



# Bob's Office

The Office of Senator Robert Klitzkie

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December 20, 2006

The Honorable Speaker Mark Forbes  
155 Hesler Place  
Hagatna, Guam 96910

RE: Committee Report – Bill 375 (EC)

Mr. Speaker:

*Ermen*  
4:50 PM  
12-20-06

Transmitted herewith for your consideration and action is the committee report on **Bill 375 (EC), An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act**, as referred to the Committee on Judiciary, Governmental Operations, and Reorganization.

The Committee votes are as follows:

- 7 TO PASS
- 0 NOT TO PASS
- 0 TO REPORT OUT ONLY
- 0 ABSTAIN
- 0 INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at [bob@bobsoffice.org](mailto:bob@bobsoffice.org) or by phone at 472-9355.

Sincerely,

  
**Bob**  
**Senator Robert Klitzkie, Chairman**

Committee on Judiciary, Governmental Operations & Reorganization



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December 18, 2006

Committee on Judiciary, Governmental Operations,  
& Reorganization  
155 Hesler Place  
Hagatna, Guam 96910

RE: Voting Sheet for **Bill 375 (EC)**

Dear Members:

Transmitted herewith is the voting sheet and committee report on **Bill 375 (EC), An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act**, as referred to the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

  
Bob

**Senator Robert Klitzkie, Chairman**

Committee on Judiciary, Governmental Operations,  
& Reorganization



# Committee on Judiciary, Governmental Operations, and Reorganization

*I Mina' Bente Ocho Na Liheslaturan Guahan*

**BILL 375 (EC) - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.**

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member		12/19/06				
Senator Adolpho Palacios, Member		18/19				
Senator Larry Kasperbauer, Ph. D., Member		✓				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

***MINA'BENTE OCHO NA LIHESLATURAN GUAHAN***  
**2006 (SECOND) Regular Session**

**Bill No. 375 (EC)**

Introduced by:

R. Klitzkie

**AN ACT TO AMEND 4 G.C.A., § 8121(a), RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENTS AND EXCEPTING CERTIFIED AUGMENTATION TEACHING SERVICE EMPLOYEES (CATS) FROM THE SUSPENSION; TO ADD A NEW 17 G.C.A., § 3103(q) RELATIVE TO PROMULGATING RULES & REGULATIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. § 3127 RELATIVE TO ESTABLISHING DEFINITIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. § 3128 RELATIVE TO ELIGIBILITY CRITERIA FOR CERTIFIED TEMPORARY EMPLOYEE STATUS; TO ADD A NEW 17 G.C.A. § 3129 RELATIVE TO THE CERTIFICATE OF NECESSITY FOR THE EMPLOYMENT OF CATS; TO STATE A FINDING OF THE IMPRACTICABILITY OF ALLOWING CATS TO BE EMPLOYED AS CLASSIFIED EMPLOYEES; TO ADD A NEW 17 G.C.A. § 3130 RELATIVE TO THE MAINTENANCE OF AN EMPLOYMENT ROSTER BY THE SUPERINTENDENT; TO ADD A NEW 17 G.C.A. § 3131 RELATIVE TO THE REPLACEMENT OF CATS BY CERTIFIED APPLICANTS; TO ADD A SUNSET PROVISION EFFECTIVE JULY 1, 2010; TO ENACT THE CERTIFIED AUGMENTATION TEACHER SERVICE (CATS) ACT.**

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

**2 Section One. Short title.** This act may be cited as The Certified Augmentation Teacher  
**3 Service (CATS) Act or the CATS Act.**

**4 Section Two. Statement of legislative purpose.** The purpose of this act is to augment  
**5 certified personnel, as identified in Item 12 of Title 1 G.C.A., Chapter 7, §715, within the Guam**  
**6 Public School System with government of Guam retirees who meet the eligibility requirements**  
**7 set out in Section Six of this Act, in order to assist with the full compliance with the Every Child**  
**8 is Entitled to an Adequate Public Education Act for the next three school years.**

1           **Section Three. Suspension of Annuity Payments.** Title 4 G.C.A. § 8121(a) is amended

2 to read:

3           “(a) A retired member who subsequently becomes an employee eligible for membership  
4 under § 8106 of this Title prior to January 1, 1999 shall, upon becoming so employed, have that  
5 member's right to receive payment of that member's annuity suspended for the duration of that  
6 member's employment, but all other rights pertaining to that member's annuity provided by this  
7 Article, including automatic increases therein, shall be retained by that member. The provisions  
8 of this Section shall not be applicable to any retired Judge or Justice designated and assigned by  
9 the Chief Justice to perform judicial duties in the courts of Guam as provided for in § 6115 of  
10 Title 7 G.C.A., or any person employed by the Guam Public School System in Guam schools  
11 ~~such as a substitute teacher; classroom teacher; guidance counselor; health counselor; or~~  
12 ~~certified, registered and/or licensed health professionals, including, but not limited to, physical~~  
13 ~~therapists, audiologists, speech pathologists, speech clinicians, physicians, physician assistants,~~  
14 ~~nurses or psychologists; when such critical need arises; provided, that such person(s) occupies a~~  
15 ~~position for which no other qualified/certified applicant was available, and that~~ or as a Certified  
16 Augmentation Teaching Service (CATS) employee as that that term is defined by Title 17  
17 G.C.A. § 3127(b). ~~such~~ Such employment shall be ~~on a school year basis,~~ subject to the  
18 provisions of Items (d) and (e) of this Section

19           “The provisions of this Section shall not be applicable to any certified, registered or  
20 licensed health care professional, or ancillary service personnel, employed by the Guam  
21 Memorial Hospital Authority, the Department of Mental Health and Substance Abuse, and the  
22 Department of Public Health and Social Services; provided, that such person occupies a position  
23 for which no qualified applicants were available, and provided that such employment is procured  
24 on an annual basis, subject to the provisions of Subsection (d) of this Section.”

25           **Section Four. Rules.** A new Title 17 GCA § 3103(q) is added to read:

26           “(q) to promulgate rules and regulations for the implementation and operation of §§ 3127  
27 through 3131 of this title as necessary.”

28           **Section Five. Definitions.** A new Title 17 G.C.A., § 3127 is added to read:

29           “§3127. Definitions: As used in Title 4 G.C.A., Chapter 8, § 8121(a) and §§ 3127  
30 through 3131 of this Title.

1 (a) *Certified Employee* means an employee who holds a position defined in 1 GCA § 715  
2 Item 12. (a) through (e) and (k) who is “certified” as that term is defined in 1 GCA § 715 Item  
3 13.

4 (b) *Certified Augmentation Teaching Service (CATS) employee (CAT or CATS)* means a  
5 member of the Government of Guam Employees’ Retirement Fund who has retired from  
6 government service but has subsequently been temporarily employed as an unclassified  
7 employee to fill a vacancy in a position defined in 1 GCA § 715 Item 12. (a) through (e) and (k)  
8 who is “certified” as that term is defined in 1 GCA § 715 Item 13. for the remainder of a school  
9 year or until replaced pursuant to 17 GCA § 3131 .

10 (c) *Certified Applicant* means an applicant for a position defined in 1 GCA § 715 Item  
11 12. (a) through (e) and (k) who is “certified” as that term is defined in 1 GCA § 715 Item 13.

12 (d) *Certificate of Necessity* means a writing signed by the Superintendent that the  
13 employment of a Certified Temporary Employee is necessary to fill a vacant position defined in  
14 1 GCA §715 Item 12. (a) through (e) and (k) in order to comply with the Every Child is Entitled  
15 to an Adequate Public Education Act.

16 (e) *Every Child is Entitled to an Adequate Public Education Act* means the provisions of  
17 Public Law 28-45.”

18 (f) *School year* means 180 instructional days as that term is qualified in 1 GCA § 715,  
19 Item 12(m).

20 **Section Six. Eligibility for CATS Employee Status.** A new Title 17 G.C.A., § 3128 is  
21 added to read:

22 “§ 3128. Eligibility for CATS Employee Status. A former Guam Public School System  
23 employee who resigned or retired from a position defined in 17 G.C.A. § 715 Item 12. (a)  
24 through (e) and (k) in good standing:

25 (a) while the Guam Public Schools were in their annual summer recess, and who gave  
26 thirty (30) days’ notice before leaving his employment, may be employed as a CAT Certified  
27 Temporary Employee if he holds a current certification for the position, or

28 (b) prior to the effective date of this act may be employed as a CATS employee if he  
29 holds a current certification for the position.”

30 **Section Seven. Employment of CATS Employees.** A new Title 17 G.C.A., §3129 is  
31 added to read:

1           “§ 3129. Employment of CATS employees.

2           (a) The Superintendent of Education shall, to the extent possible, fill all positions defined  
3 in Title 17 G.C.A. § 715 Item 12 (a) through (e) and (k) with Certified Employees.

4           (b) In the absence of Certified Employees the Superintendent may employ CATS. Before  
5 he employs a CAT the Superintendent shall issue and post on the Guam Public School System  
6 website a Certificate of Necessity.”

7           **Section Eight. Superintendent to Maintain Roster.** A new Title 17 G.C.A., § 3130 is  
8 added to read:

9           “§ 3130. Superintendent to Maintain Roster. The Superintendent shall establish, keep  
10 current and post on the Guam Public School System website a roster of all positions required by  
11 the Every Child is Entitled to an Adequate Public Education Act to be filled by a Certified  
12 Employee as that term is defined by Title 17 G.C.A. § 715 Item 13. The roster shall indicate  
13 which positions are vacant, which positions are filled with Certified Employees, which positions  
14 are filled with CATS and the Certificate of Necessity for each CAT pursuant to Title 17 G.C.A.  
15 §3129(b).”

16           **Section Nine. Employment of Certified Applicants.** A new Title 17 G.C.A., § 3131 is  
17 added to read:

18           “§ 3131. Employment of Certified Applicants. When a Certified Applicant who is  
19 available for employment for the remainder of a current school year is available to fill a position  
20 occupied by a CAT, the Superintendent shall forthwith replace the CAT with a Certified  
21 Applicant if at least ten weeks remain in the current semester, otherwise at the end of the current  
22 semester.”

23           **Section Ten. Impracticability.** *I Liheslaturan Guahan* finds that because of the  
24 necessity for recruiting retirees on short notice for positions which have limited tenure with no  
25 expectation of continuing employment, it would be impracticable to employ CATS as classified  
26 employees.

27           **Section Eleven. Sunset provision.** No CAT may be employed after July 1, 2010.

## Overview:

The Committee on Judiciary, Governmental Operations, and Reorganization held a public hearing on Bill 375(EC) on November 27, 2006 at 9:00am in the Guam Legislature public hearing room in Hagatna, Guam. Notice of public hearing was disseminated throughout all local media.

## **Senators present:**

Senator Robert Klitzkie, chairman  
Senator Adolpho Palacios, member  
Senator Larry Kasperbauer, member  
Senator Judith Won Pat

## Findings & recommendations:

Three officials, Superintendent Luis S.N. Reyes, Legal Counsel Fred Nishihira, and Associate Superintendent for Secondary Schools, Kenneth P. Chargualaf, from the Guam Public School System, testified in favor of Bill 375(EC).

Superintendent Reyes' testimony was the most comprehensive, by stating:

“Additionally, CATS greatly assist management of GPSS by requiring those potential CATS candidates to be ready to serve students at the beginning of a new school year as opposed to the beginning of a new fiscal year.”

Reyes was endorsing Title 17 G.C.A., §3128 as set out in §6 of the bill which reads in pertinent part:

**“§ 3128. Eligibility for CATS Employee Status.** A former Guam Public School System employee who resigned or retired from a position defined in 17 G.C.A. § 715 Item 12. (a) through (e) and (k) in good standing:

(a) while the Guam Public Schools were in their **annual summer recess, and who gave thirty (30) days' notice** before leaving his employment, may be employed as a CAT Certified Temporary Employee if he holds a current certification for the position, or...  
[emphasis supplied]

Reyes' testimony goes on to explain that many who decide to retire do so on 30 September, *i.e.* 45 days into a new school year. He continues by explaining that this practice is “extremely disruptive to the child's education.” From another viewpoint Reyes characterizes the current practice as “...a nightmare as far as trying to fill the vacant position...” Reyes expands on this theme by stating that if the retiree were a principal, a whole school would be disrupted. Reyes also notes that “...the current situation corners GPSS into the position of having to rehire retiring teachers...” The effect of the adoption of §6 on recruitment is summarized by Reyes as “...much easier to recruit before a new school begins as opposed to a month and a half after a new school year has begun.”



Superintendent Reyes stated that transparency is one of his principles of management and praised the transparency features of the bill both for the sake of transparency itself and as an aid in recruitment.

Superintendent Reyes closed by stating:

“Finally, with a short fuse of July 10, 2010, GPSS has an incentive to step up recruitment for certified positions required by the Every Child is Entitled to an Adequate Education Act.”

Associate Superintendent Chargualaf’s testimony commented on the effects of several public laws but did not address the substance of Bill 375.

Testimony submitted by the Public School System’s Legal Counsel, Fred Nishihira, stated that the enactment of Bill 375 would help the System comply with the mandates of the Every Child Is Entitled To An Adequate Public Education Act, the Individuals with Disabilities Education Act, and the No Child Left Behind Act.

Attorney Nishihira suggested that the bill be amended to allow for the employment as CATS for government employees who retired from agencies other than the public schools and who hold appropriate certifications.

Having considered the testimony of the witnesses and according great weight to the testimony of the Superintendent of Education, the committee finds that the Bill 375 should be passed as introduced. While the suggestion of Attorney Nishihira is interesting, the committee concludes that, if effective at all, the provision would only provide a new supply of retirees for a short time (until 2010) and could cause morale problems amongst the professional staff of the public schools.

Accordingly, the Committee on Judiciary, Governmental Operations and Reorganization, does hereby submit its finding and recommendation to **DO PASS Bill 375 (EC), AN ACT TO AMEND 4 G.C.A., § 8121(a), RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENTS AND EXCEPTING CERTIFIED AUGMENTATION TEACHING SERVICE EMPLOYEES (CATS) FROM THE SUSPENSION; TO ADD A NEW 17 G.C.A., § 3103(q) RELATIVE TO PROMULGATING RULES & REGULATIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. § 3127 RELATIVE TO ESTABLISHING DEFINITIONS FOR THE CATS ACT; TO ADD A NEW 17 G.C.A. § 3128 RELATIVE TO ELIGIBILITY CRITERIA FOR CERTIFIED TEMPORARY EMPLOYEE STATUS; TO ADD A NEW 17 G.C.A. § 3129 RELATIVE TO THE CERTIFICATE OF NECESSITY FOR THE EMPLOYMENT OF CATS; TO STATE A FINDING OF THE IMPRACTICABILITY OF ALLOWING CATS TO BE EMPLOYED AS CLASSIFIED EMPLOYEES; TO ADD A NEW 17 G.C.A. § 3130 RELATIVE TO THE MAINTENANCE OF AN EMPLOYMENT ROSTER BY THE SUPERINTENDENT; TO ADD A NEW 17 G.C.A. § 3131 RELATIVE TO THE REPLACEMENT OF CATS BY CERTIFIED APPLICANTS; TO ADD A SUNSET PROVISION EFFECTIVE JULY 1, 2010; TO ENACT THE CERTIFIED AUGMENTATION TEACHER SERVICE (CATS) ACT**, as referred to the committee.



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization  
& Committee on Calendar**

**AGENDA**

**Monday, November 27, 2006  
Guam Legislature  
Public Hearing Room**

**9:00am – 5:00pm**

**Bill 370 (EC)** - An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam.

**Bill 375 (EC)** - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.

**Bill No. 381 (EC)** - An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website.

**Bill 383 (EC)** - An Act To Amend Title 3, Chapter 1, § 1103 Relative To Definitions Of The Board Of Canvass & Appeals (Boca), Bureau Of Elections, & Administrator Of Elections; To Revise Election Rules & Regulations; To Amend Title 3, Chapter 1, § 1111(B) Relative To Filing Of Political Parties With The Bureau Of Elections; To Amend Title 3, Chapter 1, § 1117 Relative To Approval Of Tabulating Devices; To Amend Title 3, Chapter 2, § 2101 Relative To The Composition Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2102 Relative To The Position Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2103 Relative To Duties Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2104 Relative To The Election Manual; To Amend Title 3, Chapter 2, § 2105 Relative To The Provision Of Election Forms; To Amend Title 3, Chapter 2, § 2106 Relative To Powers Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2107 Relative To Candidate Placement On Ballot; To Amend Title 3, Chapter 7, § 7130 Relative To The Tabulation Of Ballots; To Add A New § 7103.1 To Title 3 G.C.A., Chapter 7 Relative To Electronic Voting Machines; To Add A New § 2109 To Title 3, Chapter 2 Relative To Assignment Of Employees Of The Bureau Of Elections; To Add A New 2110 To Title 3, Chapter 2 Relative To The Staff Of The Bureau Of Elections; To Add A New Subsection (K) To Title 4, Chapter 4, § 4101 Relative To The Duties Of The Director Of Administration Concerning The Bureau Of Elections; To Secure Office Space For The Bureau Of Elections; To Add A New § 2110 To Title 3, Chapter 2 Relative To Transparency Of Guam Election Procedures; To Add A New § 1120 To Title 3, Chapter 1 Relative To Transferring Of Authority From The Election Commission” And The “Executive Director” To The Board Of Canvass And Appeals And The Administrator Of Elections In Ch. 3-21 In Title 3; To Establish The Bureau Of Elections As The Successor To The Election Commission; To Authorize Commissioners To Serve As Members Of The Board Of Canvass & Appeals; To Make Various Provisions Of This Act Effective Upon The Filing Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007.

**Bill 390 (EC)** – An Act To Amend Title 4 G.C.A., Chapter 1, § 1103(c) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam.

Appointment of **Brett David Burnham** to the Guam Ethics Commission.

Appointment of David **Joseph Hahn** to the Guam Ethics Commission.

**Bill 388 (EC)** – An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet.

**For more information, please visit [www.bobsoffice.org/judiciary](http://www.bobsoffice.org/judiciary).  
Written testimony can be submitted via e-mail to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).  
For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

**Committee on Judiciary, Governmental Operations & Reorganization & Calendar**  
**MINUTES**

**Public hearing date:** November 27, 2006

**Public hearing called to order by Chairman Klitzkie at 9:00am.**

**Senators present:**

Senator Robert Klitzkie  
Senator Adolpho Palacios, member  
Senator Larry Kasperbauer, member  
Senator Judith Won Pat

**Bill 370 (EC), An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam, heard at 9:03am.**

- Chief Justice F. Philip Carbullido of the Supreme Court presented oral testimony in opposition to Bill 370 (EC) at 9:04am.

\*Questions and comments presented to the panel by Senator Robert Klitzkie.

**Bill 381 (EC), An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website, heard at 9:06am**

- Chief Justice F. Philp Carbullido of the Supreme Court of Guam presented oral and written testimony in favor of Bill 381 (EC) at 9:06am.

- Justice Robert Torres of the Superior Court of Guam presented oral testimony in favor of Bill 381 (EC) at 9:10am.

\*Questions and comments presented to the panel by Senator Adolpho Palacios, Senator Larry Kasperbauer, Senator Robert Klitzkie, and Senator Judith Won Pat.

**Bill 390 (EC), An Act To Amend Title 4 G.C.A., Chapter 1, §1103(C) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam, heard at 9:33am.**

- Chief Justice F. Philip Carbullido of the Supreme Court of Guam presented oral testimony in favor of Bill 390 (EC) at 9:33am.

\*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Adolpho Palacios, Senator Larry Kasperbauer, and Senator Judith Won Pat.

**Bill 388 (EC), An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet, heard at 9:42am.**

- Sergio Quenga, compiler of laws, presented oral testimony in favor of Bill 388 (EC) at 9:45am.
  - Justice Robert Torres, presented oral testimony in favor of Bill 388 (EC) at 9:45am.
  - Jacqueline Terlaje, legal representative for Data Management XXX, presented oral testimony in opposition of Bill 388 (EC) at 9:48am.
  - Chief Justice F. Philip Carbuillido of the Supreme Court of Guam presented oral testimony on Bill 388 (EC) at 10:07am.
  - Joann Muna, representative of the Human Relations Coordinating Council, presented oral testimony in favor of Bill 388 (EC) at 10:34am.
  - Trini Torres, Chamorro activist, presented oral testimony in favor of Bill 388 (EC) at 10:48am.
- \*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Larry Kasperbauer, Senator Judith Won Pat, & Senator Adolpho Palacios.

**Chairman Klitzkie called a 5 minute recess at 10:55am.**

**Bill 375 (EC), An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act, was heard at 11:00am.**

- Luis Reyes, superintendent of the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:00am.
  - Kenneth Chargualaf, associate superintendent for the Secondary Education Division of the Guam Public School System, presented oral testimony at 11:02am.
  - Fred Nishihara, legal counsel for the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:09am.
  - Ramon T. Lizama, personnel services administrator of the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:11am.
- \*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Larry Kasperbauer, and Senator Judith Won Pat.

**Bill 383 (EC), An Act To Amend Title 3, Chapter 1, § 1103 Relative To Definitions Of The Board Of Canvass & Appeals (Boca), Bureau Of Elections, & Administrator Of Elections; To Revise Election Rules & Regulations; To Amend Title 3, Chapter 1, § 1111(B) Relative To Filing Of Political Parties With The Bureau Of Elections; To Amend Title 3, Chapter 1, § 1117 Relative To Approval Of Tabulating Devices; To Amend Title 3, Chapter 2, § 2101 Relative To The Composition Of The Board Of Canvass & Appeals; To Amend Title 3,**

**Chapter 2, § 2102 Relative To The Position Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2103 Relative To Duties Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2104 Relative To The Election Manual; To Amend Title 3, Chapter 2, § 2105 Relative To The Provision Of Election Forms; To Amend Title 3, Chapter 2, § 2106 Relative To Powers Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2107 Relative To Candidate Placement On Ballot; To Amend Title 3, Chapter 7, § 7130 Relative To The Tabulation Of Ballots; To Add A New § 7103.1 To Title 3 G.C.A., Chapter 7 Relative To Electronic Voting Machines; To Add A New § 2109 To Title 3, Chapter 2 Relative To Assignment Of Employees Of The Bureau Of Elections; To Add A New 2110 To Title 3, Chapter 2 Relative To The Staff Of The Bureau Of Elections; To Add A New Subsection (K) To Title 4, Chapter 4, § 4101 Relative To The Duties Of The Director Of Administration Concerning The Bureau Of Elections; To Secure Office Space For The Bureau Of Elections; To Add A New § 2110 To Title 3, Chapter 2 Relative To Transparency Of Guam Election Procedures; To Add A New § 1120 To Title 3, Chapter 1 Relative To Transferring Of Authority From The Election Commission” And The “Executive Director” To The Board Of Canvass And Appeals And The Administrator Of Elections In Ch. 3-21 In Title 3; To Establish The Bureau Of Elections As The Successor To The Election Commission; To Authorize Commissioners To Serve As Members Of The Board Of Canvass & Appeals; To Make Various Provisions Of This Act Effective Upon The Filling Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007, was heard at 2:30pm.**

- Vicente Garrido presented oral testimony in his personal capacity in support of Bill 383 (EC) at 2:31pm.

- Trini Torres presented oral testimony in his personal capacity in support of Bill 383 (EC) at 2:35pm.

- Larry Ramirez, board member of the Guam Election Commission, presented oral testimony in support of Bill 383 (EC) at 2:45pm.

- Joe Mesa presented oral testimony in his personal capacity in opposition of Bill 383 (EC) at 3:01pm

- Roger Sardea presented oral testimony in his personal capacity in support of Bill 383 (EC) at 3:07pm.

- Carlo Branch presented oral and written testimony in his personal capacity on Bill 383 (EC) at 3:43pm.

- Robert Benevaente presented oral testimony in his personal capacity on Bill 383 (EC) at 3:47pm.

- Edita Sardea presented oral testimony in her personal capacity in support of Bill 383 (EC) at 4:04pm.

\*Questions and comments presented to the panel by Senator Robert Klitzkie.

**At 4:07pm Chairman Klitzkie adjourned the hearing to 9:00am on Tuesday, November 28, 2006 to hear the confirmations of Brett Burnham and David Hahn.**

## Declaration Under Penalty of Perjury of Audreya J.P. Taitano

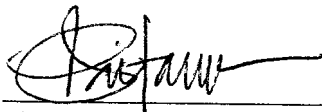
- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on 11/20/2006, 11/22/2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on 11/24/2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Calendar on 11/20/2006, 11/22/2006, & 11/24/2006.
- 7.) I e-mailed notice to Speaker Forbes on 11/20/2006, 11/22/2006, & 11/24/2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature ([www.guamlegislature.com](http://www.guamlegislature.com)), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on 11/20/2006, 11/22/2006, & 11/24/2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs were handled accordingly.
- 9.) I caused notice on [www.bobsoffice.org](http://www.bobsoffice.org), website for the Committee on Calendar, on 11/20/2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

### **Declaration Under Penalty of Perjury**

#### **6 GCA Section 306**

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 18, 2006 on Guam by



**Audreya J.P. Taitano (audi)**

## APPENDIX A: NOTICE OF PUBLIC HEARING



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization  
& Committee on Calendar**

### NOTICE OF PUBLIC HEARING

A public hearing will be held on Monday, November 27, 2006 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

9:00am – 5:00pm

**Bill 370 (EC)** - An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam.

**Bill 375 (EC)** - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.

**Bill No. 381 (EC)** - An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website.

**Bill 383 (EC)** - An Act To Amend Title 3, Chapter 1, § 1103 Relative To Definitions Of The Board Of Canvass & Appeals (Boca), Bureau Of Elections, & Administrator Of Elections; To Revise Election Rules & Regulations; To Amend Title 3, Chapter 1, § 1111(B) Relative To Filing Of Political Parties With The Bureau Of Elections; To Amend Title 3, Chapter 1, § 1117 Relative To Approval Of Tabulating Devices; To Amend Title 3, Chapter 2, § 2101 Relative To The Composition Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2102 Relative To The Position Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2103 Relative To Duties Of The Administrator Of Elections; To Amend Title 3, Chapter 2, § 2104 Relative To The Election Manual; To Amend Title 3, Chapter 2, § 2105 Relative To The Provision Of Election Forms; To Amend Title 3, Chapter 2, § 2106 Relative To Powers Of The Board Of Canvass & Appeals; To Amend Title 3, Chapter 2, § 2107 Relative To Candidate Placement On Ballot; To Amend Title 3, Chapter 7, § 7130 Relative To The Tabulation Of Ballots; To Add A New § 7103.1 To Title 3 G.C.A., Chapter 7 Relative To Electronic Voting Machines; To Add A New § 2109 To Title 3, Chapter 2 Relative To Assignment Of Employees Of The Bureau Of Elections; To Add A New 2110 To Title 3, Chapter 2 Relative To The Staff Of The Bureau Of Elections; To Add A New Subsection (K) To Title 4, Chapter 4, § 4101 Relative To The Duties Of The Director Of Administration Concerning The Bureau Of Elections; To Secure Office Space For The Bureau Of Elections; To Add A New § 2110 To Title 3, Chapter 2 Relative To Transparency Of Guam Election Procedures; To Add A New § 1120 To Title 3, Chapter 1 Relative To Transferring Of Authority From The Election Commission" And The "Executive Director" To The Board Of Canvass And Appeals And The Administrator Of Elections In Ch. 3-21 In Title 3; To Establish The Bureau Of Elections As The Successor To The Election Commission; To Authorize



Commissioners To Serve As Members Of The Board Of Canvass & Appeals; To Make Various Provisions Of This Act Effective Upon The Filling Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007.

**Bill 390 (EC)** – An Act To Amend Title 4 G.C.A., Chapter 1, § 1103(c) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam.

Appointment of **Brett David Burnham** to the Guam Ethics Commission.

Appointment of David **Joseph Hahn** to the Guam Ethics Commission.

**Bill 388 (EC)** – An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet. (Testimony for Bill 388 can be emailed to [calendar@bobsoffice.org](mailto:calendar@bobsoffice.org))

**For more information, please visit [www.bobsoffice.org/judiciary](http://www.bobsoffice.org/judiciary).  
Written testimony can be submitted via e-mail to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).  
For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

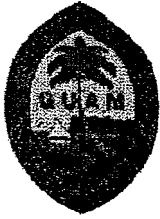
**APPENDIX B: MEDIA E-MAIL LISTING**

<p align="center"><b>Notice to all media : Outlet Managers, Publishers, Producers</b></p>	<p align="center"><b>Notice to all media : News Directors, Editors, Reporters</b></p>
<p><b><u>PRINT</u></b>  <b>Marianas Variety</b> – Amier Younis, Ops Mgr,  amier@mvguam.com  <b>Directions</b> – Jerry Roberts, Publisher,  jroberts@directionsguam.com  <b>Guam Business</b> – Steve Nygard, Publisher,  snygard@glimpses.guam.net  <b>Pacific Daily News</b> – Government Meetings Section  life@guampdn.com  <b>Marianas Business Journal</b> – Steve Nygard, Publisher,  snygard@glimpses.guam.net  <b>Guahan Magazine</b> – Carlene Cooper-Nurse, Publisher,  carlene@guahanmagazine.com  <b>Mabuhay News</b> – Ritchie Lim, Publisher, paciwire@ite.net  <b>Mariana’s Variety</b> – Ad Section , ads@mvguam.com</p> <p><b><u>TV</u></b>  <b>KUAM Ch. 8</b> – generalmanager@KUAM.com  <b>KUAM Ch. 11</b> – generalmanager@KUAM.com  <b>ABC 14</b> – David Larson, Gen Mgr, david@go14.tv  <b>KGTF</b> – kgtf12@ite.net</p> <p><b><u>RADIO</u></b>  <b>K57</b> – Ray Gibson, General Mgr, rgibson@k57.com  <b>Power98</b> – Roque Aguon, General Mgr,  raguon@power98.com  <b>105 Rock</b> – Albert Juan, General Mgr,  ajuan@105therock.com  <b>I-94 FM</b> – Fredalynn Mortera Hecita,  fredalynn@kuam.com  <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com  <b>K-StereO</b> – Ed Poppe, General Mgr, ksto@ite.net  <b>KISH (102.9 FM)</b> – Ed Poppe, General Mgr, ksto@ite.net  <b>Hit Radio 100</b> – Vince Limuaco, Sales Mgr.,  marketing@hitradio100.com  <b>KPRG (89.3 FM)</b> – General Manager, kprg@guam.net  Harvest Family Radio – khmg@harvestministries.net  <b>KTKB</b> – ktkb@ktkb.com  <b>KOLG 90.0 FM</b> – Contact, chuck@kolg.org  <b>KTWG 800 AM</b> – Ops Mgr , Kleilani63@hotmail.com</p>	<p><b><u>PRINT</u></b>  <b>Pacific Daily News</b> –Rindraty Limtiaco, Exec. Editor,  rlimtiaco@guampdn.com  <b>Marianas Variety</b> – Mar-Vic Cagurangan,  marvic@mvguam.com  <b>Directions</b> – Gennette Quan, Editor,  editor@directionsguam.com  <b>Guam Business</b> – Maureen Maratita, Editor,  mmaratita@glimpses.guam.net  <b>Marianas Business Journal</b> – Maureen Maratita, Editor,  mmaratita@glimpses.guam.net  <b>Guahan Magazine</b> – Jayne Flores, Editor,  jayne@guahanmagazine.com  <b>Mabuhay News</b> – Ritchie Lim, Editor  mabuhaynews@yahoo.com  <b>Mariana’s Variety</b> – Ad Section, ads@mvguam.com</p> <p><b><u>TV</u></b>  <b>KUAM Ch.8</b> – Sabrina Matanane, News Dir,  Sabrina@KUAM.com  <b>KUAM Ch. 11</b> – Sabrina Matanane, News Dir,  Sabrina@KUAM.com  <b>ABC 14 News</b> – John Anderson, News Director,  jontalk@k57.com</p> <p><b><u>RADIO</u></b>  <b>I-94 FM</b> – Fredalynn Mortera Hecita, News (Radio)  fredalynn@kuam.com  <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com  <b>K57, Power98, 105 Rock</b> – Patty Arroyo, News Director,  parroyo@k57.com  <b>K-StereO</b> – Jean Hudson, News Director, kstone@ite.net  <b>KISH (102.9 FM)</b> – Jean Hudson, News Director,  kstone@ite.net  <b>Hit Radio 100</b> – Trina San Agustin, News Director,  news@hitradio100.com</p>

**APPENDIX C: COMMITTEE MEMBER E-MAILS**

Senator Robert Klitzkie, Chairman  
Speaker Mark Forbes, Ex-Officio  
Senator Jesse A. Lujan, Member  
Senator Mike Cruz, Member  
Senator Adolpho B. Palacios, Sr., Member

[bob@bobsoffice.org](mailto:bob@bobsoffice.org)  
[speakerforbes@yahoo.com](mailto:speakerforbes@yahoo.com)  
[jal@netpci.net](mailto:jal@netpci.net)  
[lk4kids@ite.net](mailto:lk4kids@ite.net)  
[patrickcepeda@hotmail.com](mailto:patrickcepeda@hotmail.com)



*LUIS S.N. REYES*  
*Superintendent of Education*

GUAM PUBLIC SCHOOL SYSTEM  
OFFICE OF THE SUPERINTENDENT

P.O. Box DE  
Hagåtña, Guam 96932  
Telephone: (671) 475-0658  
Fax: (671) 472-5003  
Email address: lreyes@gdoe.net



*Office of the Legal Counsel*

November 30, 2006

Committee on Judiciary, Governmental  
Operations & Organization  
Senator, 28<sup>th</sup> Guam Legislature  
Hagatna, Guam 96910

**RE: TESTIMONY ON BILL NO. 375**

*Hafa Adai!* Mr. Chairman, Committee Members and Senators:

In addition to my oral testimony in support of Bill 375, I am submitting written testimony to further expound on why the Guam Public School System (GPSS) needs a Certified Augmentation Teacher Service Act (CATS).

On October 1, 2007 the Every Child is Entitled to an Adequate Education Act will become fully effective. In part the Act rightfully requires that GPSS have fully certified teachers, administrators, guidance counselors, school health counselors, allied health professionals and librarians. CATS assist GPSS for the next three years by authorizing the use of fully certified retirees to fill the positions enumerated in 1 G.C.A. §715 Item 12 (a) through (e) and (k). Additionally CATS greatly assist management of GPSS by requiring those potential CATS candidates to be ready to serve students at the beginning of a new school year as opposed to the beginning of a new fiscal year.


Currently GPSS hires retired teachers (double dippers) to serve as classroom teachers. Many of those who decide to double dip effectuate their retirement on September 30 or about 45 days into a new school year. As you can imagine this practice is extremely disruptive to a child's education. Likewise from an administrative point of view the current practice is a nightmare as far as trying to fill the vacated position and process all paper work for the outgoing employee, the incoming employee and all this at a time when GPSS is usually in serious budgetary hearings at the legislature. As one can

see the current situation corners GPSS into the position of having to rehire retiring teachers to prevent a disruption to the classroom. If the retiree is a Principal or Assistant Principal a whole school is disrupted while it transitions to a new administrator. The eligibility provisions of Section Six of the CATS Act require former school employees of GPSS to retire in good standing, while the public schools are in summer recess, with a minimum of thirty (30) days notice and hold a current certificate. With these criteria in place disruptions at schools and classrooms will be reduced. Furthermore, GPSS will be able to determine its staffing needs before the new school year begins and just as important it will allow GPSS to recruit for the vacated positions while candidates are still available. In other words it's much easier to recruit before a new school begins as opposed to a month and a half after a new school year has begun.

The CATS Act also reinforces transparency which is one of my principles of management. Transparency publishes the needs of GPSS as well as how those needs are being met. In order for GPSS to hire a CAT, a roster for all certified positions required by the Every Child Act must be posted on the website. In addition the roster must indicate which positions are vacant, which positions are filled with certified employees, which positions are filled with CATS and a Certificate of Necessity for each CAT. With the implementation of these provisions, potential candidates including off-island candidates can see exactly where vacancies are and thus GPSS may be able to attract more recruits. If new certified recruits do apply for these positions the CAT employee will be replaced unless the replacement would occur ten weeks before the end of the current semester. Once again this provision protects students from a disruption in their education.

Finally, with a short fuse of July 10, 2010, GPSS has an incentive to step up recruitment for all certified positions required by the Every Child is Entitled to an Adequate Education Act.

Sincerely,

  
**LUIS S.N. REYES**  
Superintendent of Education



**LUIS S.N. REYES**  
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM  
OFFICE OF THE SUPERINTENDENT

P.O. Box DE  
Hagåtña, Guam 96932  
Telephone: (671) 475-0658  
Fax: (671) 472-5003  
Email address: lreyes@gdoe.net



Office of the Legal Counsel

November 29, 2006

Committee on Judiciary, Governmental  
Operations & Organization  
Senator, 28<sup>th</sup> Guam Legislature  
Hagatna, Guam 96910

**RE: TESTIMONY ON BILL NO. 375**

*Hafa Adai!* Mr. Chairman, Committee Members and Senators:

My name is Fred Nishihira. I am the Legal Counsel for the Guam Public School System (GPSS). I am here to testify in **favor** of Bill 375 or the Certified Augmentation Teachers Service Act "CATS".

I have served as legal counsel for GPSS since Senator Kasperbauer was on the Board of Education, when Senator Klitzkie was the Superintendent of Education and while Senator Won Pat was a Principal at a Middle School. During that period, not once have I seen a new School Year begin with a complete number of required certified personnel. The Every Child is Entitled to an Adequate Education Act requires qualified personnel and with its full implementation closely approaching, GPSS' shortage of fully certified staff is particularly concerning. Additionally, the established federal requirements of the Individuals with Disabilities Education Act and the No Child Left Behind Act also require qualified personnel.

Each of the aforementioned Acts will hold GPSS accountable for failing to have qualified personnel to educate our students. To ensure compliance with all statutory requirements regarding qualified personnel, GPSS needs resources to meet this goal. Certified Augmentation Teachers Service Act CATS is a resource that will help GPSS meet the staffing needs of all the federal and local requirements requiring qualified personnel.

Utilizing CATS will allow GPSS to expand the pool of candidates for qualified personnel needs. To ensure that the largest group of people are tapped, the Bill should be expanded to make eligible all retired Government of Guam employees who are **fully certified** to "double dip." For example, Bill 375 could be amended so that a police officer, who retires after 20 years of service, could return to college, earn a degree in teaching and return to GPSS as a teacher, while at the same time collecting her retirement annuity. The students of GPSS would benefit from such an arrangement, and this approach would still meet the federal requirement of qualified personnel as outlined by the No Child

Left Behind Act and Individuals with Disabilities Education Act and the local requirements as described in the Every Child is Entitled to an Adequate Education Act.

Your time is appreciated, I encourage the Committee and the Legislature to move forth and pass Bill 375. If you have any further questions please feel free to contact me at 475-0658 or 777-5835

Sincerely,

**FRED NISHIHIRA**  
Legal Counsel







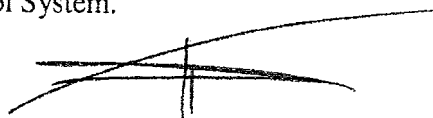
Because of the fact that the Guam Public School System is currently experiencing the shortage of school building administrators as the differential pay is not attracting more applicants, we are very fearful that next school year, the shortage of school building administrators will be further exacerbated because of the likelihood and possibility that many of the seasoned school building administrators will retire because of the disincentive imposed by Public Law 27-05. This statute capped the maximum accumulation of annual leave at three hundred twenty (320) hours instead of the four hundred eighty (480) hours. There is a provision that employees upon the approval of the Guam Education Policy Board may retain up to a total of seven hundred twenty (720) hours of annual leave. If the school administrators do not retire on or before September 30, 2007, then they would have lost an incentive to remain in the Guam Public School System. This, in and of itself would drive away the remaining seasoned administrators since they anticipate a big loss in their total earnings as well as retirement credit.

It would be worth mentioning that when the Guam Public School System implemented Public Law 15-138 (a copy attached), the administrators' salary schedule in 1981 all principal and assistant school principal positions were filled. In fact, some principals and assistant school principals wishing to return under reemployment were not hired but instead they take the option of becoming classroom teachers until positions are vacant. The statute fully recognized the fact that a solution must be found quickly and its implementation became a major incentive in the recruitment and retention of school building administrators.

Unfortunately, when Public Law 15-138 was repealed, the Guam Public School System was beginning to see a downward spiral not only in retaining the administrators but recruitment had become very difficult. It is from that point on, when the Guam Public School System began to experience the shortage and remains to this day.

For this reason, that short of increasing the salaries of school building administrators, the Guam Public School System proposes legislation to allow the Department to hire retired school administrators similar to the current authorization in the hiring of teachers and licensed healthcare professionals. Teachers and licensed healthcare professionals are privileged to continue to earn their annuity while at the same time receiving a salary when they are rehired by the Guam Public School System.

Thank you.



**KENNETH P. CHARGUALAF**



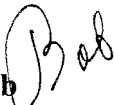


*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, &  
Reorganization & Committee on Calendar**

December 18, 2006

**WAIVER OF FISCAL NOTE**

The request for a fiscal note for Bill 375(EC) was sent to the Bureau of Budget & Management Research on November 13, 2006 and has not been received by the Committee on Judiciary, Governmental Operations, & Reorganization to date. Pursuant to the 14-day rule of § 9105 of Title 2 G.C.A., Chapter 9, I hereby waive the requirement of a fiscal note for Bill 375(EC).

  
**Bob**  
**Senator Robert Klitzkie**  
**Chairman**