

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

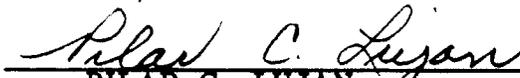
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 43 (COR), "AN ACT TO AMEND CHAPTER VI OF TITLE XLIV OF THE GOVERNMENT CODE AND SECTIONS 2 AND 3 OF PUBLIC LAW 15-40 AND TO ADD NEW SECTIONS 47412 AND 47413 TO THE GOVERNMENT CODE RELATIVE TO THE BUSINESS AND OVERSEAS AFFAIRS DIVISION OF THE DEPARTMENT OF COMMERCE," was on the 24th day of May, 1989, duly and regularly passed.



JOE T. SAN AGUSTIN
Speaker

Attested:



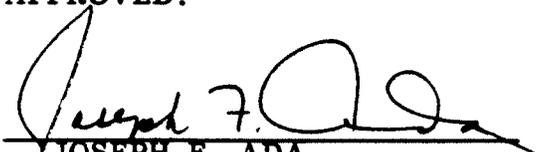
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 31st day of May, 1989,
at 12:20 o'clock p.m.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: June 8, 1989

Public Law No. 20-13

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 43 (COR)
As Substituted by the Committee
on Economic Development and
Committee on Rules

Introduced by:

P. C. Lujan
T. S. Nelson
C. T. C. Gutierrez

J. P. Aguon
E. P. Arriola
J. G. Bamba
M. Z. Bordallo
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
G. Mailloux
M. D. A. Manibusan
D. Parkinson
F. J. A. Quitugua
E. D. Reyes
M. C. Ruth
J. T. San Agustin
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND CHAPTER VI OF TITLE
XLIV OF THE GOVERNMENT CODE AND
SECTIONS 2 AND 3 OF PUBLIC LAW 15-40
AND TO ADD NEW SECTIONS 47412 AND
47413 TO THE GOVERNMENT CODE RELATIVE
TO THE BUSINESS AND OVERSEAS AFFAIRS
DIVISION OF THE DEPARTMENT OF
COMMERCE.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. All references to the "Overseas Affairs Office" in Chapter
3 VI of Title XLIV of the Government Code and in Sections 2 and 3 of Public
4 Law 15-40 shall hereafter be deemed to read "Business and Overseas Affairs
5 Division".

1 Section 2. A new Section 47412 is added to Chapter VI of Title XLIV
2 of the Government Code to read:

3 "Section 47412. Fees. The Business and Overseas Affairs
4 Division shall establish a schedule of nominal fees to be charged for
5 providing printed information. The fee schedule shall be designed so
6 that fees received are sufficient but no more than necessary to pay for
7 the costs of printing the information disseminated. Fees received shall
8 be deposited in the Publication Revolving Fund."

9 Section 3. A new Section 47413 is added to Chapter VI of Title XLIV
10 of the Government Code of Guam to read:

11 "Section 47413. Publication Revolving Fund. There is created a
12 special fund known as the 'Publication Revolving Fund' (the 'Fund')
13 which shall be segregated and set apart from all other funds of the
14 government of Guam. The 'Fund' shall be used for the sole purpose
15 of printing information disseminated by the Business and Overseas
16 Affairs Division. The Director of Commerce shall administer the Fund,
17 subject to audit by the Department of Administration."

TWENTIETH GUAM LEGISLATURE
 1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 43
 Res. No. _____

Date: 5/20/89

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
AGUON, J. P.	✓			
ARRIOLA, E. P.	✓			
BAMBA, J. G.	✓			
BORDALLO, M. Z.	✓			
BROOKS, D. F.	✓			
DIERKING, H. D.	✓			
DUENAS, E. R.	✓			
ESPALDON, E. M.	✓			
GUTIERREZ, C. T.C.	✓			
LUJAN, P. C.	✓			
MAILLOUX, G.	✓			
MANIBUSAN, M.D.A.	✓			
NELSON, T. S.	✓			
PARKINSON, D.	✓			
QUITUGUA, F. J.A.	✓			
REYES, E. R.	✓			
RUTH, M. C.	✓			
SAN AGUSTIN, J. T.	✓			
SANTOS, F. R.				
TANAKA, T. V.C.				
UNPINGCO, A. R.	✓			

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Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

23 March 1989

SPEAKER JOE T. SAN AGUSTIN
20th Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Economic Development, to which was referred Bill No. 43 [An Act to Amend Chapter VI of Title XLIV of the Government Code and Sections 2 and 3 of Public Law 15-40 and to Add a New Section 47412 to the Government Code Relative to the Overseas Office and Other Purposes], wishes to report back to the Legislature the substitute bill and resolution with its recommendations to do pass. The voting record is as follows:

TO PASS	<u>13</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached for your information.

This supercedes my memorandum to you dated 17 March 1989 on the same subject.

Sincerely yours,

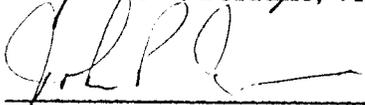
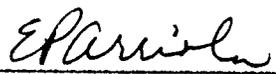
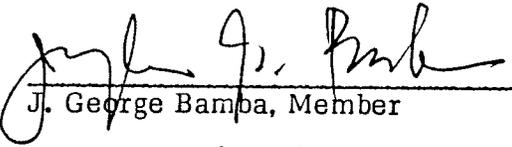
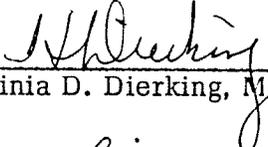
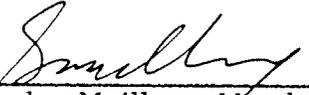
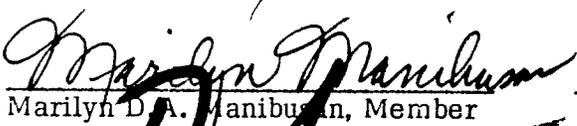
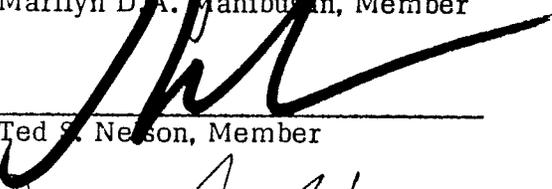
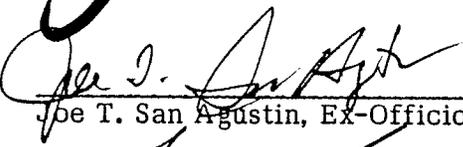
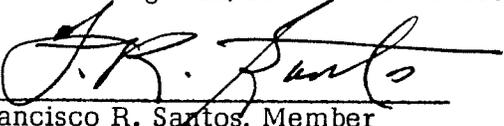
EDWARD D. REYES
Chairman

Attachments.

COMMITTEE ON ECONOMIC DEVELOPMENT
TWENTIETH GUAM LEGISLATURE

VOTING SHEET

BILL NO. 43 - An Act to Amend Chapter VI of Title XLIV of the Government Code and Sections 2 and 3 of Public Law 15-40 and to Add a New Section 47412 to the Government Code Relative to the Overseas Affairs Office and Other Purposes

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Edward D. Reyes, Chairman	✓			
 Madeleine Z. Bordallo, Vice-Chairman	✓			
 John P. Aguon, Member	✓			
 Elizabeth P. Arriola, Member	✓			
 J. George Bamba, Member	✓			
 Herminia D. Dierking, Member	✓			
 Pilar C. Lujan, Member	✓			
 Gordon Mailloux, Member	✓			
 Marilyn D. A. Manibusan, Member	✓			
 Ted S. Nelson, Member	✓			
 Joe T. San Agustin, Ex-Officio Member	✓			
 Francisco R. Santos, Member	✓			

COMMITTEE ON ECONOMIC DEVELOPMENT
TWENTIETH GUAM LEGISLATURE

REPORT ON BILL NO. 43

AN ACT TO AMEND CHAPTER VI OF TITLE XLIV OF THE GOVERNMENT CODE AND SECTIONS 2 AND 3 OF PUBLIC LAW 15-40 AND TO ADD A NEW SECTION 47412 TO THE GOVERNMENT CODE RELATIVE TO THE OVERSEAS AFFAIRS OFFICE AND OTHER PURPOSES.

PREFACE

The Committee on Economic Development held a public hearing on Tuesday, 07 February 1989 at 2:00 p.m. at the Session Hall of the Guam Legislature. Present at the hearing were Senator Edward D. Reyes, Chairperson, and Senators John P. Aguon, George Bamba, Pilar C. Lujan, Marilyn Manibusan, Ted S. Nelson, Martha Ruth, and Francisco R. Santos.

BACKGROUND

Bill No. 43 is sponsored by Senator Pilar C. Lujan. It proposes to amend Chapter VI of Title XLIV of the Government Code; amend Sections 2 and 3 of Public Law 15-40; and add a new Section 47412 to the Government Code relative to the Overseas Affairs Office and other purposes.

Section 1 of the Bill proposes a name change from "Overseas Affairs Office" to "Business and Overseas Division" under Chapter VI, Title XLIV of the Government Code and under Sections 2 and 3 of Public Law 15-40.

Section 2 proposes to add a new Section 47412 to Chapter VI of Title XLIV to allow for the newly-established "Business and Overseas Division" to establish a schedule of nominal fees and implement such fees to cover the cost of the printed information developed by the Division and further, that any surplus of sale over cost of the printed data shall revert to the General Fund.

Section 3 proposes to establish a new subsection (f) to Section 47060 of the Government Code to investigate and study conditions affecting the employment of women on Guam.

TESTIMONY

There were two individuals who provided the Committee with testimony - namely, Mr. Leslie Lummis, a private citizen, and Mr. Peter R. Barcinas, acting Director of the Department of Commerce. Mr. Lummis, in his oral testimony, did not address the substance of Bill No. 43. Mr. Barcinas provided written as well as oral testimony. In brief, Mr. Barcinas stated:

1. The promotional and informational arm of the Department has become important enough to warrant its graduation to a division within the Department of Commerce's organizational hierarchy.
2. The charging of nominal fees for publications would certainly help to solve the perennial problem with funding authority for printing, which the Department has sought for several years.
3. Executive Order No. 85-18 addresses Section 3 of Bill No. 43, therefore no legislation is needed to again resolve this requirement.

COMMITTEE ON ECONOMIC DEVELOPMENT
REPORT ON BILL NO. 43
PAGE TWO.

Mr. Barcinas went on to request the Committee to consider the establishment of a revolving fund to simplify the administrative requirement for the printing of the publications. In addition, he cautioned against the perusal of Section 3, since this function has already been delegated to the Bureau of Planning via Executive Order No. 85-18.

FINDINGS

It is the Committee's finding that there is a need to upgrade the "Overseas Affairs Office" to "Business and Overseas Affairs Division", and authorize the Department to charge fees to recover its costs in the printing of various economic and promotional publications. The "Overseas Affairs Office" has gained in stature over the years in terms of its functional responsibilities, that its upgrade to a division is warranted. With regards to the charging of fees for various publications, the Department annually spends approximately \$42,570 to print these materials, but cannot charge fees to recover its costs because it is not empowered to do so. Bill No. 43 will reconcile this problem.

The Committee also finds that Section 3 of the Bill is not germane to the other sections. Additionally, Executive Order No. 85-18 addresses this issue. Section 3 can be achieved by passing a resolution requesting that the report mandated by Section 2 of the Executive Order be provided to the Legislature.

RECOMMENDATIONS

The Committee recommends that a substitute bill be passed that would incorporate the following:

1. That the word "Affairs" be incorporated into the name of the new division to read "Business and Overseas Affairs Division."
2. That the existing Section 3 be deleted in its entirety and in lieu thereof have a new Section 3 establishing a revolving fund wherein all proceeds from the sale of publications from the Department of Commerce shall be deposited. The Fund established shall be used solely to defray costs in printing of publications.
3. That a resolution be introduced requesting both the Governor and the Director of the Bureau of Planning to provide the Twentieth Guam Legislature with a copy of the report mandated by Section 2 of Executive Order No. 85-18.

JAN 04 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 43 (COR)

Introduced by:

P. C. Lujan *PCJ*

AN ACT TO AMEND CHAPTER VI OF TITLE XLIV OF
THE GOVERNMENT CODE AND SECTIONS 2 AND 3 OF
PUBLIC LAW 15-40 AND TO ADD A NEW SECTION 47412
TO THE GOVERNMENT CODE RELATIVE TO THE
OVERSEAS AFFAIRS OFFICE AND OTHER PURPOSES.

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

Section 1. All references to the "Overseas Affairs Office" in Chapter VI of Title XLIV of the Government Code and in Sections 2 and 3 of Public Law 15-40 shall hereafter mean and be read "Business and Overseas Division".

Section 2. A new Section 47412 is added to Chapter VI of Title XLIV of the Government Code to read:

"Section 47412. Fees. The Business and Overseas Division shall establish a schedule of nominal fees to be charged for providing printed information. The fee schedule shall be designed so that fees received are sufficient but no more than necessary to pay for the costs of printing the information disseminated. If fees received in any fiscal year exceed such printing costs, the fees received in excess of such costs shall be deposited in the General Fund."

Section 3. A new Subsection (f) is added to Section 47060 of the Government Code of Guam to read as follows:

"(f) to investigate and study conditions affecting women on Guam, including but not limited to employment conditions, job discrimination and the difference in compensation, if any, paid to both sexes for jobs requiring essentially the same skills, training and education."

TESTIMONY REGARDING
BILL 43

"AN ACT TO AMEND CHAPTER VI OF TITLE XLIV OF
THE GOVERNMENT CODE AND SECTIONS 2 AND 3 OF
PUBLIC LAW 15-40 AND TO ADD A NEW SECTION 47412
TO THE GOVERNMENT CODE RELATIVE TO THE
OVERSEAS AFFAIRS OFFICE AND OTHER PURPOSES."

Good afternoon, Mr. Chairman and Distinguished Members of the Committee. My name is Peter Barcinas; as the Acting Director of the Department of Commerce, I am here this afternoon to testify on the provisions of Bill 43, now before you.

Generally, the Department of Commerce is in favor of Bill 43, and is pleased to see that the issue of recovering the costs of our publications is being addressed by this Legislature. We have sought the authority to levy such charges for several years now, and feel that this will lead to more efficient distribution and effective use of the materials that we publish. We also appreciate the move to make our Overseas Affairs Office a full-fledged division of the department. However, we foresee some problems with duplication of effort with the proposed addition of a new Subsection (f) to §47060 of the Government Code relative to investigating and studying issues as they affect women, since this function has already been delegated to the Bureau of Planning.

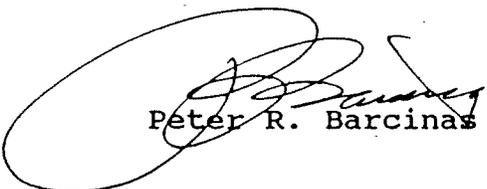
With regard to Section 1 of Bill 43, we believe that the promotional and informational arm of the department has become important enough to warrant its graduation to a division of the Department of Commerce. I would like to recommend, though, that its new name be the "Business and Overseas Affairs Division" to provide for a degree of continuity; for years, now, we have referred to it as our Office of Business and Overseas Affairs.

Section 2 of the Bill, allowing this part of the department to charge nominal fees for publications, would certainly help to solve our perennial problem with funding for printing, but raises a side issue: we would still require an annual appropriation to at least cover publication costs early in the fiscal year, until funds from the proposed charges begin to flow in. The Committee and the Sponsor of the Bill may wish to consider authorizing a revolving fund, complete with some "seed" money, to bypass the annual appropriation procedure. This fund could be set up in such a way that the money in the fund would return to its initial amount at the end of each fiscal year; matters could be greatly simplified in this way.

Section 3 of ~~the Bill~~ causes us some concern: Section 17(1) of Executive Order 85-18 uses almost exactly the same language to delegate the responsibility for studying wage and labor issues as they affect women to the Bureau of Planning, in alignment with the provisions of Public Law 12-200. I have attached a copy of the

Executive Order to this testimony for your convenience.

I would like to take this opportunity to thank you, Mr. Chairman, for inviting us to testify on this Bill today. If you or any of the other Members of the Committee have any questions or would like clarification of any of the points that I have made, I am at your service.



Peter R. Barcinas

E.O. No. 85-17.

A voucher system will be initiated to assure that the necessary clothing needs for the foster child will be met immediately upon placement.

The above rates will be paid only for persons determined to be eligible for services by the Division of Social Services. Payment will be made only to operators of homes or facilities which are licensed or certified by the Division of Social Services. The Division will not be responsible for the cost of care unless placement in the facility was authorized by staff of the Division.

EXECUTIVE ORDER NO. 85-18

TO ESTABLISH A PROGRAM TO INVESTIGATE
AND STUDY CONDITIONS AFFECTING WOMEN
ON GUAM.

WHEREAS, this calendar year marks the end of the International Decade of Women; and

WHEREAS, the traditional role of women in the household, in society and in the workplace on Guam has changed dramatically over the past three decades; and

WHEREAS, there is a growing interest on Guam, in the United States and throughout the world in how women are treated in society, as compared to men; and

WHEREAS, it is an objective of this office in this administration that the women of Guam be accorded equal rights, opportunities and privileges with their male counterparts in society and in the workplace; and

WHEREAS, the adult population of Guam is now composed of over forty-seven percent women; and

WHEREAS, women now comprise forty-one and one-half percent of both the local labor force and of the number employed; and

WHEREAS, there is evidence that women have not always been afforded equal treatment with men in society and in the workplace in the past; and

WHEREAS, there have been no ongoing, detailed studies of the status of women within our society and in the workplace in the past; and

E.O. No. 85-18

WHEREAS, the Bureau of Planning is authorized by Section 62019 of the Government Code of Guam to conduct investigations, studies, surveys, research and analysis relating to the social development of Guam and, further, to develop and recommend territorial policies to foster and promote the improvement of development quality of Guam; and

WHEREAS, the Bureau of Planning is charged by Section 62020 of the Government Code of Guam to prepare a statement of specific policies for social and human resource development;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by the authority vested in me by the Organic Act of Guam, as amended, and by Section 62017 of the Government Code of Guam, as enacted by Public Law 12-200, hereby order as follows:

1) The Bureau of Planning shall investigate and study the conditions affecting women on Guam, including but not limited to:

a) employment, employment opportunities, working conditions, job discrimination, and the differences in compensation, if any, paid to men and to women in jobs requiring essentially the same skills, education and training. This is to be done in conjunction and cooperation with the Department of Labor, Bureau of Labor Statistics;

b) health, susceptibility to disease, and access to health care and health care programs, both for women and as compared to men. This is to be done in conjunction and cooperation with the Department of Public Health and Social Services, Guam Memorial Hospital, and the Guam Health Planning and Development Agency;

c) literacy, education and educational opportunities, both for women and as compared to men. This is to be done in conjunction and cooperation with the Department of Education, Guam Community College, the University of Guam, the Agency for Human Resources Development, and the Department of Vocational Rehabilitation;

d) access to and dependency upon social welfare programs. This is to be done in conjunction and cooperation with the Department of Public Health and Social Services and the Guam Housing and Urban Renewal Authority;

e) legal status, access to adequate legal services, incidence of civil suits brought by, for, and against women, the incidence of crimes perpetrated by and against women, and the disposition of civil and criminal cases involving women. This is to be done in conjunction and coordination with the Public Defender's Office and the Guam Police Department;

f) ownership of businesses by women, both a proprietors and partners, the types of businesses owned and

E.O. No. 85-18

their historical rate of success, as compared to similar businesses owned by men.

This is to be done in conjunction and coordination with the Department of Revenue and Taxation, Business Licensing Division;

2) The Bureau of Planning shall prepare and present to this office and to the Guam Legislature a report of its findings in these matters, in sufficiently detailed form that any existing inequities may be identified and addressed;

3) The Bureau of Planning shall formulate proposals for policy actions to overcome any inequities that may exist, as they affect women, and shall prepare recommendations concerning changes in and implementations of laws that serve to perpetuate all such inequities; and

4) The Bureau of Planning shall develop a long-term plan to provide remedies for past inequities and to ensure that women are accorded equal treatment under the law and in society on Guam in the future.

Signed and promulgated at Agana, Guam this 21st day of October, 1985.

/s/ Ricardo J. Bordallo
RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:

/s/ Edward D. Reyes
EDWARD D. REYES
Lieutenant Governor of Guam

EXECUTIVE ORDER NO. 85-19

FLOOD DAMAGE PROTECTION

WHEREAS, the flood hazard areas of Guam are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and,

WHEREAS, these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately flood proofed, elevated

JAN 04 '89

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