence F. Kasperbauer, Member

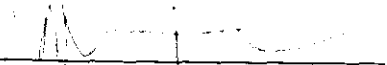
Alberto A.C. Lamorena, V, Member

  
Carlotta A. Leon Guerrero, Member

  
John C. Salas, Member

Thomas C. Ada, Member

Mark C. Charfauros, Member

  
William B.S.M. Flores, Member

Francis E. Santos, Member



## **Committee on Finance and Taxation Report on Bill No. 288**

"AN ACT TO ADD A NEW ITEM (f) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO LEADING TO J.Q. SAN MIGUEL ELEMENTARY SCHOOL AND SUBSEQUENTLY ANY ROADS LEADING TO SCHOOLS THAT ARE UNSAFE OR DO NOT MEET THE HIGHWAY STANDARDS ESTABLISHED BY DEPARTMENT OF PUBLIC WORKS."

### **PUBLIC NOTICE:**

Pursuant to the requirements of the Standing Rules, notice of the Public Hearing on Bill No. 288 was published in the Pacific Daily News on Sunday, September 28, 1997

### **PUBLIC HEARING:**

The Committee on Finance and Taxation conducted a public hearing on Monday, September 27, 1997 at 4:30 PM in the Legislature's Public Hearing Room to hear testimonies on Bill No. 288.

### **MEMBERS PRESENT:**

The hearing was called to order by the Chairperson of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz. Committee members present were:

Senator Elizabeth Barrett-Anderson  
Senator Edwardo Cruz  
Senator William B.S.M. Flores  
Senator Lawrence Kasperbauer  
Senator Alberto Lamorena, V  
Senator Francis Santos

Other Senators present were:

Senator Frank B. Aguon, Jr.  
Senator Lou Leon Guerrero  
Senator Vicente C. Pangelinan

### **PROVIDING PUBLIC TESTIMONY ON THE BILL:**

None

### **BACKGROUND :**

- Bill proposes to provide the necessary funding for widening of Clara Street in Toto. Although no testimony was given at the public hearing, the committee has been working with both the mayor of Toto and school officials at San Miguel Elementary School in providing the necessary funding to make this road safe for motorists and school buses as they travel to and from the school.
- Bill 288 also proposes to repair all roads leading to schools that do not meet the highway standards established by the Department of Public Works.

**FINDINGS:**

Bill 288 (COR) offers to add a new section (f) to §54102 of Title 5, Guam Code Annotated for the repair the island's roadways leading to all schools that do not meet the highway standards established by the Department of Public Works.

This Legislature is resolved in ensuring the safety of our island school children and essentially all residents and motorists utilizing these unsafe roads.

**COMMITTEE RECOMMENDATION:**

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature **to do pass Bill 288-** "AN ACT TO ADD A NEW ITEM (f) TO §54102 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WIDENING AND REPAVING OF CLARA STREET IN TOTO LEADING TO J.Q. SAN MIGUEL ELEMENTARY SCHOOL AND SUBSEQUENTLY ANY ROADS LEADING TO SCHOOLS THAT ARE UNSAFE OR DO NOT MEET THE HIGHWAY STANDARDS ESTABLISHED BY DEPARTMENT OF PUBLIC WORKS."

BBMR-F7

**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

Bill No. 288 Date Received 7/31/97  
Amendatory Bill YES X NO      Date Reviewed 8/05/97

Department/Agency Affected: Department of Public Works  
Department/Agency Head: Mr. Tony Quinata, Acting Director  
Total FY appropriation to Date: \$30,334,521

Bill Title (Preamble): An Act to Add a New Item (f) to §54102 of Title 5 of the Guam Code Annotated, relative to the Widening and Repaving of Clara Street in Toto Leading to J.O. San Miguel Elementary School and Subsequently Any Roads Leading to Schools that are Unsafe or Do Not Meet the Highways Standards Established by the Department of Public Works.

Change in Law: Add A New Item (f) to §54102 of Title 5 of the Guam Code Annotated

Bill's Impact on Present Program Funding:

     Increase      Decrease      Reallocation      X No Change  
Bill is for:      Operations      X Capital Improvement      Other

**FINANCIAL/PROGRAM IMPACT**

**ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)**

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
<u>Infrastructure &amp; Utilities</u>	<u>                    </u>	<u>-0-</u>	<u>-0-</u>

**ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)**

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>see comments</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
OTHER	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMOUNT REQUIRED n/a  
AGENCY/PERSON/DATE CONTACTED: Department of Public Works / Mr. Tony Quinata / Aug. 11, 1997

**ESTIMATED POTENTIAL MULTI-YEAR REVENUES**

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>n/a</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
OTHER	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TOTAL	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

ANALYST Frank Licama DATE 8/11/97 DIRECTOR Joseph E. Rivera DATE AUG 20 1997  
Acting Director

Footnotes: see attached comments.

Bureau of Budget and Management Research  
Fiscal Note Comments to Bill 288  
August 11, 1997

§54102 of Title 5 of the Guam Code Annotated already outlines the purpose and use of Territorial Highway Funds in the repair and maintenance of highways and roadways. Eight million one-hundred Thirty Thousand Dollars (\$8,130,000) was allocated for the FY97 Territorial Highway Fund Budget of the Department of Public Works. Additional funds may have been earmarked for FY97, but due to dwindling fund balances over the past years, budget levels could not be increased to accommodate additional highway projects.

If this new item (f) is approved in amending §54102 of Title 5, the department will then have to prioritize its allocation of THF funding and minimize any fiscal impacts on major highway projects. THF surplus funds may be allocated to fund the repair and repavement of roadways leading to schools, however, past and present legislation had appropriated surplus funds to fund supplemental funding for operations in FY1996 and personnel salary increments in FY1997 and thereby, zeroing-out any remaining fund balances. The THF fund balance amounts to -\$3.5 million, ending June 30, 1997.