

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES	
197-35 (LS) As amended by the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens; and substituted and amended on the Floor.	Amanda L. Shelton Joe S. San Agustin Telena Cruz Nelson	AN ACT TO AMEND §§ 16112, 16113, 16115 AND 16118(c), TO REPEAL AND REENACT §§ 16123 AND 16124, CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED, TO ADD A NEW SUBSECTION §§ 16136, 16137, 16138, 16139 AND, 16140, ALL OF CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE UNIVERSITY OF GUAM (UOG) CHARTER TO ADD PERSONNEL; CLASSIFY STUDENT EMPLOYEES; AUTHORIZE UOG TO ENTER INTO BORROWING AGREEMENTS WITHOUT LEGISLATIVE APPROVAL; ESTABLISH THE CENTER FOR ISLAND SUSTAINABILITY; REPEAL THE GUAM NATIONAL ENERGY INSTITUTE; ESTABLISH THE UOG SEA GRANT SPECIAL FUND; ESTABLISH REPRESENTATION AT THE PACIFIC REGIONAL ENVIRONMENTAL PROGRAMME; PROMULGATE PROCUREMENT REGULATIONS; AUTHORIZE SHORT-TERM BORROWING; AND AUTHORIZE LONG-TERM LEASING AND CONTRACTING. UPDATING THE CHARTER OF THE UNIVERSITY OF GUAM TO FACILITATE ITS GROWTH INTO A 21 ST CENTURY INSTITUTION TO MEETING THE EDUCATIONAL NEEDS OF THE REGION WHILE GIVING IT MORE FINANCIAL INDEPENDENCE.	8/21/19 2:40 p.m.	10/14/19	Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens	12/6/19 9:00 a.m.	2/25/20 3:59 p.m.	10/1/19	As amended by the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES		
	11/16/20	AN ACT TO AMEND §§ 16112, 16113, 16115 AND 16118(c), TO REPEAL AND REENACT §§ 16123 AND 16124, AND TO ADD NEW §§ 16136, 16137, 16138, AND 16139, ALL OF CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED; TO ADD A NEW ITEM (19) TO § 4102(a) OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO AMEND § 5007 OF SUBARTICLE A, ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE UNIVERSITY OF GUAM (UOG) CHARTER TO ADD PERSONNEL; TO CLASSIFY STUDENT EMPLOYEES; TO AUTHORIZE UOG TO ENTER INTO BORROWING AGREEMENTS WITHOUT LEGISLATIVE APPROVAL; TO ESTABLISH THE CENTER FOR ISLAND SUSTAINABILITY; TO REPEAL THE GUAM NATIONAL ENERGY INSTITUTE; TO ESTABLISH THE UOG SEA GRANT SPECIAL FUND; TO ESTABLISH REPRESENTATION AT THE PACIFIC REGIONAL ENVIRONMENTAL PROGRAMME; TO PROMULGATE PROCUREMENT REGULATIONS; TO AUTHORIZE SHORT-TERM BORROWING; AND TO AUTHORIZE LONG-TERM LEASING AND CONTRACTING.	12/1/20	12/1/20	12/12/20	35-114	12/11/20	Received: 12/11/20 Mess and Comm. Doc. No. 35GL-20-2497		

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

December 11, 2020

35GL-20-2497

Speaker Tina Rose Muña Barnes

HONORABLE TINA ROSE MUÑA BARNES, *Speaker*

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

DEC 11 2020

Time 5:25 (put in file)

Signature: [Handwritten initials]

Re: Substitute Bill No. 197-35 (LS) – An Act to Amend §§ 16112, 16113, 16115 and 16118(c), to Repeal and Reenact §§ 16123 and 16124, and to Add New §§ 16136, 16137, 16138, and 16139, All of Chapter 16, Title 17, Guam Code Annotated; to Add a New Item (19) to § 4102(a) of Article 1, Chapter 4, Title 4, Guam Code Annotated; and to Amend § 5007 of Subarticle A, Article 1, Chapter 5, Title 5, Guam Code Annotated, Relative to Amending the University of Guam (UOG) Chapter to Add Personnel; to Classify Student Employees; to Authorize UOG to Enter into Borrowing Agreements without Legislative Approval; to Establish the Center for Island Sustainability; to Repeal the Guam National Energy Institute; to Establish the UOG Sea Grant Special Fund; to Establish Representation at the Pacific Regional Environmental Programme; to Promulgate Procurement Regulations; to Authorize Short-Term Borrowing; and to Authorize Long-Term Leasing and Contracting

Dear Madame Speaker:

Together with the Guam Community College, the University of Guam is at the forefront of our island's efforts to ensure we have an educated and well-trained population. Recently, the University has made significant strides toward improving its academic quality by expanding programs, leading local efforts in encouraging sustainability, and providing necessary healthcare professionals to assist in our island's current battle with COVID-19.

Substitute Bill No. 197-35, which I have signed into law as **Public Law No. 35-114**, makes significant changes to the University's enabling act, all of which are designed to position the University for further advances across all its disciplines.

Senseramente,

LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan
Governor of Guam


Enclosure: Substitute Bill No. 197-35 (LS) *nka P.L. 35-114*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 197-35 (LS) “AN ACT TO *AMEND* §§ 16112, 16113, 16115 AND 16118(c), TO *REPEAL* AND *REENACT* §§ 16123 AND 16124, AND TO *ADD* NEW §§ 16136, 16137, 16138, AND 16139, ALL OF CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED; TO *ADD* A NEW ITEM (19) TO § 4102(a) OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO *AMEND* § 5007 OF SUBARTICLE A, ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE UNIVERSITY OF GUAM (UOG) CHARTER TO ADD PERSONNEL; TO CLASSIFY STUDENT EMPLOYEES; TO AUTHORIZE UOG TO ENTER INTO BORROWING AGREEMENTS WITHOUT LEGISLATIVE APPROVAL; TO ESTABLISH THE CENTER FOR ISLAND SUSTAINABILITY; TO REPEAL THE GUAM NATIONAL ENERGY INSTITUTE; TO ESTABLISH THE UOG SEA GRANT SPECIAL FUND; TO ESTABLISH REPRESENTATION AT THE PACIFIC REGIONAL ENVIRONMENTAL PROGRAMME; TO PROMULGATE PROCUREMENT REGULATIONS; TO AUTHORIZE SHORT-TERM BORROWING; AND TO AUTHORIZE LONG-TERM LEASING AND CONTRACTING,”** was on the 1st day of December 2020, duly and regularly passed.



Tina Rose Muña Barnes
Speaker

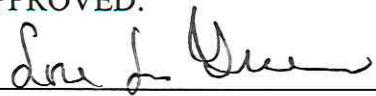
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of December, 2020, at 4:31 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/11^{day}/2020
Public Law No. 35-114

Jessica Cruz
RCUD AT CENTRAL FILES
DEC 1 '20 PM4:31
2020-12261

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN
2019 (FIRST) Regular Session

Bill No. 197-35 (LS)

As amended by the Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens; and substituted and further amended on the Floor.

Introduced by:

Amanda L. Shelton
Joe S. San Agustin
Telena Cruz Nelson
William M. Castro
Mary Camacho Torres
Régine Biscoe Lee
Clynton E. Ridgell
Tina Rose Muña Barnes
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje

AN ACT TO *AMEND* §§ 16112, 16113, 16115 AND 16118(c), TO *REPEAL* AND *REENACT* §§ 16123 AND 16124, AND TO *ADD* NEW §§ 16136, 16137, 16138, AND 16139, ALL OF CHAPTER 16, TITLE 17, GUAM CODE ANNOTATED; TO *ADD* A NEW ITEM (19) TO § 4102(a) OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO *AMEND* § 5007 OF SUBARTICLE A, ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE UNIVERSITY OF GUAM (UOG) CHARTER TO ADD PERSONNEL; TO CLASSIFY STUDENT EMPLOYEES; TO AUTHORIZE UOG TO ENTER INTO BORROWING AGREEMENTS WITHOUT LEGISLATIVE APPROVAL; TO ESTABLISH THE CENTER FOR ISLAND SUSTAINABILITY; TO REPEAL THE GUAM NATIONAL

ENERGY INSTITUTE; TO ESTABLISH THE UOG SEA GRANT SPECIAL FUND; TO ESTABLISH REPRESENTATION AT THE PACIFIC REGIONAL ENVIRONMENTAL PROGRAMME; TO PROMULGATE PROCUREMENT REGULATIONS; TO AUTHORIZE SHORT-TERM BORROWING; AND TO AUTHORIZE LONG-TERM LEASING AND CONTRACTING.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the University of Guam (UOG) has not been able to increase its revenue despite
4 increases in student enrollment. Accordingly, it is *I Liheslatura's* intent to provide
5 UOG with the freedom and independence to diversify its revenue sources, which
6 requires the flexibility to enter into partnerships that will provide revenue and allow
7 for UOG to compete in the changing market for institutions of higher education
8 brought on by the digital culture.

9 **Section 2.** § 16112 of Chapter 16, Title 17, Guam Code Annotated, is
10 hereby *amended* to read:

11 **“§ 16112. Personnel Rules: Academic Personnel.**

12 Rules and regulations governing selection, compensation, promotion,
13 performance evaluation, disciplinary action and other terms and conditions of
14 employment affecting academic personnel, and professional, technical,
15 federal, and externally funded (PTFEF) personnel, shall be adopted by the
16 Board of Regents. Such rules and regulations shall provide for the employment
17 and retention of persons on the basis of merit, and shall include an orderly and
18 systematic method of recruitment and the establishment of a list of qualified
19 applicants for employment purposes. *Academic personnel* are defined as
20 faculty and administrators. For the purposes of this Section, an *administrator*
21 is defined as one who holds any of the following positions: President or Vice-

1 President, Assistant or Associate to the President or Vice-President, Dean,
2 Associate or Assistant Dean, Director, Associate or Assistant Director,
3 provided, however, that nothing in this Chapter shall be construed as
4 preventing the Board of Regents from establishing other administrator
5 positions or abolishing any of the existing positions indicated herein and further
6 provided, however, that nothing in this Section nor in any other section of this
7 Chapter involving the outlay of public funds shall become effective unless
8 funds therefor shall have been provided in the University's annual budget. The
9 term *administrator* does not include positions within the purview of the
10 Director of Administration under Chapter 6 of Title 4, Guam Code Annotated,
11 or other applicable laws.

12 Professional, technical, federal, and externally funded (PTFEF)
13 personnel are defined as professional and technical positions that are not
14 management positions but require significant training and education, including
15 four (4)-year degrees or other professional designations or specialized skills
16 and federal grant and externally funded limited-term personnel that perform
17 specified functions and possess unique skills necessary to carry out a designated
18 scope of work. Nothing in this Chapter shall constrain the Board of Regents
19 from adding to or subtracting from the number of professional, technical,
20 federal and externally funded positions at the University subject to the same
21 funding constraints as academic personnel positions described in this Section.

22 Faculty shall have the right to form, join, assist and participate in the
23 management of employee organizations of their choice and to act as
24 organization representative or to refrain from any such activity, without
25 interference, restraint, coercion or discrimination and without fear of penalty or
26 reprisal; provided that, employees shall not participate in the management of an
27 organization or act as an organization representative, where such activity

1 would result in a conflict of interest or otherwise be incompatible with law or
2 with the employee's official duties.

3 Within ninety (90) business days of the effective date of this Act, the
4 Board of Regents, in cooperative consultation with the recognized bargaining
5 agent, shall develop and adopt reasonable rules for the settlement of
6 collective bargaining disputes, including access to impartial mediation and
7 arbitration.”

8 **Section 3.** § 16113 of Chapter 16, Title 17, Guam Code Annotated, is
9 hereby *amended* to read:

10 **“§ 16113. Classified Employees.**

11 Notwithstanding any law, rule, or regulation to the contrary, all non-
12 academic personnel and non-professional personnel, with the exception of
13 unclassified employees under § 4102 of Title 4, Guam Code Annotated, shall
14 be classified. Matters relating to employment of classified personnel shall be
15 governed by and in accordance with Title 4, Guam Code Annotated, and other
16 applicable laws.

17 All employees of the University of Guam who have acquired
18 government of Guam civil service tenure on the date of the enactment of this
19 Chapter and who are transferred to the University in accordance with § 16117
20 of this Chapter shall retain their tenure and status as employees of the
21 government of Guam.”

22 **Section 4.** A new item (19) is *added* to § 4102(a) of Article 1, Chapter 4,
23 Title 4, Guam Code Annotated, to read:

24 “(19) University of Guam student employees.”

25 **Section 5.** § 16115 of Chapter 16, Title 17, Guam Code Annotated, is
26 hereby *amended* to read:

27 **“§ 16115. Retirement Fund.**

1 Officers and employees, excluding part-time student employees, of the
2 University, not otherwise ineligible under the provisions of Chapter 8, Title 4
3 GCA shall be members of the Retirement Fund. The University shall
4 contribute to the Government of Guam Retirement Fund on the basis of annual
5 billings as determined by the Board of Trustees of Government of Guam
6 Retirement Fund, for the employer's share of the cost of the retirement
7 benefits applicable to the University's officers and employees, and their
8 beneficiaries.

9 The University shall not be liable for any amount except for the annual
10 statutory billings by the Board of Trustees of the Retirement Fund. In the event
11 that the annual statutory billing rate is determined by any external auditor
12 employed by the University to be less than the unfunded accrued liability of
13 the University for Retirement Fund purposes, any such differences between
14 the statutory and actuarial calculations shall be transferred to the Government
15 of Guam General Fund."

16 **Section 6.** § 16118(c) of Chapter 16, Title 17, Guam Code Annotated,
17 is hereby *amended* to read:

18 “(c) No agreements to borrow money which shall be repaid in more
19 than ten (10) years from the date of execution of such agreement shall be
20 entered into by the University without prior Legislative approval.”

21 **Section 7.** § 16123 of Chapter 16, Title 17, Guam Code Annotated, is
22 hereby *repealed* and *reenacted* to read:

23 “**§ 16123. University of Guam Center for Island Sustainability.**

24 The Center for Island Sustainability is hereby established at the
25 University of Guam. Island Sustainability ensures that the needs of the current
26 generation are met without compromising the ability of future generations to
27 meet their needs. The University of Guam, through its Center for Island

1 Sustainability, facilitates in leading Guam and Micronesia toward a
2 sustainable future. The University conducts sustainability-related research
3 and community outreach, in cooperation and coordination with other
4 appropriate agencies, to help meet island needs in the broader areas of
5 environment, economy, society, and education.”

6 **Section 8.** § 16124 of Chapter 16, Title 17, Guam Code Annotated, is
7 hereby *repealed* and *reenacted* to read:

8 **“§ 16124. University of Guam Sea Grant Special Fund.**

9 (a) The University of Guam Sea Grant Program managed by the
10 University of Guam, Center for Island Sustainability, maintains a portfolio of
11 federal cooperative agreements and grant-funded projects that provide an
12 array of research and extension services to the people of Guam and
13 Micronesia.

14 (b) To comply with federal matching requirements for grants under
15 the Sea Grant Omnibus cooperative agreements, there is hereby established
16 the University of Guam Sea Grant Special Fund (Fund), which shall be
17 maintained separate and apart from any other funds of the government of
18 Guam, and managed by the University of Guam, Center for Island
19 Sustainability.

20 (c) A primary purpose of this Fund is to comply with federal
21 requirements designating the University of Guam as a Sea Grant “Coherent
22 Area Program,” and to support potential future designations as a “Sea Grant
23 Institution” and “Sea Grant College Program.”

24 (d) Donations and charitable contributions relating to sustainability
25 and coastal research and extension services may be deposited and credited to
26 the University of Guam Sea Grant Special Fund. *I Liheslatura* (the
27 Legislature) may appropriate or reappropriate to the University of Guam Sea

1 Grant Special Fund any local matching funds necessary for approved
2 University of Guam programs consistent with research and extension
3 programs in the areas of Sustainability and Coastal Science, and any related
4 programs.

5 (e) All debts, liabilities and any other obligations incurred for
6 programs described in this Section *shall* be paid from the University of Guam
7 Sea Grant Special Fund.”

8 **Section 9.** A new § 16136 is hereby *added* to Chapter 16 of Title 17, Guam
9 Code Annotated, to read as follows:

10 **“§ 16136. Student Employees.**

11 Notwithstanding any law, rule or regulation to the contrary, University
12 of Guam student employees *shall not* be eligible for retirement, sick or annual
13 leave benefits, and, except as may be specifically provided herein, the
14 personnel rules *shall not* apply to such employment; provided, however, that
15 such employment *shall* be considered employment for purposes of the
16 Worker’s Compensation Act. The Board of Regents is authorized to adopt
17 rules and regulations governing student employment.”

18 **Section 10.** A new § 16137 is hereby *added* to Chapter 16 of Title 17, Guam
19 Code Annotated, to read as follows:

20 **“§ 16137. Secretariat of the Pacific Regional Environmental**
21 **Programme.**

22 The University of Guam, upon the concurrence of the Executive
23 Branch, *shall* be designated as the official government of Guam representative
24 to the Secretariat of the Pacific Regional Environmental Programme.”

25 **Section 11.** § 5007 of Subarticle A, Article 1, Chapter 5, Title 5, Guam Code
26 Annotated, is *amended* to read:

27 **“§ 5007. Policy Against Advance Payments.**

1 With the exception of off-island orders of the Department of Education
2 and the University of Guam, no procurement shall be made under this Chapter
3 which shall require advance payment.”

4 **Section 12.** A new § 16138 is hereby *added* to Chapter 16 of Title 17, Guam
5 Code Annotated, to read as follows:

6 **“§ 16138. Short Term Borrowing.**

7 The Board may, by a resolution adopted by a majority of all the
8 members of the Board and approved by the Governor, incur indebtedness for
9 any lawful purpose, and such indebtedness shall be repaid within a period not
10 exceeding ten (10) years as evidenced by contract terms. Any such
11 indebtedness shall be incurred subject and subordinate to any contractual
12 obligation of the Board to the holders of any bonds and the principal thereof
13 and interest thereon may be repaid from the University of Guam’s revenues;
14 or if incurred for a purpose for which bonds may be issued, from the
15 University of Guam’s revenues or from the proceeds of sale of bonds or other
16 debt instrument.”

17 **Section 13.** A new § 16139 is hereby *added* to Chapter 16 of Title 17, Guam
18 Code Annotated, to read as follows:

19 **“§ 16139. Long Term Leasing and Contracting.**

20 Notwithstanding any other provision of law, including 21 GCA §
21 60112(a), the University of Guam is authorized to lease its properties, with the
22 exemption of University of Guam Lot No. 5397 to comply with 21 GCA §
23 681503, for a period up to but not exceeding thirty (30) years, without prior
24 Legislative approval, in order to create public-private partnerships as
25 well as diversify the revenue streams of the University. The University shall
26 hold a public hearing and allow for sixty (60) calendar days for public
27 comment before executing such a lease. The University shall follow all

1 appropriate laws and regulations to enter into any lease for a period exceeding
2 thirty (30) years.”

3 **Section 14. Effective Date.** This Act shall be effective upon enactment.