

CARL T.C. GUTIERREZ GOVERNOR OF GUAM

Refer to

APR 1 5 1998

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					
Time 4:1000					
Date 4.15.98					

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 548 (COR), "AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS' 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTION' EMERGENCY CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON AND TO WAIVE THE GUAM PROCUREMENT LAW", which I have signed into law today as Public Law No. 24-170.

This legislation appropriates \$3.5 Million from the General Fund from Fiscal Years 1998 and 1999 for construction of an 80 bed capacity prison to alleviate the overcrowding at the Department of Corrections.

The legislation does not indicate from where the additional appropriation is to be taken, since appropriations for Fiscal Year 1998 are otherwise previously appropriated. The budget for Fiscal Year 1999 is not yet be considered advance enacted and this appropriation can an appropriation from Fiscal Year 1999's revenues.

Very truly yours,

Carl T. C. Gutierrez Governor of Guam

Attachment

0:757

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

Office of	the Speaker
ANTON	O.R. UNPINGCO
Date:	4-15-98
Time:	4500
Rec'd by	r
Print Na	

TWENTY-FOURTH GUAM LEGISLATURE 1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 548 (COR), "AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) COLLECTIVELY FROM FISCAL YEARS' 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS' EMERGENCY CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON AND TO WAIVE THE GUAM PROCUREMENT LAW," was on the 27TH day of March, 1998, duly and regularly passed.

ANTONIO R. UNPINGCO Speaker Attested: MARK FORBES Senator^{*V*}and Acting Legislative Secretary This Act was received by the Governor this <u>3rd</u> day of <u>April</u>, 1998, at /0.: >> o'clock 9 .M. Assistant Staff Officer Governor's Office APPROVED:

CARL T. C. GUTIERREZ Governor of Guam

Date: 4-15-58

Public Law No. <u>24</u>-170

TWENTY-FOURTH GUAM LEGISLATURE 1998 (SECOND) Regular Session

Bill No. 548 (COR)

As substituted by the Committee on Finance and Taxation and amended on the Floor.

Introduced by:

A.C. Blaz Mark Forbes T. C. Ada F. B. Aguon, Jr. J. M.S. Brown Felix P. Camacho Francisco P. Camacho M. C. Charfauros E. J. Cruz W. B.S.M. Flores L. F. Kasperbauer 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 APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) COLLECTIVELY FROM FISCAL YEARS' 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS' EMERGENCY

CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON AND TO WAIVE THE GUAM PROCUREMENT LAW.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings, Declaration and Intent. Since 3 1950 when the government of Guam was first established through the 4 enactment of the Organic Act of Guam, the Department of Corrections 5 ("DOC") has grown and evolved from a local jailhouse into the facility it is 6 today, built to accommodate one hundred forty-three (143) prisoners, but is 7 currently handling nearly five hundred (500) prisoners.

8 Today, DOC, with a fiscal year budget of Fifteen Million One Hundred 9 Thousand Dollars (\$15,100,000), is costing about Eighty-two Dollars and 10 Seventy-four Cents (\$82.74) per day per prisoner or Thirty Thousand Two 11 Hundred Dollars (\$30,200.00) per annum.

Further, the U. S. Department of Justice issued its demands to DOC that unless such deficiencies found to exist in the prison system facilities at the Mangilao location, which violate constitutional and human rights and present immediate risk to the health, safety and welfare of the prisoners, are immediately corrected, then contempt and fines will be imposed.

17 The Guam Legislature finds that the situation existing at the 18 Department of Corrections prison facility is a "time bomb" ready to explode. 19 This Legislature also finds that since the creation of the prison system at 20 Mangilao, there exists no further "wiggle" room to continue deferring the 21 ultimate solution to this very urgent and explosive problem.

1 Since 1950 until now, the prison system at DOC's Mangilao facility is a 2 "one size fits all" system. Murderers, rapists and thugs, with life sentences, 3 are mixed with DUIs, child support dead beat fathers, petty thieves and other 4 nonviolent convicted prisoners with five (5) years or less incarceration time.

5 Addressing and resolving our problems at DOC requires a 6 comprehensive approach that will address up- front, interim mitigation and 7 remediation of the overcrowding situation and a long-term strategic solution 8 of a new integrated prison system that fully considers privatization 9 alternatives.

10 Short Term Fix: allocate approximately Three Million Five Hundred 11 Thousand Dollars (\$3,500,000.00) from Fiscal Years 1998 and 1999 for turnkey 12 construction that will allow an additional capacity of eighty (80) beds. 13 Adding eighty (80) beds constitutes approximately a fifty-six percent (56%) 14 increase of facility over existing designed capacity. This will allow flexibility 15 for compliance and related fixes in the existing facilities.

Long Term Fix: construction of a new, integrated prison system that can house an additional capacity of two (2), two hundred fifty (250) beds for a total of five hundred (500) beds. Currently, the present prison system at the DOC accommodates all types of prisoners, a "one size fits all." We need a system that clearly separates low-risk prisoners to a minimum security, and the hard-core prisoners to a maximum security prison facility, including a new integrated prison system that fully considers privatization alternatives.

Section 2. Appropriation for Construction of an Eighty (80) Bed
Prison Facility at DOC. Three Million Five Hundred Thousand Dollars
(\$3,500,000.00) is appropriated from the General Fund for Fiscal Years 1998

and 1999 to the Department of Public Works for the Department of
Corrections' turnkey project construction of an eighty (80) bed prison facility
at the DOC location in Mangilao.

Section 3. Exemption 4 Procurement from Government-wide 5 Restriction. Notwithstanding the thirty (30) day limitation on emergency procurements required under §5215 of Title 5 of the Guam Code Annotated, 6 7 the Department of Public Works for the Department of Corrections' turnkey 8 project construction of an eighty (80) bed prison facility at the DOC location in 9 Mangilao is authorized to make *emergency* procurement for the construction of an eighty (80) bed prison module facility pursuant to a declaration of 10 11 emergency approved by the Governor under Executive Order, as provided under §5215 of Title 5 of the Guam Code Annotated. This authority shall 12 13 expire on July 31, 1998.

121 24-170



TWENTY-FOURTH GUAM LEGISLATURE

March 25, 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, 24th Guam Legislature Agana, Guam

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Finance & Taxation, to which was referred Bill No. 548: "AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS," herein reports back with the recommendation TO DO PASS Bill No. 548.

Office of the Vice-Speaker

ANTHŌNY C. BLAZ

Votes of the committee members are as follows:

To Pass Not to Pass To the Inactive File Abstained Sincerely. ANTHONY C. BLAZ

Attachment

COMMITTEE ON FINACE & 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:

Bill No. Bill No. 548(COR) "AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."

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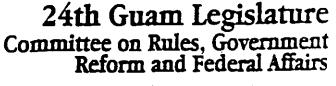
COMMITTEE MEMBERS	INITIAL	PASS	NOT TO <u>PASS</u>	<u>ABSTAIN</u>	TO PLACE IN <u>INACTIVE FILE</u>
Sen. Anthony C. Blaz Chairman	N	V			
Sen. Mark Forbes Vice-Chairman	.A-	<u> </u>			
Spkr. Antonio R. Unpingco Ex-Officio Member	<u> </u>	·			
Sen. Thomas C. Ada Member	$\underline{\gamma}$				
Sen. Elizabeth Barrett-Anderson Member			_		
Sen. Joanne M.S. Brown Member	<u> </u>				
Sen. Mark Charfauros Member					
Sen. Edwardo J. Cruz Member	2 Je	$\underline{\mathcal{V}}$		<u> </u>	
Sen. William B.S.M. Flores Member					
Sen. Lawrence F. Kasperbauer Member	29L	$\underline{\times}$			
Sen. Alberto A.C. Lamorena, V Member	$C_{-\infty}$	<u> </u>	<u>_</u>	<u> </u>	
Sen. Carlotta A. Leon Guerrero Member	(tim	1		<u>-</u>	
Sen. John C. Salas Member	Kal,	~			
Sen. Francis E. Santos Member				V 	



Committee Report on Bill No. 548

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."

ORIGINAL BILL NO. 548



Senator Mark Forbes, Chairman



MAR 1 9 1998

MEMORANDUM

 TO: Chairman Committee on Finance and Taxation
FROM: Chairman
FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 548

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

414/98



Committee Report on Bill No. 548

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."

SUBSTITUTED BILL NO. 548



Committee Report on Bill No. 548

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."



Committee Report on Bill No. 548(COR)

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 **GENERAL FUND TO THE DEPARTMENT** OF **PUBLIC** WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON **MODULES** SIMILAR THE TO NEW AGANA FACILITY AT ITS **MANGILAO** LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF **GUAM**

PROC REMENT RULES, REGULA IONS, PROCEDURES AND REQUIREMENTS."

I. OVERVIEW:

The Committee on Finance and Taxation held a public hearing on Wednesday, March 25, 1998 at 9:00 a.m. in the Legislative Public Hearing Room to hear public testimony on Bill 548(COR). Public Notice was announced and published on Friday, March 20, 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:

Senator Edwardo J. Cruz, Member

Senator Lawrence F. Kasperbauer, Member

Other Senators present were:

Senator Francisco P. Camacho

Senator Frank B. Aguon

Providing Public Testimony on the Bill:

Ed Bitanga, Director of the Department of Corrections - Oral

III. BACKGROUND ON BILL 548:

Findings of Necessity and Declaration of Purposes.

Since 1950 v is the government of Guam \therefore is first established through the enactment of the Organic Act of Guam, the Department of Corrections has grown and evolved from a local jailhouse into the facility it is today built to accommodate one hundred forty-three (143) prisoners but is currently handling nearly four hundred eightynine (489).

Today, the Department of Corrections, with a fiscal year budget of \$15.1 million, is costing about \$84.60 per day per prisoner or \$30,900.00 per annum.

Further, the U. S. Department of Justice has issued its demands to the Department of Corrections that, unless such deficiencies found to exist in the prison system facilities at the Mangilao location which violate constitutional and human rights and present immediate risk to the health, safety and welfare of the prisoners are immediately corrected, contempt and fines will be imposed.

The Guam Legislature finds that the situation existing at the Department of Corrections prison facility is a "time bomb" ready to explode.

This Legislature also finds that since the creation of the prison system at Mangilao, there exist no further "wiggle" room to continue deferring the ultimate solution to this very urgent and explosive problem.

Since 1950 until now, the prison system at the Department of Corrections Mangilao facility is a "one size fits all" system. Murderers, rapists, and thugs, with life sentences, are mixed with DUIs, child support dead beat fathers, petty thieves and other

nonviolent convic $\ \ \, \, \, \, \, \, \, \, \, \,$ d prisoners with five years $\ \ \, \, \, \, \,$ less incarceration time.

Addressing and resolving our problems at the Department of Corrections require a comprehensive approach that will address upfront, interim mitigation and remediation of the overcrowding situation and a long-term strategic solution of a new integrated prison system that fully considers privatization alternatives.

For a Short Term Fix: Allocate approximately Three Million Five Hundred Thousand Dollars (\$3,500,000.00) from Fiscal Years 1998 and 1999 for turn key construction that will allow an additional capacity of eighty (80) beds. Adding eighty (80) beds constitutes approximately a fifty-six (56%) percent increase of facility over existing designed capacity. This will allow flexibility for compliance and related fixes in the existing facilities.

For a Long Term Fix: Construction of new integrated prison system that can house an additional capacity of two, two hundred fifty (250) beds for a total of five hundred (500) beds. Currently, the present prison system at the Department of Corrections accommodates all types of prisoners, a "one size fits all". We need a system that clearly separates low-risk prisoners to a minimum security and the hard-core prisoners to a maximum security prison facility including a new integrated prison system that fully considers privatization alternatives.

SUMMARY OF TESTIMONIES:

Mr. Bitanga's oral testimonies presented at the public hearing were favorable for the Legislature to enact Bill 548.

Mr. Bitang: offered some minor correct. 1 on Bill 548 as introduced to present a more accurate information. The actual number of bed capacity of the Mangilao facility was for 143 instead of the 250 stated in Bill 548. Further, rather than appropriating directly to the Department of Corrections, Mr. Bitanga recommended that the appropriation be made to Department of Public Works who are more experienced in the bidding and awarding of construction contract.

<u>FAVORABLE:</u>

Mr. Bitanga was the only individual testifying for Bill 548 and testified favorably.

UNFAVORABLE:

No one testified against Bill 548.

COMMITTEE RECOMMENDATION:

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature TO DO PASS, as substituted by the Committee, Bill 548(COR)- "AN ACT TO **APPROPRIATE** THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF

EMERGENCY E. STS, WAIVE THE GOVEL MENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."



Committee Report on Bill No. 548

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."

> TESTIMONIES FOR BILL NO. 548



Committee Report on Bill No. 548

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."

SIGN-IN SHEET FOR BILL NO. 548

Committee on Finance and Taxation Guam Legislature Building, Public Hearing Room Public Hearing Wednesday, March 25, 1998 9:00a.m. – 12:00 p.m.

BILL 548 (A. C. Blaz)

An Act to Appropriate Three Million Five Hundred Thousand (\$3,500,000) Collectively From Fiscal Years 1998 and 1999 General Fund to the Department of Correction for Emergency Turnkey Project Construction of Eighty (80) Beds Capacity Prison Modules Similar to the New Agana Facility At Its Mangilao Location and, Because a State of Emergency Exists, Waive the Government of Guam Procurement Rules, Regulations, Procedures and Requirements.

		Testim	Testimony	
Name:	Qrganization & Telephone Number:	Written	Öral	
Name: D BIFANCA	Organization & Telephone Number:		150	
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Committee Report on Bill No. 548

"AN ACT TO APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) COLLECTIVELY FROM FISCAL YEARS 1998 AND 1999 GENERAL FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE DEPARTMENT OF CORRECTIONS EMERGENCY TURNKEY PROJECT CONSTRUCTION OF AN EIGHTY (80) BED CAPACITY PRISON MODULES SIMILAR TO THE NEW AGANA FACILITY AT ITS MANGILAO LOCATION AND, BECAUSE A STATE OF EMERGENCY EXISTS, WAIVE THE GOVERNMENT OF GUAM PROCUREMENT RULES, REGULATIONS, PROCEDURES AND REQUIREMENTS."

NOTICE OF PUBLIC HEARING FOR BILL NO. 548