

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 65 (EC)

Introduced by:

Edward J.B. Calvo
Mark Forbes
Ray Tenorio

"AN ACT AUTHORIZING I MAGA'LAHEN GUÅHAN TRANSFER AUTHORITY OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO SUPPLEMENT THE OPERATIONS OF THE GUAM POLICE DEPARTMENT AND TO ADD A NEW SECTION 77107.10 TO CHAPTER 77 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO ALLOWING THE CHIEF OF POLICE DISCRETIONARY AUTHORITY TO TRANSFER FUNDS WITHIN BUDGET CATEGORIES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 recognizes that public safety is a paramount concern to our island. The Guam
4 Police Department (GPD) provides a majority of Guam's public safety
5 services. It provides social stability for our residents and is our first line of
6 defense for homeland security.

1 *I Maga'lahaen Guåhan* submitted GPD's budget, requesting nineteen
2 million two hundred thousand dollars (\$19,200,000.00) for fiscal year 2005
3 (FY2005). *I Liheslaturan Guåhan* realized that GPD function plays a major role
4 for Guam's public safety needs and through Public Law 27-106, appropriated
5 nineteen million six hundred thousand dollars (\$19,600,000.00) for FY2005. *I*
6 *Liheslaturan Guåhan* exceeded *I Maga'lahaen Guåhan's* request by four
7 hundred thousand dollars (\$400,000.00).

8 The Public Law 27-106 granted sixteen million five hundred eleven
9 thousand dollars (\$16,511,000.00) for personnel cost and two million twenty
10 thousand eight hundred ninety seven dollars for operations (\$2,020,897.00).
11 There was no transfer authority allowed for GPD this fiscal year.

12 The enactment of this measure will allow the Chief of Police transfer
13 authority within GPD as well as *I Maga'lahaen Guåhan* authority to transfer
14 funds into GPD of up to five hundred thousand dollars (\$500,000.00) from FY
15 2004 lapses and the executive budget for FY2005 if deemed necessary to
16 alleviate emergency requirements.

1 **Section 2. Guam Police Department Transfer Authority.** A new §
2 77107.10 is added to Chapter 77 of Title 10 of the Guam Code Annotated to
3 read:

4 “§77107.10. **Chief of Police Authorization to Transfer Funds.** The
5 Guam Police Department may within its authorized fiscal year budget transfer
6 unencumbered personnel funds for the purpose of supplementing the
7 department’s operational needs. No funds shall be transferred and used
8 towards the purchase of any equipment excepting equipment purchased for
9 the repair of police vehicles. The certifying officer shall be the Chief of Police
10 and shall within five (5) days report transfers authorized by this section to *I*
11 *Maga’lahen Guåhan* and *I Liheslaturan Guåhan*, Committee on Finance, Taxation
12 and Commerce or to a comparable legislative committee.”

13 **Section 3. Authorization for *I Maga’ lahen Guåhan* to Transfer Funds.**
14 Excepting the United Judiciary of Guam, *I Liheslaturan Guåhan*, the University
15 of Guam, the Guam Community College, the Office of the Attorney General,
16 the Office of the Public Auditor, the Guam Memorial Hospital, Mayors
17 Council, the Department of Education and Federal funds that are exempted
18 from *I Maga’lahen Guåhan’s* transfer authority, *I Maga’lahen Guåhan* is

1 authorized to transfer from any other department, agency, or instrumentality
2 of the Executive Branch to the Guam Police Department amounts not to exceed
3 Five Hundred Thousand Dollars (\$500,000.00) cumulatively from fiscal year
4 2005 appropriations or the remaining balance obligated by §1(c) of Chapter VI
5 of Public Law 27-106 of the fiscal year 2004 lapses. All transfers authorized by
6 this section are appropriated to the Guam Police Department. *I Maga'lahren*
7 *Guåhan* shall within five (5) days report any transfers made to *I Liheslaturan*
8 *Guåhan*, Committee on Finance, Taxation and Commerce.

9 **Section 4. Effective Date of Act.** The effective date of the provisions of
10 this Act shall be immediate upon enactment.

11 **Section 5. Severability.** *If* any provision of this Law or its
12 application to any person or circumstance is found to be invalid or contrary to
13 law, such invalidity shall *not* affect other provisions or applications of this Law
14 which can be given effect without the invalid provisions or application, and to
15 this end the provisions of this Law are severable.

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES
Bill No. 65 (EC)

Edward J.B. Calvo
Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

The third paragraph of Section 1 is hereby amended to read:

FA 2
R
“The Public Law 27-106 granted seventeen ~~sixteen~~ million five hundred eleven thousand dollars (\$176,511,000.00) for personnel cost and two million ~~twenty thousand eight hundred ninety seven~~ one hundred eighteen thousand dollars for operations (\$2,020,8972,118,000.00).”

FA 2
R
On Section 2 on line 14 amending the sentence beginning with the word “Excepting” to read:

“Notwithstanding the original intent of Section 1(c) of Chapter VI of P.L. 27-106 and Section 20 of P.L. 27-107, Excepting the ^{Unified} ~~United~~ Judiciary of Guam, I Liheslaturan Guåhan, the University of Guam, the Guam Community College, the Office of the Attorney General, the Office of the Public Auditor, the Guam Memorial Hospital, Mayors Council, the Department of Education and Federal funds that are exempted from I

Maga'lahaen Guåhan's transfer authority, I Maga'lahaen Guåhan is authorized to transfer from any other department, agency, or instrumentality of the Executive Branch to the Guam Police Department amounts not to exceed Five Hundred Thousand Dollars (\$500,000.00) cumulatively from fiscal year 2005 appropriations or the remaining balance obligated by §1(c) of Chapter VI of Public Law 27-106 of the fiscal year 2004 lapses."

Date 2/24, 2005.


Floor Amendment No. 2+2a of a total of _____ changes on above Bill.
Votes For Amendment: _____ Votes Against Amendment: _____
AMENDMENT PASSED: ✓

Amendment Failed: _____
Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED


SENATOR EDWARD J.B. CALVO
AUTHOR OF AMENDMENT

Concur (initial)



Clerk of Legislature

Speaker

Ass't Amend. Clerk

Engrossment Staff