

EDWARD J.B. CALVO
Governor



RAY TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM

October 2, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10.2.12
Time 11:20 AM
Received by [Signature]

Dear Speaker Won Pat,

I am suspending my call for special session pending my review of Bill No. 496. I am deeply concerned about the manner in which the legislature handled the extension of the local timeline for obligation of the ARRA trust funds. My concern deals more with the tinkering of other provisions of law – unrelated to the ARRA issue – that threatened the funding and, in another section, falsely raised the hopes of University of Guam and Guam Community College students.

My office worked diligently and urgently to convince the U.S. Department of Education to extend the obligation deadline of the ARRA trust funds from September 30, 2012 to September 30, 2013. You had even prepared Bill No. 496 to address the corresponding local deadline affixed in Guam law. That bill, as originally introduced, would have accomplished the local deadline extension to coincide with the federal extension we received from U.S. DOE. Though the matter was urgent, the legislature had never conducted a public hearing on your Bill No. 496.

Instead, you called the legislature into session last week to address a new Bill No. 516 authored by Sen. Pangelinan and yourself. That bill contained the language necessary to extend the local deadline to September 30, 2013. Again, on its own the bill would have accomplished what was so very necessary to extend the deadline of the ARRA trust account. In essence, this provision of the bill would have ensured that federal money for technology and repair of public schools could continue to be spent for students and teachers.

Bill No. 516, however, was packed with unrelated provisions. The legislature took a gamble with the absolute necessity to extend the local deadline for ARRA. Now that the autopsy on the vetoed (and failed override of the veto of) Bill No. 516 is complete, I feel it is incumbent on me to explain to the legislature how meddlesome legislation – clearly meant to score political points in an election season – can harm our community.

Contempt of Court

I explained in my veto message that we could not jeopardize services to the consumers of the Department of Mental Health and Substance Abuse and subject the government of Guam to contempt of District Court orders by passing Bill No. 516 into law. The legislature clearly abrogated the government of Guam's fiduciary, moral, and legal responsibilities by adopting a measure that took \$3 million out of the revenue stream dedicated to the Amended Permanent Injunction. Madam Speaker, if

the legislature does not care to abide by the District Court's rulings, then pure decency for humankind would command that the legislature at least consider its actions would have removed resources from some of the most vulnerable of Guamanians.

We must note Bill No. 516 was introduced and passed on the same day. No public hearing was conducted. No explanation was given to the public about the consequences of removing the \$3 million from DMHSA, or even the provision exempting the legislature itself from the hiring freeze. I find this irony repugnant in that not one week had passed since senators berated my fiscal team for not sending official invitations to the Retirement Fund to participate in at least 20 public meetings regarding my spending cuts bill. The difference between vetoed Bill No. 516 and my spending cuts bill is that the entire community has been given an opportunity since March this year to participate in the creation of the spending cuts plan. No one was given the opportunity to even comment on Bill No. 516.

Despite my clear explanations about the violation of District Court orders, the author of the bill proceeded to tell the senators that overriding my veto will not cause the government to be in contempt of court, and that DMHSA no longer needed this funding. How can anyone believe that to be true, when for years GovGuam failed in its obligations to those who needed mental healthcare are were woefully denied their civil rights by this government?

Nevertheless, the motion to override my veto was made and nine senators – the majority of the legislature – voted for the override. I am aghast at such an action. Thankfully, six senators ensured my veto was sustained.

What about UOG & GCC Students?

Underneath the rubble of this political avalanche are the hopes of University of Guam and Guam Community College students who were promised by senators that the movement of this funding to UOG and GCC would avert tuition increases. It was an empty promise, Madam Speaker, and the legislature owes these students a clear apology. I certainly feel terrible that these students were dragged through the political mud, and their hopes of financially sustaining themselves through college may be dashed.

Never in my time as a public servant have I seen a legislature act with such total disregard for the consequences of its political actions. It would be one thing to have made an empty promise to students all alone. It is quite another that the empty promise was made at the expense of some of the most vulnerable in our community: the consumers of Mental Health and Substance Abuse.

I admonish the legislature for such careless tinkering with the law at the expense of people. This is not the first time the 31st Guam Legislature has placed a bill before me that so clearly meddles with the law and with the lives of people all for political purposes; and this is certainly not the last time as other legislation now is before me for consideration.

Please ask your colleagues to exercise due diligence, common decency, and political restraint.

Sincerely,



EDDIE BAZA CALVO