

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 516-31 (cor)

Introduced by

v.c. pangelinan
J.T. Won Pat, Ed.D.

2012 SEP 24 PM 4:00
LWL

1 **AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 31-40**
2 **TO EXTEND THE OBLIGATION DEADLINE OF THE**
3 **ARRA TRUST FUND; TO AMEND SECTION 2(I) OF**
4 **CHAPTER I; TO AMEND SECTION 2(IV) OF CHAPTER I;**
5 **TO ADD A NEW SECTION 14 TO CHAPTER XI; TO**
6 **AMEND SECTION 13 OF CHAPTER XII AND TO AMEND**
7 **SECTION 6 OF PART III, CHAPTER III ALL OF PUBLIC**
8 **LAW 31-233.**

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

10 **Section 1.** Section 3 of PL 31-40 is hereby *amended* to read as follows:

11 **“Section 3. Appropriation.** Upon USDOE approval to amend the
12 Phase I and Phase II ARRA SFSF grant application, whereby, the amount of
13 Sixty Million Eighty Eight Thousand Nine Hundred Thirty Five Dollars
14 (\$60,088,935) of federal funds originally allocated for Capital Improvement
15 Projects, Technology Upgrades and Science, Technology, Engineering &
16 Math (STEM) CIPs and Equipment is reprogrammed to Salaries and
17 Benefits resulting in a reimbursement of funds appropriated and expended in
18 Section 2 of Chapter II, Part I of Public Law 30-196, the reimbursement of
19 Sixty Million Eighty Eight Thousand Nine Hundred Thirty Five Dollars
20 (\$60,088,935) from the SFSF grant authorized by the USDOE pursuant to
21 the expenditure of local funds and certified by the TPFA *shall* be deposited

1 to the Trust Account. The use of the reimbursed funds in the Trust Account
2 *shall* be pursuant to the following amounts and requirements:

3 (a) Sixty Million Eighty Eight Thousand Nine Hundred Thirty
4 Five Dollars (\$60,088,935) is appropriated from the Adequate
5 Education Act Trust Account to the Guam Department of Education
6 in Object Classes 230, 250 and 450 as follows: object class 230
7 (Contracts) – Thirty Five Thousand Dollars (\$35,000); object class
8 250 (Equipment) – Three Million Fifty Thousand Dollars
9 (\$3,050,000); and object class 450 (Capital Outlay) – Fifty Seven
10 Million Three Thousand Nine Hundred Thirty Five Dollars
11 (\$57,003,935).

12 (b) the appropriation to Object Classes 230, 250 and 450 in this
13 Section *shall* be continuing appropriations for the GDOE and *shall* be
14 earmarked for Capital Improvement Projects and for the renovation,
15 rehabilitation, and repair of Untalan Middle School, Technology
16 Upgrades and Science, Technology, Engineering & Math (STEM)
17 CIPs and Equipment approved by USDOE contained in the ARRA
18 SFSF Phase I and Phase II grant application, including any subsequent
19 amendments approved by USDOE; provided, that all these
20 appropriations *shall* expire if *not* obligated by September 30,
21 20122013.

22 (c) Up to the sum of Two Hundred Twenty Six Thousand
23 Dollars (\$226,000) from the appropriation in Subsection (a), object
24 class 250 may be transferred to personnel object classes 112 to fund
25 overtime for GDOE employees for the implementation of GDOE’s
26 Financial Management Information System.”

1 **Section 2.** Section 2(I) of Chapter I of PL 31-233 is hereby *amended* to read

2 as:

3	"I. GENERAL FUND REVENUES	AMOUNT
4	TOTAL GENERAL FUND REVENUE	\$689,105,222694,076,864
5	PROVISION FOR TAX REFUND PAYMENTS	(\$100,000,000)
6	TOTAL GENERAL FUND REVENUE AVAILABLE	
7	FOR OPERATIONS	\$589,105,222594,076,864
8	B. FEDERAL SOURCES	
9	Federal Income Tax Collection - Section 30	\$53,155,29358,126,935
10	Overpayment reconciliation of Section 30 (2 of 4)	(\$1,500,000)
11	Immigration Fees and Indirect Cost	\$1,796,226
12	TOTAL FEDERAL SOURCES	\$53,451,51958,423,161
13	C. USE OF MONEY AND PROPERTY	\$808,896
14	D. LICENSES, FEES, AND PERMITS	
15	Licenses, Fees and Permits	\$5,070,909
16	Licenses, Fees and Permits (Better Public Service Fund)	(\$507,091)
17	TOTAL LICENSES, FEES AND PERMITS	\$4,563,818
18	E. DEPARTMENT CHARGES	\$1,861,714
19	TOTAL GENERAL FUND NET	
20	REVENUE COLLECTIONS	\$573,454,821578,426,463
21	2% GENERAL FUND RESERVE	(\$11,469,09611,568,529)
22	(Appropriations Cap of 98% of General Fund Revenue; §22436 of Article 4,	
23	Chapter 22 of Title 5 GCA)	
24	TOTAL GENERAL FUND REVENUE	
25	AVAILABLE FOR APPROPRIATION	\$561,985,725566,857,934"

26 **Section 3.** Section 2(IV), Chapter I of PL 31-233 is hereby *amended* to read as
27 follows:

1 **“IV. REVENUE AVAILABLE FOR OPERATIONS SUMMARY:**

2	TOTAL GENERAL FUND REVENUE	\$673,454,821,678,426,463
3	PROVISION FOR TAX REFUND PAYMENTS	(\$100,000,000)
4	2% GENERAL FUND RESERVE	(\$11,469,096,11,568,529)
5	TOTAL GENERAL FUND REVENUE	
6	AVAILABLE FOR APPROPRIATION	\$561,985,725,566,857,934
7	TOTAL SPECIAL FUND REVENUE	\$163,686,832
8	TOTAL FEDERAL MATCHING GRANTS-IN-AID REVENUES	\$48,081,734
9	GRAND TOTAL	\$773,754,291,778,626,500”

10 **Section 4.** A new Section 14 is hereby *added* to Chapter XI of PL 31-233 to
11 read as follows:

12 **“Section 14. Appropriation for Income Tax Refunds for Tax**
13 **Years 2012 and Prior.** The sum of Four Million Eight Hundred Seventy
14 **Two Thousand Two Hundred Nine Dollars (\$4,872,209)** is hereby
15 **appropriated from the General Fund to the Department of Revenue and**
16 **Taxation to be directly deposited into the Income Tax Refund Efficient**
17 **Payment Trust for the sole purpose of paying income tax refunds for Tax**
18 **Years 2012 and prior.”**

19 **Section 5.** Section 13 of Chapter XII of PL 31-233 is hereby *amended* to
20 read as follows:

21 **“Section 13. Restrictions on Executive Branch Hiring of**
22 **Unclassified Employees.** No government funds of any kind or description
23 may be expended for the employment or hiring of unclassified employees in
24 **the Executive Branch** of the government of Guam during Fiscal Year 2013,
25 *except* for the following:

- 26 (a) Certified persons in the Guam Department of Education,
27 as identified in §715(12) of Chapter 7, Title 1 GCA;

1 (b) Any academic teaching positions at the University of
2 Guam and the Guam Community College;

3 (c) Nurses, doctors, licensed health professionals and
4 ancillary health employees necessary for clinical purposes at the
5 Department of Public Health and Social Services, the Department of
6 Mental Health and Substance Abuse, the Office of the Chief Medical
7 Examiner, the Guam Memorial Hospital Authority, the Guam Police
8 Department, and the Department of Integrated Services for
9 Individuals with Disabilities;

10 (d) Department of Labor Survey Workers;

11 (e) Systems and Programming Administrator, Junior
12 Systems Programmer, Senior Programmer Analyst, Junior Application
13 Analyst, Junior Programmer Analyst and Junior Application
14 Programmer; and positions dealing with reporting, tax audits, tax
15 investigations, tax collections, and processing of taxes at the
16 Department of Revenue and Taxation;

17 (f) Federally-funded positions (matching and up to 100%);

18 (g) Persons filling temporary vacancies created by the call to
19 active military duty of employees who are members of the reserve
20 components of the Department of Defense and the Department of
21 Transportation, including, but *not* limited to, the United States Army,
22 United States Navy, United States Marine Corps, United States Air
23 Force, the Army National Guard, the Air National Guard, and the
24 United States Coast Guard, *or* created by absence due to a long term
25 disability status which has been certified by a medical doctor.
26 Departments may exercise this hiring authority provided its authorized
27 budget for personnel is *not* exceeded;

1 (h) Positions within the Office of *I Maga'låhen Guåhan*, the
2 Office of *I Segundu Na Maga'låhen Guåhan* and the Guam State
3 Clearinghouse, and department or agency heads, deputies and private
4 secretaries;

5 (i) Positions within the Mayors' Council of Guam;

6 (j) Positions within the Guam Election Commission;

7 (k) Limited-term, part time substitute teachers of the Guam
8 Department of Education;

9 (l) All persons employed pursuant to this Section, effective
10 October 1, 2011, *shall* meet the minimum Knowledge, Abilities and
11 Skills (KAS) associated with such position; and

12 (m) professional engineers required to fill Chief Engineer
13 positions.”

14 **Section 6.** Section 6, Part III, Chapter III of PL 31-233 is hereby *amended* to
15 read:

16 **“Section 6. Re-appropriation of Unexpended and Unencumbered**
17 **Appropriations to the Department of Mental Health and Substance**
18 **Abuse for the Amended Permanent Injunction and Plan of Action**
19 **University of Guam, the Guam Community College and the**
20 **Government of Guam Retirement Fund.** *Up to the sum of Three Million*
21 *Dollars (\$3,000,000) of* ~~†~~The unexpended and unencumbered appropriation
22 remaining as of September 30, 2012, from the appropriation contained in
23 Section 5, Part III, Chapter III of Public Law 31-77 *shall not* lapse, *shall*
24 *continue until fully expended, to include payment of prior year obligations,;*
25 ~~and is hereby re-appropriated to the DMHSA for Fiscal Year 2013 for the~~
26 ~~payment of court ordered deposits that are due in Fiscal Year 2013 in~~
27 ~~accordance with the modified funding schedule, for the implementation of~~

1 ~~the Amended Permanent Injunction and Plan of Action.~~ Up to the sum of
2 One Million Four Hundred Seventy Thousand Dollars (\$1,470,000) is re-
3 appropriated to the University of Guam for its operations in Fiscal Year
4 2013 in lieu of a student tuition increase, up to the sum of One Million Four
5 Hundred Seventy Thousand Dollars (\$1,470,000) is re-appropriated to the
6 Guam Community College for its operations in Fiscal Year 2013, and up to
7 the sum of Sixty Thousand Dollars (\$60,000) is re-appropriated to the
8 Government of Guam Retirement Fund to pay the cost of Medicare
9 premiums for government of Guam retirees and their survivors domiciled on
10 Guam, and who are eligible to receive Social Security income benefits, and
11 who are eligible to enroll in the government of Guam Group Health
12 Insurance Program. This re-appropriation *shall not* be subject to transfer
13 authority of *I Maga'låhi.*"

14 **Section 7. Severability.** *If* any provision of this Law or its application to any
15 person or circumstances is found to be invalid or contrary to law, such invalidity
16 shall *not* affect other provisions or application, and to this end the provisions of
17 this Law are severable.