

Office of the Governor of Guam

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Felix Perez Camacho
Governor

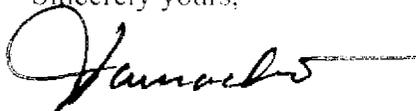
Kaleo Scott Moylan
Lieutenant Governor

The Honorable Vicente C. Pangelinan
Speaker *Mina'Bente Siete Na Liheslaturan Guåhan*
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagatña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 53 (COR), "AN ACT TO EXTEND PRIVATIZATION AUTHORITY TO THE GUAM EDUCATION POLICY BOARD BY REPEALING PUBLIC LAW 27-05:IV:31; BY ADDING §3103(n) AND §3112(a)(16) TO CHAPTER 3, DIVISION 2 OF TITLE 17; AND BY EXEMPTING DOE FROM §1800 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED," now designated as Public Law 27-32.

Sincerely yours,



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

Attachment: a copy of the overridden bill is attached

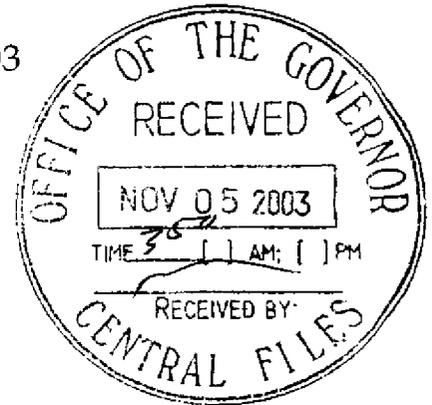
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



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

November 5, 2003

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. 48(COR), 53(COR), 56(COR), 83(COR), 91(COR), and the line-item vetoes of Sections 30, 31, 35, 36, 45(b) and 46, all of Chapter IV of Public Law 27-29, which were overridden by *I Mina'Bente Siete Na Liheslaturan Guåhan* on October 31, 2003, notwithstanding your veto.

Sincerely,


TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (6)

CFI-1103-3663

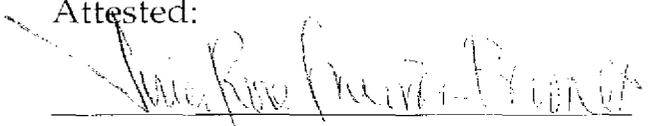
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 53 (COR), "AN ACT TO EXTEND PRIVATIZATION AUTHORITY TO THE GUAM EDUCATION POLICY BOARD BY REPEALING PUBLIC LAW 27-05:IV:31; BY ADDING §3103(n) AND §3112(a)(16) TO CHAPTER 3, DIVISION 2 OF TITLE 17; AND BY EXEMPTING DOE FROM §1800 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED," returned without approval of *I Maga'lahren Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 31st day of October, 2003, to pass said bill notwithstanding the veto of *I Maga'lahren Guåhan* by a vote of ten (10) Members.

vicente (ben) c. pangelinan
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

.....

This Act was received by *I Maga'lahren Guåhan* this 5th day of November, 2003, at 3:50
o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

Public Law No. 27-32 _____

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 53 (COR)

As substituted by the Committee
on Education and Housing and
further substituted and amended
on the Floor.

Introduced by:

C. Fernandez
J. M. Quinata
J. A. Lujan
Ray Tenorio
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
T. R. Muña-Barnes
v. c. pangelinan
R. J. Respicio
Toni Sanford

**AN ACT TO EXTEND PRIVATIZATION AUTHORITY TO
THE GUAM EDUCATION POLICY BOARD BY
REPEALING PUBLIC LAW 27-05:IV:31; BY ADDING §3103(n)
AND §3112(a)(16) TO CHAPTER 3, DIVISION 2 OF TITLE
17; AND BY EXEMPTING DOE FROM §1800 OF TITLE 1,
ALL OF THE GUAM CODE ANNOTATED.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that there was inadequate input into the feasibility of privatizing
4 cafeteria and facility maintenance services within the Department of

1 Education and that this lack of input has led to confusion and anxiety
2 amongst those who are affected. *I Liheslaturan Guåhan* further finds that
3 the Guam Education Policy Board is the most appropriate body to decide
4 the feasibility of privatizing resources and services at the Department of
5 Education.

6 **Section 2. Repeal of the Privatizing of DOE Cafeteria and Facility**
7 **Maintenance Services.** Section 31, Chapter IV of Public Law 27-05,
8 Privatization of DOE Cafeteria and Facility Maintenance Services, is hereby
9 *repealed*.

10 **Section 3. Privatizing Authority of Cafeteria and Facilities**
11 **Maintenance and All Other Services Vested in the Guam Education**
12 **Policy Board.** The Guam Education Policy Board ("the Board") in
13 consultation with the Superintendent of Education shall determine the
14 privatizing of cafeteria, maintenance, and all other services within the
15 Department of Education ("DOE"). Notwithstanding any other provision
16 of law, DOE shall *not* hire new personnel to fill positions in cafeteria
17 services and facility maintenance services. Within sixty (60) days from the
18 enactment of this Act, and every sixty (60) days thereafter, the
19 Superintendent of Education shall submit a written report to the Speaker of
20 *I Liheslaturan Guåhan* and the Chairperson of the Committee of *I*
21 *Liheslaturan Guåhan* having oversight on Education, on the feasibility and
22 status of privatization.

23 **Section 4. §3103 (n) is added to Chapter 3 of Division 2 of Title 17**
24 **of the Guam Code Annotated to read:**

1 “(n) prepare a feasibility/impact/cost savings analysis for the
2 Guam Education Policy Board recommending the potential privatization of
3 existing services of the Department of Education.”

4 **Section 5. §3112(a)(16) is added to Chapter 3 of Division 2 of Title**
5 **17 of the Guam Code Annotated to read:**

6 “(16) privatization of Department services or operations must
7 be authorized by the Board and executed by:

8 (a) directing the Superintendent of Education to issue a
9 Request for Proposal (RFP) or an Invitation for Bid (IFB) for the
10 privatization of services within the Department of Education
11 and implementing the privatization of services within the
12 budgeted allocation level approved by the Board;

13 (b) the issuance of an RFP or an IFB and the award
14 thereof shall be in conformance with all applicable
15 procurement laws and regulations of Guam; and

16 (c) the disposition of any employee of the Department,
17 affected or displaced by such action, shall follow all applicable
18 laws and regulations of Guam.”

19 **Section 6. Deadline for Implementation.** The Board shall
20 implement any and all feasible plans for privatization no later than July 1,
21 2004.

22 **Section 7. This Act not subject to §1800 of Title 1 of the Guam**
23 **Code Annotated.** Privatization pursuant to this Act shall *not* be subject to
24 §1800 of Article 1 of Chapter 18, Title 1, Guam Code Annotated.

1 **Section 8. Severability.** *If* any provision of this Law or its
2 application to any person or circumstance is found to be invalid or
3 contrary to law, such invalidity shall *not* affect other provisions or
4 applications of this Law which can be given effect without the invalid
5 provisions or application, and to this end the provisions of this Law are
6 severable