



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

30 MAR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 84 (EC), "AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106, RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR", which I signed into law on March 30, 2005 as Public Law 28-23.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rec'd by: Nikol MB
Print Name & Initial
Time: 3:38 Date: 3-1-05

Office of the Speaker
MARK FORBES

Date: 3-31-05
Time: 5:05 pm
Rec'd by: [Signature]
Print Name:
28-05-0100

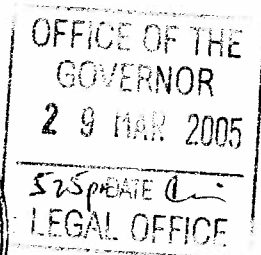
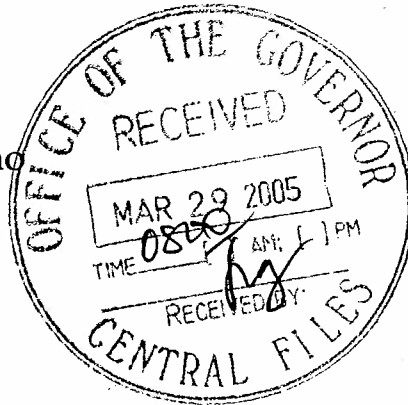
0102



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

March 29, 2005

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Substitute Bill Nos. 84(EC) and 99(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on March 29, 2005.

Sincerely,

EDWARD J.B. CALVO
Senator and Secretary of the Legislature


Enclosures (2)

Senator Edward J.B. Calvo SECRETARY OF THE LEGISLATURE ACKNOWLEDGEMENT RECEIPT	
Rcv'd by: <i>Nikola</i> <i>mp</i>	Print Name & Initial
Time: <i>3:38</i>	Date: <i>4-1-05</i>

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 84 (EC), "AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106, RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR," was on the 29th day of March, 2005, duly and regularly passed.



Mark Forbes
Speaker

Attested:




Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 29th day of March, 2005,
at 5:25 o'clock P.M.


Assistant Staff Officer
Maga'laha's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 3/30/05

Public Law No. 28-23

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 84 (EC)

As substituted by the Author
and amended on the Floor.

Introduced by:

L. F. Kasperbauer
J. T. Won Pat
A. R. Unpingco
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio

**AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF
PUBLIC LAW 27-106, RELATIVE TO ALLOWING THE
DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-
TERM EMPLOYEES UNTIL THE END OF THE 2004-2005
SCHOOL YEAR.**

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

2 **Section 1. Section 10 of Chapter VI of Public Law 27-106 is hereby**
3 ***amended to read:***

4 **“Section 10. Limited-Term Appointment Moratorium.**

5 **Notwithstanding the provisions of §4102 of Title 4 of the Guam Code**

6 **Annotated, or any other provision of law, *no* person may be employed**

1 on a temporary or limited-term basis by an instrumentality of the
2 government of Guam during the fiscal year, *except* for the following:

3 (1) Teachers, school health counselors, and on-call
4 substitutes (within staffing pattern funding levels);

5 (2) Attorneys at the Department of Law (within staffing
6 pattern funding levels);

7 (3) Nurses and doctors (within staffing pattern funding
8 levels);

9 (4) Temporary survey workers employed by the
10 Department of Labor for the purpose of conducting employment
11 surveys (within staffing pattern funding levels);

12 (5) Licensed healthcare professionals and ancillary service
13 personnel employed at the Department of Education, the Guam
14 Memorial Hospital Authority, the Department of Mental Health
15 and Substance Abuse, and the Department of Public Health and
16 Social Services (all within staffing pattern funding levels);

17 (6) Academic personnel positions at the University of
18 Guam and the Guam Community College (within their
19 appropriated funding levels);

20 (7) (a) Temporary Solid Waste Technicians employed by
21 the Division of Solid Waste Management of the
22 Department of Public Works for the purpose of
23 collecting residential solid waste;

24 (b) Such sums as are necessary are hereby
25 appropriated from the Solid Waste Operations Fund to

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fund the temporary positions contained in this Section;
(8) Federally-funded positions (matching and up to one
hundred percent (100%)); and
(9) Temporary cafeteria services and facilities maintenance
services workers employed by the Department of Education *not to*
exceed the end of the school year 2004-2005.”

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN
(Included in File w/ All Bills Transmitted)
SBILL NO. 84 (ec)

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *3*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *NO*

Confirmed By: *gy/dp*
FINAL REVIEW:

Dated: 3/29/05
Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, _____ OR OTHERS _____)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to _____)
- FILED by: _____



I Mina' Bente Ocho Na Liheslaturan
Guahan
**Committee on Judiciary, Governmental Operations, &
Reorganization**

March 24, 2005

The Honorable Robert Klitzkie
Chairman
Committee on Calendar
I Mina Bente Ocho na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

Re: Committee Recommendation

Dear Chairman Klitzkie:

The Committee on Judiciary, Governmental Operations & Reorganization to which was referred **Bill No. 84 (EC): AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR**, herein reports back with the recommendation To Do PASS.

Votes are as Follows:

5

TO PASS

NOT TO PASS

TO REPORT OUT ONLY

ABSTAIN

INACTIVE FILE

Sincerely,

Robert Klitzkie
Chairman

Attachments



I Mina' Bente Ocho Na Liheslaton Guahan
**Committee on Judiciary, Governmental Operations, &
Reorganization**

March 24, 2005

MEMORANDUM

TO: All Members
Committee on Judiciary, Governmental Operations & Reorganization

FROM: Chairman

Subject: Voting Sheet

Transmitted herewith are the voting sheets and the Committee Report on **Bill No. 84 (EC): AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR**, for your review and signature.

Your attention to this matter is greatly appreciated.

Robert Klitzkie
Chairman

Attachments



I Mina' Bente Ocho Na Liheslaturan Guahan
**Committee on Judiciary, Governmental Operations,
 & Reorganization**

VOTING SHEET ON BILL NO. 84

Bill No. 84 (EC): AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR. by Larry F. Kasperbauer

VOTING SHEET: Bill No. 84

BILL NO. 84	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Senator Robert Klitzkie, Chairman		✓				
Vice Chairman: Speaker Mark Forbes Ex-Officio member		✓				
Senator Jesse A. Lujan, Member	 3/24/05	✓				
Senator Adolpho B. Palacios, Sr. , Member						
Senator Larry F. Kasperbauer, Ph. D. Member	 3/24/05	X				
Senator Ray Tenorio, Member		✓				
Senator Benjamin J. F. Cruz, Member						

Jed
3/23/05

3rd

*w/out
engagement*

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3/29/05

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 84 (EC)
As substituted by the Author

*off
pc*

Introduced by:

L.F. Kasperbauer
*itwop
Arupen qeo*

**AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC
LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF
EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES
UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.**

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

2 **Section 1.** Section 10 of Chapter VI of Public Law 27-106 is hereby *amended*
3 read:

4 **Section 10. Limited Term Appointment Moratorium.** Notwithstanding the
5 provisions of §4102 of Title 4 of the Guam Code Annotated, or any other provision of
6 law, *no* person may be employed on a temporary or limited-term basis by an
7 instrumentality of the government of Guam during the Fiscal Year, *except* for the
8 following:

- 9 (1) Teachers, school health counselors, and on-call substitutes (within staffing
10 pattern funding levels);
- 11 (2) Attorneys at the Department of Law (within staffing pattern funding
12 levels);
- 13 (3) Nurses and doctors (within staffing pattern funding levels);
- 14 (4) Temporary survey workers employed by the Department of Labor for the
15 purpose of conducting employment surveys (within staffing pattern funding levels);
- 16 (5) Licensed healthcare professionals and ancillary service personnel
17 employed at the Department of Education, the Guam Memorial Hospital Authority,

1 the Department of Mental Health and Substance Abuse, and the Department of
2 Public Health and Social Services (all within staffing pattern funding levels);

3 (6) Academic personnel positions at the University of Guam and the Guam
4 Community College (within their appropriated funding levels);

5 (7) (a) Temporary Solid Waste Technicians employed by the
6 Division of Solid Waste Management of the Department of Public Works for the
7 purpose of collecting residential solid waste;

8 (b) Such sums as are necessary are hereby appropriated from the
9 Solid Waste Operations Fund to fund the temporary positions contained in this
10 Section;

11 (8) Federally-funded positions (matching and up to one hundred percent
12 (100%)); and

13 (9) Temporary cafeteria services and facilities maintenance services workers
14 employed by the Department of Education *not to exceed* ~~March 30, 2005~~
15 employment the end of the school year 2004-2005.

Passed FA No. 1
Date: 3/29 Time: 4:35P

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 824

Yfk

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Sponsor:
1) Yfk
2) jtlwp
3) aru

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

Date 3/29, 2005

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

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed:

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

Yfk

AUTHOR OF AMENDMENT

Concur (initial)

Yfk

Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk
____ Engrossment Staff

I Overview

Bill No. 84 (EC): AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR. by **Larry F. Kasperbauer**

The Committee on Judiciary, Governmental Operations & Reorganization to which was referred **Bill No. 84**, conducted a Public Hearing on same on March 18, 2005 at the Legislature's Public Hearing Room beginning at 9 a.m. Bill No. 84 (EC) was heard at 2:03 p.m.

Committee Members in attendance:

Senator Bob Klitzkie, Chairman
Senator Larry Kasperbauer
Senator Ray Tenorio
Senator Adolpho Palacios

Other Senators in attendance:

Senator Judith Won Pat

Testimony on Bill No. 84 was provided by:

Mr. Luis Reyes, Administrator of Personnel Services Division, Department of Education for DOE on Behalf of DOE Superintendent Juan P. Flores (Written & Oral)
Mr. Matt Rector, President, Guam Federation of Teachers (Oral)
Mr. Ron Benoit, Business Member, Guam Education Policy Board, Member of the Guam Chamber of Commerce (Oral)
Dr. Jose C. Cruz, Chairman, Guam Education Policy Board (Written)

II Summary of Testimony

Testimony on Bill No. 84 was provided by:

Mr. Luis Reyes, Administrator of Personnel Services Division, Department of Education for DOE on behalf of Superintendent of Education Juan P. Flores – Mr. Reyes provided written and oral testimony in full support of Bill No. 84. Mr. Reyes stated that the Department of Education stands to lose 51 custodial workers who were hired as temporary facilities maintenance services workers or Limited Term Employees. Mr. Reyes reasoned that Bill 84 offered the Department of Education the opportunity to transition into the privatization mandate as required by Public Law 27-106 and 27-32 in a more orderly fashion by allowing the continued employment of the custodians until the end of the 2004 – 2005 school year. Mr. Reyes explained that there are 51 part-time building custodians, who augment 104 permanent classified custodians for all of DOE's 37 schools. He conjectured that if Bill 84 is not passed, DOE would be forced to layoff the 51 LTE's at the end of March, leaving the schools with an inadequate custodial staff because the implementation of the privatization efforts for DOE have yet to be finalized. Mr. Reyes stated that there would be no personnel available at the end of the month to immediately carry forward the duties of the would-be terminated LTE's. Mr. Reyes also

recommended that the Bill be extended to include the LTE's employed as cafeteria workers at the schools.

Mr. Matt Rector, President, Guam Federation of Teachers - Mr. Rector provided oral testimony in support of Bill No. 84, He agreed with the Department of Education and expressed concern about the effect the termination of the Limited Term Employees would have on the schools and the inconvenience the affected school communities would be burdened with should the termination become necessary as a result of the mandate in 27-106 that prohibits employment of LTE's beyond March 30, 2005..

Mr. Ron Benoit, Business Member, Guam Education Policy Board, Member of the Guam Chamber of Commerce - Mr. Benoit provided oral testimony against Bill No. 84. Mr. Benoit stated the purpose of Bill 84 was due to the lack of action by the former Guam Education Policy Board. He stated that the measure would simply allow the Department of Education more time to do nothing. Mr. Benoit stated that he is confident in the current GEPB's ability to meet the mandate albeit, not by the end of the month. He urged lawmakers to leave the mandate in place with the end of March as a deadline despite the termination of the LTE's. Senator Kasperbauer posed a question to Board Member Benoit as to whether or not he felt DOE would be able to carry out a RFP by the end of March. Mr. Benoit responded in the negative.

II Summary of Testimony - Cont

Testimony on Bill No. 84 was provided by:

Dr. Jose Cruz, Chairman, Guam Education Policy Board, provided written testimony in support of Bill No. 84. See Attached. **Dr Cruz** states that the reprieve offered by the measure will allow DOE and the current GEPB, some leg room to implement the provisions as contained in the mandates to privatize. He stated that the passage of the measure would prevent any disruption in the obligation DOE has of educating and providing requisite services to schoolchildren and the department's endeavor to provide an adequate public education to students.

III Findings and Recommendations

The Committee on Judiciary, Governmental Operations & Reorganization finds that the need exists for the Department of Education to finalize the implementation of the Privatization mandate as adopted by the Guam Education Policy Board via Public Law 27-32, with specific provisions contained in Public Law 27-106 - Chapter VI, Section 10, Item 9, that mandate the abolishment of Limited Term Employees by March 30, 2005. The Committee finds that the March 30, 2005 deadline is fast approaching and there is no indication that DOE can comply with its privatization mandate by the established deadline. Without intervention through Bill No. 84, the employment of fifty-one DOE limited term facilities maintenance services workers will be terminated. The absence of these employees would pose a serious threat to the health and welfare of the students at the schools where they now work. Bill No. 84 proposes a temporary extension of the employment of these workers to ensure that the services they provide to our students continue until the end of the current school year. The Committee further finds that the immediate passage of Bill No. 84 (EC) is necessary to ensure that

there is no disruption in the educating, or affects to the health and welfare, of students enrolled in the Public School System during the remainder of the 2004 - 2005 school year.

Accordingly the Committee on Judiciary, Governmental Operations & Reorganization directs that bill No. 84 (EC) be reported out with the **Recommendation To Do Pass**.

III MINUTES

MINUTES

[Revised 03/25/05 at 7:42am]

Date: March 18, 2005

Location: Guam Legislature – Public Hearing Room
155 Hesler Street Hagatna, Guam

Called to order by Senator Robert Klitzkie, Chairman at 9:00am

Senators present:

Senator Robert Klitzkie, Chairman
Senator Ray Tenorio, Member
Senator Adolpho Palacios, Member
Senator B.J. Cruz, Member
Senator Larry Kasperbauer, Member
Senator Joanne Brown
Senator Lou Leon Guerrero
Senator Judi Won Pat
Senator Eddie Calvo

Bills on agenda: Bill 5 (LS); Bill 39 (EC); Bill 42 (EC); Bill 43 (EC); Bill 53 (EC); Bill 62 (EC); Bill 72 (EC); Bill 78 (EC); Bill 83 (EC); Bill 84 (EC)

Bill 5 (LS) heard at 9:01am

Description: AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

Testimony:

- No individuals signed-in to present oral testimony.
- **Dr. Jose Cruz**, Chairman of the Guam Education Policy Board, presented written testimony in support of Bill 5.

Bill 39 (EC) heard at 9:02am

Description: AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

Testimony:

- **Mr. Joseph Torres**, Acting Director of the Department of Agriculture, testified in support of Bill 39 at 9:03am.*

*Mr. Torres was accompanied by the following individuals for the purpose of providing technical support during questioning by Senators:

Celestino Aguon, Acting Chief of the Department of Aquatics and Wild Life

Trina Leberer, former employee and Supervisor of Aquatics

Michael Reyes, Acting Chief for the Conservation Office

- Comments and questions presented to the panel by Senator Brown, Senator Palacios, Senator Tenorio, Senator Leon Guerrero, Senator Kasperbauer, and Senator Klitzkie.

Bill 42 (EC) heard at 9:38am

Description: AN ACT TO AMEND THE COMPOSITION, RESPONSIBILITIES AND DUTIES OF THE ACCREDITATION BOARD IN THE REVIEW AND CERTIFICATION OF PRIVATE POST SECONDARY INSTITUTIONS BY REPEALING AND REENACTING §44104 OF CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED AND TO APPEND §44105, §44106 AND §44107 TO CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED.

Testimony:

- **Dr. Jose Nededog**, private citizen and long-time educator, testified in support of Bill 42 at 9:39am.

- **Mr. Mark Zhao**, Businessman and Representative of NAZPAC College, testified in support of Bill 42 at 9:49am.

- **Mr. Ron Moroni**, Attorney representing NAZPAC with respect to litigation issues, testified in support of Bill 42 at 9:52am.

- **Dr. Jose Cruz**, Chairman of the Guam Education Policy Board, testified in opposition of Bill 42 at 9:59am.

- **Mr. Larry Ramirez**, private citizen, testified in support of Bill 42 @ 10:46am

- Comments and questions presented to the panel by Senator Klitzkie, Senator Brown, Senator Palacios, Senator Kasperbauer, Senator Won Pat, and Senator Eddie Calvo.

Bill 43 (EC) heard at 10:54am

Description: AN TO REPEAL AND RE-ENACT ITEM (o) OF §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE PERSONNEL TRANSFER AUTHORITY OF THE SUPERINTENDENT OF EDUCATION.

Testimony:

- **Mr. Louis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Chairman of the Guam Education Policy Board (unable to attend) and the Superintendent of Education in support of Bill 43 at 10:55am.

- **Mr. Robert Koss**, Director of Field Services for Guam Federation of Teachers, testified on behalf of the membership of the association and the president of the GFT (unable to attend) in support of Bill 43 at 10:55am.

- Comments and questions presented to the panel by Senator Klitzkie, Senator Palacios, Senator Leon Guerrero, Senator Kasperbauer, and Senator Won Pat.

Bill 62 (EC) heard at 11:21am

Description: AN ACT TO RECRUIT AND RETAIN PHARMACISTS IN THE GUAM MEMORIAL HOSPITAL, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, BY ADDING A NEW SECTION 6230 TO ARTICLE 2 OF CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED.

Testimony:

- No individuals signed-in to present oral and/or written testimony

Bill 53 (EC) heard at 11:22am

Description: AN ACT TO AMEND SECTION 12 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO PERSONAL SERVICES CONTRACTS.

Testimony:

- **Mr. Joe Guthrie**, Deputy Attorney General, stated he was in support of Bill 53 at 11:23am. No testimony given—yielded to Attorney General.

- **Mr. Doug Moylan**, Attorney General, testified in opposition of Bill 53 in its current form at 11:23am.

- **Mr. Bill Bishoff**, limited-term employee at AG's office, testified in support of Bill 53 at 11:42am.

- **Mr. Mark "Paps" Martinez**, private citizen, presented oral and written testimony in support of Bill 53 at 11:44am.

- Comments and question presented to the panel by Senator Klitzkie, Senator Palacios, Senator Tenorio, and Senator Won Pat.

***An adjourned hearing was called by the Chairman at 12:00pm to reconvene at 1:30pm**

Bill 83 (EC) heard at 1:30pm

Description:

Description: RELATIVE TO ADOPTING THE FEDERAL UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT FOR LOCAL APPLICATION AND ENFORCEMENT.

Testimony:

- **Ms. Carol Ann Butler**, Private Attorney, testified in support of Bill 72 at 1:31pm.

- **Ron Moroni**, Private Attorney, testified in support of Bill 72 at 1:33pm.

- **Mr. Daniel Somerfleck**, Director of Guam Legal Services, testified in support of Bill 72 at 1:36pm.

- **Ms. Kathy Maher**, PSC, testified in support of Bill 84 at 2:46pm

- Comments and questions were presented to the panel by Senator Klitzkie, Senator BJ Cruz, Senator Palacios, and Senator Won Pat.

Bill 84 (EC) heard at 2:03pm

Description: AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

Testimony:

- **Mr. Luis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Superintendent in support of Bill 72 at 2:06pm.
- **Mr. Matt Rector**, President of the Guam Federation of Teachers, testified in support of Bill 84 at 2:08pm.
- **Mr. Ron Benoit**, Member of the Guam Education Policy Board, Guam Chamber of Commerce, and Businessman, testified in opposition of Bill 84 at 2:26pm.
- Comments and questions presented to the panel by Senator Klitzkie, Senator Tenorio, Senator Kasperbauer, Senator BJ Cruz, Senator Won Pat, and Senator Palacios.

Bill 78 (LS) heard at 2:30pm

Description: AN ACT TO ESTABLISH A COMPENSATION PLAN REVIEW FOR CERTIFICATED PERSONNEL AND HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF EDUCATION.

Testimony:

- **Mr. Luis Reyes**, Administrator of Personnel Services Division of the Department of Education, testified on behalf of the Superintendent of Education, in support of Bill 78 at 2:30pm.
- **Mr. Matt Rector**, President of the Guam Federation of Teachers, testified in support of Bill 78 at 2:34pm.
- **Mr. Robert Koss**,
- Comments and questions presented to the panel by Senator Klitzkie, Senator Palacios, Senator Tenorio, Senator Kasperbauer, Senator Cruz, and Senator Won Pat.

Bill 72 (EC) heard at 2:50pm

Description: AN ACT TO AMEND §10 OF CHAPTER VI OF PUBLIC LAW 27-106 FOR THE PURPOSE OF ALLOWING LIMITED TERM APPOINTMENTS TO CERTAIN POSITIONS WITHIN THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, THE CUSTOMS AND QUARANTINE AGENCY, AND THE DEPARTMENT OF CORRECTIONS.

Testimony:

- **Mr. Fred Bordallo, Jr.**, Police Lieutenant at Guam Police Department, assigned to the Training and Staff Development Section, testified in opposition of Bill 72 at 2:50pm.
- **Mr. Frank Ishizaki**, Chief of Police, testified in support of Bill 72 at 15:03pm.
- Comments and questions presented to the panel by Senator Palacios, Senator Tenorio, Senator Won Pat, and Senator Klitzkie.

Public hearing adjourned at 3:30pm.

Declaration Under Penalty of Perjury of Audreya Punzalan


- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Public Hearing Notice" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8101 thru 8116.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on March 10, 2005 (5 working days prior to hearing) in accordance with 5 GCA § 8108.
- 5.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on March 16, 2005 (48 hours prior to hearing) in accordance with 5 GCA § 8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, *etc.* (Appendix C: Committee Member E-mails) on February 28, 2005 and March 09, 2005.
- 7.) I e-mailed notice to Speaker Mark Forbes (speakerforbes@yahoo.com) on March 11, 2005 (5 working days prior to hearing) for posting on www.guamlegislature.com, the official website of the Guam Legislature, in accordance with 5 GCA § 10306.
- 10.) I e-mailed a "Revised Public Hearing Notice" on March 14, 2005 to all senators, the Clerk of the Legislature, the Legislative Counsel, each newspaper of general circulation, and all broadcasting stations which air a regular news program within Guam. The revised notice indicated that Bill 14 was removed from the March 18th public hearing agenda.
- 8.) On March 11, 16, and 17, I confirmed which e-mails had been successfully delivered to recipients and those that were unsuccessful. I contacted the proper establishments to retrieve current updated e-mail addresses for those e-mails which indicated a bounce back of the "Notice of Public Hearing." I re-sent the "Notice of Public Hearing" to the corrected e-mail addresses. Bounce backs e-mail addresses of Sorenson Pacific Broadcasting that could not be corrected due to problems with email servers were as follows: Ray Gibson (rgibson@k57.com), Patty Arroyo (parroyo@k57.com), and ajuan@105therock.com. A fax was sent in place to these individuals at 477-3982.
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, *etc.*, on March 09, 2005 (5 working days prior to hearing) in accordance with 5 GCA § 10306.

Declaration Under Penalty of Perjury

6 GCA Section 306

I declare under penalty of perjury that the foregoing is true and correct,

Executed on March 24, 2005 on Guam by

 (signature)

Audreya J. Punzalan

APPENDIX A: NOTICE OF PUBLIC HEARING



Committee on Judiciary, Governmental Operations & Reorganization

www.bobsoffice.org/judiciary

PUBLIC HEARING NOTICE

A public hearing will be held on Friday, March 18, 2005 at 9:00am in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

BILL 5 (LS) AN ACT TO ADD A NEW §§4203.3 TO TITLE 4 AND §5253 TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO PROHIBITING CONVICTED SEX OFFENDERS FROM BEING EMPLOYED IN THE GOVERNMENT OF GUAM OR FOR GOVERNMENT CONTRACTORS IN AREAS FREQUENTED BY CHILDREN.

BILL 14 (LS) AN ACT TO ADD A NEW CHAPTER 2A TO 5 GCA; TO REPEAL 1 GCA §1800, CHAPTER 11 OF 5 GCA; TO ESTABLISH EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO RECOGNIZE THE GOVERNOR'S AUTHORITY TO REORGANIZE THE EXECUTIVE BRANCH OF THE GOVERNMENT, TO REMOVE IMPEDIMENTS TO REORGANIZATION, TO PROVIDE THE GOVERNOR THE TOOLS NECESSARY FOR SUCH REORGANIZATION AND PRIORITIZATION AND TO ENACT THE GOVERNMENT PRIORITIES ACT OF 2005. **POSTPONED**

BILL 39 (EC) AN ACT TO ADD A NEW SECTION 63103.1 TO ARTICLE 1, CHAPTER 63, DIVISION 6 OF TITLE 5 OF THE GUAM CODE ANNOTATED TO ENHANCE ENFORCEMENT OF NATURAL RESOURCES LAWS THROUGH THE CREATION OF A VOLUNTEER CONSERVATION OFFICER RESERVE.

BILL 42 (EC) AN ACT TO AMEND THE COMPOSITION, RESPONSIBILITIES AND DUTIES OF THE ACCREDITATION BOARD IN THE REVIEW AND CERTIFICATION OF PRIVATE POST SECONDARY INSTITUTIONS BY REPEALING AND REENACTING §44104 OF CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED AND TO APPEND §44105, §44106 AND §44107 TO CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED.

BILL 43 (EC) AN TO REPEAL AND RE-ENACT ITEM (o) OF §3103 OF CHAPTER 3 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE PERSONNEL TRANSFER AUTHORITY OF THE SUPERINTENDENT OF EDUCATION.

BILL 53 (EC) AN ACT TO AMEND SECTION 12 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO PERSONAL SERVICES CONTRACTS.

BILL 62 (EC) AN ACT TO RECRUIT AND RETAIN PHARMACISTS IN THE GUAM MEMORIAL HOSPITAL, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, BY ADDING A NEW SECTION 6230 TO ARTICLE 2 OF CHAPTER 6 OF TITLE 4, GUAM CODE ANNOTATED.

BILL 72 (EC) AN ACT TO AMEND §10 OF CHAPTER VI OF PUBLIC LAW 27-106 FOR THE PURPOSE OF ALLOWING LIMITED TERM APPOINTMENTS TO CERTAIN POSITIONS WITHIN THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, THE CUSTOMS AND QUARANTINE AGENCY, AND THE DEPARTMENT OF CORRECTIONS.

Bill 78 (LS) AN ACT TO ESTABLISH A COMPENSATION PLAN REVIEW FOR CERTIFICATED PERSONNEL AND HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF EDUCATION.

BILL 83 (EC) RELATIVE TO ADOPTING THE FEDERAL UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT FOR LOCAL APPLICATION AND ENFORCEMENT.

BILL 84 (EC) AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

***Written testimony can be submitted via e-mail to judiciary@bobsoffice.org
For ADA assistance, please contact the Office of Senator Robert Klitzkie at
(671) 472-9355 ext. 3 or send request via email to judiciary@bobsoffice.org.**

APPENDIX B: MEDIA E-MAIL LISTING

<p align="center">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p align="center">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@kprg.org Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News –Rindratty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstone@ite.net KISH (102.9 FM) – Jean Hudson, News Director, kstone@ite.net</p>

APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman
 Speaker Mark Forbes, Ex-Officio
 Senator Jesse A. Lujan, Member
 Senator Larry Kasperbauer, Ph.D., Member
 Senator Ray Tenorio, Member
 Senator Benjamin J.F. Cruz, Member
 Senator Adolpho B. Palacios, Sr., Member

bob@bobsoffice.org
speakerforbes@yahoo.com
jal@netpci.net
lk4kids@ite.net
ray@raytenorio.com
cjbjrcruz@ite.net
patrickcepeda@hotmail.com

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 84(EC)**

Bill Title (Preamble): AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Juan P. Flores
Department's General Fund (GF) appropriation(s) to date:	\$159,485,432
Department's Other Fund (specify) appropriation(s) to date:	\$933,662
Total Department/Agency Appropriation(s) to date:	\$160,419,094

Fund Source Information of Proposed Appropriation			
	General Fund:	Other (specify):	Total:
FY05 Adopted Revenues	\$447,441,000	\$100,502,170	\$547,943,170
FY05 Appro. to P.L. 28-06	(\$447,821,707)	(\$100,702,530)	(\$548,524,237)
Sub-total:	(\$380,707)	(\$200,360)	(\$581,067)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$380,707)	(\$200,360)	(\$581,067)

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$105,468	\$0	\$0	\$0	\$0
Other Fund: 1/	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$105,468	\$0	\$0	\$0	\$0

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

Analyst: M/Oru Date: 3/11/05 Director: Carlos P. Bordallo Date: MAR 16 2005
CARLOS P. BORDALLO, Acting

Footnotes: The intent of Bill 84(EC) is to allow the Department of Education to continue the limited term appointments of temporary cafeteria services and facilities maintenance services workers until the end of the school year 2004-2005. Given the privatization requirements for such services at the Department pursuant to P.L. 27-32, the proposed legislation may allow the continuation of such services pending full implementation of the privatization of such services. Based on the existing staff of 51 currently affected by the proposed legislation, an estimated amount of \$105,468 is the additional projected impact for 4.7 pay periods until June 3, 2005, the end of the school year 2004-2005.



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hester Place Hagatna, Guam 96910

Bill No. 84 (EC)

AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-TERM EMPLOYEES UNTIL THE END OF THE 2004-2005 SCHOOL YEAR.

	Name	Agency or Organization	Address	E-mail Address	Phone No.	Testimony		In Favor	Not In Favor
						Oral	Written		
1	Don BENT	Chambers		dbent@overseas.com					X
2									
3									
4									
5									
6									
7									
8									
9									
10									



DEPARTMENT OF EDUCATION

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



JUAN P. FLORES
Superintendent of Education

March 18, 2005

Honorable Senator Robert Klitzkie
Chairman, Committee on Judiciary Governmental
Operation and Reorganization
28th Guam Legislature
Hagatna, Guam 96932

Dear Honorable Senator Klitzkie and members of the committee:

Thank you for giving the Department of Education the opportunity to provide testimony on bill 84. An Act to Amend Section 10 of Chapter VI of Public Law 27-106 Relative to allowing the Department of Education to Utilize Limited Term Employees until the end of the 2004-2005 school year.

The Department of Education is in full support of bill number 84. The passage of this bill will allow the Department of Education to continue to provide the much needed custodial services since it is anticipated that the privatization of such services require that the Department of Education and the Guam Education Policy Board analyze the feasibility of privatization. We are concerned about the prospect of the part-time custodians ending their employment at the end of this month pursuant of P.L. 27-106. If the part-time custodians end their employment and the privatization does not take place immediately, the schools will be left with very few custodians. As with the part-time custodians, we support also the intent of bill 84 by including the hiring of limited term cafeteria services workers up to the end of the school year when we anticipate the Guam Education Policy Board to determine whether privatization shall continue for the remaining schools that have not yet been privatized.

Currently the department has only a total of 104 permanent classified building custodians and 51 part-time building custodians. This is a total of 155 building custodians servicing 37 public schools. It becomes immediately obvious that the schools will be severely affected. Attached is a breakdown of the current number of custodians assigned to each school.

Thank you once again for giving us the opportunity to provide testimony in support of bill number 84.

Sincerely,

JUAN P. FLORES
Superintendent of Education



COMMONWEALTH NOW!

**SUMMARY OF CUSTODIANS BY SCHOOLS
AS OF March 17, 2005**

SUMMARY

	NUMBER OF CUSTODIANS	Part Time Custodians	TOTAL
ELEMENTARY	58	10	68
SECONDARY	46	41	87
TOTAL	104	51	155

BREAKDOWN BY SCHOOLS

ELEMENTARY SCHOOLS	NUMBER OF CUSTODIANS	Part Time Custodians	Total
Agana Heights Elementary	2	0	2
Marcial Sablan Elementary	2	1	7
Carbulko Elementary	1	2	4
C.L. Taitano Elementary	1	1	4
F.Q. Sanchez Elementary	1	0	1
Finegayan Elementary	3	0	7
HS Truman Elementary	2	1	5
JM Guerrero Elementary	2	0	6
Inarajan Elementary	2	1	6
JQ San Miguel Elementary	3	0	4
LBJ Elementary	3	0	3
Uloa Elementary	1	1	9
MU Lujan Elementary	1	0	3
Merizo Elementary	2	0	2
Ordot Chalan Pago Elementary	2	1	5
PC Lujan Elementary	3	0	6
Price Elementary	4	0	7
Talololo Elementary	3	0	4
Tamuning Elementary	2	0	6
Upi Elementary	3	0	6
Wettengel Elementary	2	1	6
DL Perez	5	0	9
Chief Brodie Elementary	3	0	6
Asturbo Elementary	3	0	4
Machananao Elementary	2	1	5
TOTAL	58	10	68

SECONDARY SCHOOLS	NUMBER OF CUSTODIANS	Part Time Custodians	TOTAL
Agueda Johnston Middle	5	0	7
Vicente Benavente Middle	7	0	9
FBI G Middle	6	0	7
Inarajan	4	3	12
Jose LG Rios Middle	2	3	10
LP Untalan Middle	3	4	11
Oceanview Middle	5	0	6
GW High School	4	5	18
JFK High School	5	5	16
Simon Sanchez High School	2	5	16
Southern High School	3	16	29
TOTAL	46	41	87

**STAFFING SUMMARY
FACILITIES & MAINTENANCE DIVISION
AS OF March 17, 2005**

BREAKDOWN BY POSITIONS

POSITION TITLE	CURRENT NUMBER OF EMPLOYEES
Clerk/Clerk Typist/Secretary	3
Administrative Assistant	1
Warehouse Supervisor	1
Program Coordinator III	1
Maintenance Custodian	2
Maintenance Worker	12
Welder I	3
Refrigeration Mechanic	6
Automotive Mechanic	3
Trades Helper	14
Building Maintenance Supervisor	3
Painter	3
Plumber	7
Carpenter	18
Electrician	9
Multi Media Tecahnician	2
CIP Administrator	1
TOTAL	89

SUMMARY OF CAFETERIA PERSONNEL BY SCHOOLS
AS OF March 17, 2005

SUMMARY

	NUMBER OF PERSONNEL
ELEMENTARY	66
SECONDARY	33
FOOD SERVICE	1
TOTAL	100

BREAKDOWN BY SCHOOLS

ELEMENTARY SCHOOLS	NUMBER OF EMPLOYEES
Food Service	1
Merizo Elementary	7
Ordot Chalan Pago Elementary	21
Talofoto Elementary	6
Tamuning Elementary	1
DL Perez	12
Chief Brodie Elementary	0
Astumbo Elementary	19
TOTAL	67

SECONDARY SCHOOLS	NUMBER OF EMPLOYEES
LP Untalan Middle	19
Southern High School	14
TOTAL	33

Food Service	1
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Guam Education Policy Board (GEPB)
Guam Department of Education
P.O. Box DE, Hagatna, Guam 96932

Testimony on Bill 84, Allowing the Department of Education to utilize limited-term employees until the end of School Year 2004/2005
By Dr. Jose Q. Cruz, Chairman, GEPB
March 18, 2005

Senator Kasperbauer, Chairman of the Committee on Education and Community Development, Honorable Senators and members of the Committee, my name is Dr. Jose Q. Cruz, Chairman of the Guam Education Policy Board. I speak most specifically as Chair of the Legislative Affairs Subcommittee of our Board consisting of myself, Mrs. Rosa S. Palomo, GEPB voting member, Mr. Ron Benoit, business representative, Mrs. Neeti Prakash, GFT representative, Mr. Luis Reyes, Superintendent liaison to the Committee and with summary consultation with Superintendent of Education, Mr. Juan P. Flores. The Subcommittee supports Bill 78 with one abstention from the Subcommittee. Action by the full Board is not possible because our Board meetings are called every 2nd & 4th Wednesdays of the month. However, I feel GEPB will have no objections to the Bill with its most important and stop gap measure.

Bill 84 lifts exception of hiring part-time cafeteria services and facilities maintenance up to March 30, 2005 and extends the exception till the end of the school year. We are most grateful of this Bill and I wish to extend our apologies in not owning up if not calling attention to the policy mandate now being amended. Be assured that our GEPB will be looking into the foundational PL 27-32 which asks for outsourcing and privatization of appropriate education service. With the reprieve contained in the Bill we will have sufficient time to address our situation altogether. On Monday, March 21, 2005, GEPB will be in work session to address the directive of PL 27-32. We thank you for your kind consideration of our employees who are affected but more importantly in preventing any disruption to our obligation to educate and provide requisite services for an adequate public education.


As Chair of the Guam Education Policy Board, I believe we will fully support Bill 84 as a stop gap measure and will rise to the challenge of outsourcing and privatization. I will subsequently submit an official resolution on GEPB's position of support.

Thank you and Si Yuos Maase for the opportunity to speak on behalf of the Guam Education Policy Board. I will remain to answer any questions or need for clarification.

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 84(EO)

Introduced by:

L.F. Kasperbauer 

**AN ACT TO AMEND SECTION 10 OF CHAPTER VI OF
PUBLIC LAW 27-106 RELATIVE TO ALLOWING THE
DEPARTMENT OF EDUCATION TO UTILIZE LIMITED-
TERM EMPLOYEES UNTIL THE END OF THE 2004-2005
SCHOOL YEAR.**

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

2 **Section 1.** Section 1303 of Title 5, Guam Code Annotated is hereby *amended*
3 read:

4 **Section 10. Limited Term Appointment Moratorium.** Notwithstanding the
5 provisions of §4102 of Title 4 of the Guam Code Annotated, or any other provision of
6 law, *no* person may be employed on a temporary or limited-term basis by an
7 instrumentality of the government of Guam during the Fiscal Year, *except* for the
8 following:

9 (1) Teachers, school health counselors, and on-call substitutes (within staffing
10 pattern funding levels);

11 (2) Attorneys at the Department of Law (within staffing pattern funding
12 levels);

13 (3) Nurses and doctors (within staffing pattern funding levels);

14 (4) Temporary survey workers employed by the Department of Labor for the
15 purpose of conducting employment surveys (within staffing pattern funding levels);

16 (5) Licensed healthcare professionals and ancillary service personnel
17 employed at the Department of Education, the Guam Memorial Hospital Authority,

1 the Department of Mental Health and Substance Abuse, and the Department of
2 Public Health and Social Services (all within staffing pattern funding levels);

3 (6) Academic personnel positions at the University of Guam and the Guam
4 Community College (within their appropriated funding levels);

5 (7) (a) Temporary Solid Waste Technicians employed by the
6 Division of Solid Waste Management of the Department of Public Works for the
7 purpose of collecting residential solid waste;

8 (b) Such sums as are necessary are hereby appropriated from the
9 Solid Waste Operations Fund to fund the temporary positions contained in
10 this Section;

11 (8) Federally-funded positions (matching and up to one hundred percent
12 (100%)); and

13 (9) Temporary cafeteria services and facilities maintenance services workers
14 employed by the Department of Education *not to exceed March 30, 2005*
15 ~~employment~~ the end of the school year 2004-2005.