



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

**Refer to  
Legislative Secretary**

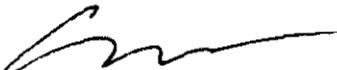
**MAR 05 1998**

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

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 343 (COR), "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS.", which was vetoed by the Governor and subsequently overridden by the Legislature. This legislation is now designated as **Public Law No. 24-146**.

Very truly yours,

  
Carl T. C. Gutierrez

Attachment 00889

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

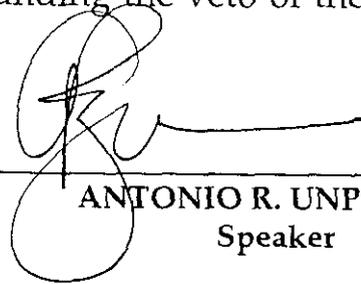
OFFICE OF THE LEGISLATIVE SECRETARY	
AGENDA RECEIPT RECEIPT	
Received By	
Time	4:44 pm
Date	3-5-98

Office of the speaker  
ANTONIO R. UNPINGCO  
Date: 3-5-98  
Time: 15:00  
Rec'd by:   
Print Name: Charles Brown

TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

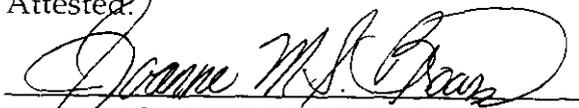
This is to certify that Bill No. 343 (COR), "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS," returned without approval of the Governor, was reconsidered by the Guam Legislature and after such consideration, did agree, on the 27<sup>th</sup> day of February, 1998, to pass said bill notwithstanding the veto of the Governor by a vote of twenty-one (21) members.



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ANTONIO R. UNPINGCO  
Speaker

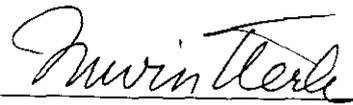
Attested.



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 4<sup>th</sup> day of March, 1998<sup>th</sup>, at  
8:49 o'clock 9 .M.



---

Assistant Staff Officer  
Governor's Office

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

**Bill No. 343 (COR)**

As amended on the Floor.

Introduced by:

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

**AN ACT TO DIRECT THE DEPARTMENT OF  
ADMINISTRATION TO IMMEDIATELY RELEASE  
ALL FUNDS APPROPRIATED TO THE  
DEPARTMENT OF EDUCATION FOR THE  
PURCHASE OF TEXTBOOKS.**

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

1           **Section 1.**   Notwithstanding any other provision of law, the  
2 Department of Administration is hereby directed to immediately release to the  
3 Department of Education all funds appropriated by P.L. No. 24-34 for the  
4 purchase of textbooks.

5           **Section 2.**   A taxpayer shall have the right to sue to compel the  
6 release of funds appropriated by P. L. No. 24-34 and be reimbursed his or her  
7 attorneys fees and costs.



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

MAR 05 1998

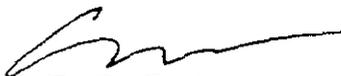
The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910



Dear Speaker Unpingco:

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Very truly yours,

  
Carl T. C. Gutierrez

Attachment

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

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 3-5-98  
Time: 1500  
Rec'd by:   
Print Name: Charlene Duena

TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

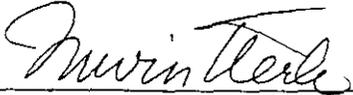
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

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

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

-----  
This Act was received by the Governor this 4<sup>th</sup> day of March, 1998, at <sup>me</sup>  
8:49 o'clock 9 .M.

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

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

Bill No. 343 (COR)

As amended on the Floor.

Introduced by:

Mark Forbes  
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7 attorneys fees and costs.



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY  
ANTONIO R. UNPINGCO  
Date: 2-21-98  
Time: 2:00 pm  
Received by: [Signature]  
Print Name: FRED GONZALEZ

**FEB 21 1998**      **Refer to**  
                         **Legislative Secretary**

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

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By: [Signature]  
Time 10:02am  
Date 2-23-98

Dear Speaker Unpingco:

Enclosed please find Bill No. 343 (COR), "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS.", which I have vetoed.

This legislation is too late. It directs the Department of Administration to release funds from the appropriation contained in Public Law No. 24-34 for the purchase of textbooks. Public Law No. 24-34 contained no appropriation for textbooks, but did contain an amendment to the original appropriation for textbooks made in Public Law No. 23-128, the Budget Act for Fiscal Year 1997. This appropriation was originally made for the purchase of textbooks for Fiscal Year 1998. The later amendment to that appropriation in Public Law NO. 24-34 was not an appropriation, but changed the use of the appropriation from Fiscal Year 1998 revenues to enable the funds to be released in Fiscal Year 1997.

Since the beginning of Fiscal Year 1997, many events have taken place. One event is that the money to pay for Fiscal Year 1997 textbooks has already been released and spent. Appropriations in Public Law No. 23-128 including amendments made in 24-34 have lapsed.

If the Legislature is seeking to appropriate an additional \$4 Million to the Department of Education for the Department's expenses of Fiscal Year 1998 or beyond, a new appropriation must be made. This cannot be done by

00660

mandating that an already expired appropriation for a previous fiscal year which states that the money is to be used in a past fiscal year, be resurrected. In any event, 1997 textbooks are already bought and paid for, and a new appropriation was made in Public Law No. 24-59 for 1998 textbooks.

Very truly yours,



Carl T. C. Gutierrez

Attachment 00560

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

TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 343 (COR), "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS," was on the 4<sup>th</sup> day of February, 1998, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

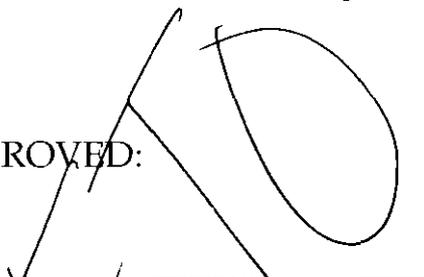
Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 10<sup>th</sup> day of February, 1998, at  
3:24 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

Plat-146



TWENTY-FOURTH GUAM LEGISLATURE

# Office of the Vice-Speaker

ANTHONY C. BLAZ

January 22, 1998

LEGISLATIVE  
COMMITTEE  
MEMBERSHIP

Chairman  
Finance & Taxation

Vice-Chairman  
Rules,  
Government Reform  
& Federal Affairs

Education

Natural Resources

Health &  
Human Services

Tourism, Economic  
Development & Cultural  
Affairs

Judiciary,  
Public Safety &  
Consumer Protection

Transportation,  
Telecommunications, &  
Micronesian Affairs

MEMBERSHIP

Guam Finance  
Commission

Commission on Self  
Determination

The Honorable Antonio R. Unpingco  
Speaker, 24<sup>th</sup> Guam Legislature  
Agana, Guam

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Finance & Taxation, to which was referred **Bill No. 343: "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS,"** herein reports back with the recommendation **TO DO PASS Bill No. 343.**

Votes of the committee members are as follows:

11 To Pass

\_\_\_\_\_ Not to Pass

\_\_\_\_\_ To the Inactive File

\_\_\_\_\_ Abstained

Sincerely,

  
ANTHONY C. BLAZ

Attachments

**COMMITTEE ON FINANCE & TAXATION**

**TWENTY-FOURTH GUAM LEGISLATURE**

155 Hesler Street, Agana, Guam 96910

**Chairman: Vice Speaker Anthony C. Blaz    Vice Chairman: Senator Mark Forbes**  
**Ex-Officio Member: Speaker Antonio R. Unpingco**

**VOTING SHEET ON:**

**Substitute Bill No. 343: "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS."**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Anthony C. Blaz <i>Chairman</i>	<u>AB</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Forbes <i>Vice-Chairman</i>	<u>MF</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spkr. Antonio R. Unpingco <i>Ex-Officio Member</i>	<u>ARU</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Thomas C. Ada <i>Member</i>	<u>TA</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Elizabeth Barrett-Anderson <i>Member</i>	<u>EB</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne M.S. Brown <i>Member</i>	<u>JB</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Charfauros <i>Member</i>	<u>MC</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Edwardo J. Cruz <i>Member</i>	<u>EC</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Felix P. Camacho <i>Member</i>	<u>FC</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. William B.S.M. Flores <i>Member</i>	<u>WF</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Lawrence F. Kasperbauer <i>Member</i>	<u>LK</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberto A.C. Lamorena, V <i>Member</i>	<u>AL</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carlotta A. Leon Guerrero <i>Member</i>	<u>CL</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. John C. Salas <i>Member</i>	<u>JS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Francis E. Santos <i>Member</i>	<u>FS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



***Committee on Finance & Taxation***  
*Vice Speaker Anthony C. Blaz, Chairman*

---

***Committee Report on  
Bill No. 343***

“AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS.”



***Committee on Finance & Taxation***  
*Vice Speaker Anthony C. Blaz, Chairman*

---

***Committee Report on***  
***Bill No. 343***

"AN ACT TO DIRECT THE  
DEPARTMENT OF  
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IMMEDIATELY RELEASE ALL  
FUNDS APPROPRIATED TO  
THE DEPARTMENT OF  
EDUCATION FOR THE  
PURCHASE OF TEXTBOOKS."

***ORIGINAL***  
***BILL NO. 343***



## **Committee on Finance & Taxation**

*Vice Speaker Anthony C. Blaz, Chairman*

---

### **Committee Report on Bill No. 343**

“AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS.”

#### **I. OVERVIEW:**

The Committee on Finance and Taxation held a public hearing on Tuesday, January 13, 1998 at 2:00 P. m. in the Legislative Public Hearing Room to hear public testimony on Bill 343(COR). Public Notice was announced and published on January 9 and 12, 1998 issues of the Pacific Daily News.

#### **II. COMMITTEE MEMBERS PRESENT:**

The hearing was called to order by the Chairman of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz.

Other members of the Committee on Finance and Taxation present were:

Speaker Antonio R. Unpingco, Ex-Officio Member  
Senator Joanne M.S. Brown, Member  
Senator Edwardo J. Cruz, Member  
Senator Lawrence F. Kasperbauer, Member  
Senator Alberto A.C. Lamorena, V, Member  
Senator Francis E. Santos, Member

Other Senators present were:

Senator Vicente Pangelinan.  
Senator Judith Wonpat-Borja  
Senator Lou A. Leon Guerrero  
Senator Frank B. Aguon

**Providing Public Testimony on the Bill:**

Michael Riedy, DOA, Oral  
Roland Taimanglo, Written

**III. BACKGROUND ON BILL 343:**

**Findings of Necessity and Declaration of Purposes.** (a) The Guam Legislature finds:

- (1) Appropriations for the last several fiscal years have been made for the purchase of textbooks for the Department of Education.
- (2) While the Executive Branch has released most of the funds to purchase these textbooks, most of the released

funds were funds provided by the Department of Defense as reimbursement for the government of Guam providing military dependents' children schooling.

- (3) Further, the last release of funds for the purchase of textbooks were obtained again from the Department of Defense.

#### **SUMMARY OF TESTIMONIES:**

The testimonies presented at the public hearing by Mr. Michael Reidy, Director of the Department of Administration, indicated that Bill 343 should be considered moot since the appropriation for the purchase of textbooks for fiscal year 1997 has been released. Upon being questioned by the Chairman of the Committee on finance and Taxation and Senator Forbes, Mr. Reidy indicated that the Department of Administration used the funds received from the Department of Defense. Senator Forbes and the Chairman of the Committee on Finance and Taxation both indicated that releasing funds from the Department of Defense did not satisfy the mandate provided in the several appropriation measures funding the purchase of textbooks for the Department of Education.

It is the considered opinion of the Committee on Finance and Taxation that the Executive Branch, including the Department of Administration, must release these prior years' appropriations for the purchase of textbooks by the Department of Education

#### **COMMITTEE RECOMMENDATION:**

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature to pass, as substituted by the Committee, **Bill 343- "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS."**



***Committee on Finance & Taxation***

*Vice Speaker Anthony C. Blaz, Chairman*

---

***Committee Report on  
Bill No. 343***

"AN ACT TO DIRECT THE  
DEPARTMENT OF  
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IMMEDIATELY RELEASE ALL  
FUNDS APPROPRIATED TO  
THE DEPARTMENT OF  
EDUCATION FOR THE  
PURCHASE OF TEXTBOOKS."

***TESTIMONIES  
FOR  
BILL NO. 343***



# DEPARTMENT OF EDUCATION

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



**Roland L.G. Taimanglo**  
Director of Education

**JAN 13 1998**

**Aline A. Yamashita, Ph.D**  
Deputy Director of Education

Senator Anthony Blaz  
Chairman, Committee on Finance and Taxation  
24th Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Subject: Bill Number 343

Dear Senator Blaz:

The Department of Education would like to thank you for allowing the Department the opportunity to provide testimony on Bill No. 343, AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO IMMEDIATELY RELEASE ALL FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURCHASE OF TEXTBOOKS. Due to past correspondence received by the Department, we are precluded from arriving at a definite position on the Bill. Allow me to apprise you of the Department's efforts in obtaining the funding from P.L. 24-34, the law which Bill 343 seeks to enforce.

On June 26, 1997, the Department issued a memorandum to the Bureau of Budget and Management Research, the Bureau, requesting for release of the appropriation. On July 2, 1997, we received a reply from the Bureau informing us that, as the appropriation was based on FY 1998 revenues, no funds would be available for release until October 1, 1997. In accordance with the reply, on October 13, 1997, the Department sent a Request for Establishment & Modification of Account to the Bureau, citing Public Law 24-34 as the source authority. On November 28, 1997, the Department received a memorandum from the Bureau stating that they could not act on the request for release. The basis for the Bureau's inaction was the September 12, 1997 passage of P.L. 24-59. The Bureau brought to our attention that Section 7 of P.L. 24-34 amended Section 36 of Chapter III of P.L. 23-128 to incorporate the correct school year. Section 22 of Chapter III of P.L. 24-59 repealed the original appropriation of P.L. 23-128. The Bureau's position on the matter is that, since P.L. 24-34 served to only correct the school year stated in P.L. 23-138, the repeal of P.L. 23-128 also carries forward to P.L. 24-34.

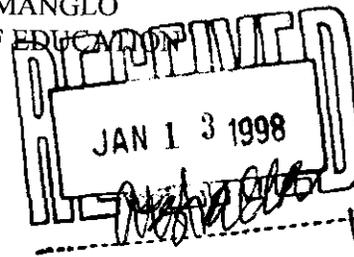
Based on the preceding paragraph, the Department's position on the matter is one of uncertainty. As the Department understands the underlying logic of the Bureau, with regards to the possible repeal of P.L. 24-34, we believe that the Legislature needs to further interpret the matter.

Based on the foregoing, I hope you can see why at this time the Department is unable to arrive at a position on Bill 343. If you should have any questions, please contact my office at 475-0462.

Kind regards,

*Roland L.G. Taimanglo*

ROLAND TAIMANGLO  
DIRECTOR OF EDUCATION



COMMONWEALTH NOW!



***Committee on Finance & Taxation***  
*Vice Speaker Anthony C. Blaz, Chairman*

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***Committee Report on***  
***Bill No. 343***

"AN ACT TO DIRECT THE  
DEPARTMENT OF  
ADMINISTRATION TO  
IMMEDIATELY RELEASE ALL  
FUNDS APPROPRIATED TO  
THE DEPARTMENT OF  
EDUCATION FOR THE  
PURCHASE OF TEXTBOOKS."

***SIGN-IN SHEET***  
***FOR***  
***BILL NO. 343***

