

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.	04/08/14 4:33 p.m.	04/09/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	5/23/14 8:30 a.m.	06/11/14 11:15 a.m.	Fiscal Note Request 04/15/14 Fiscal Note Received 5/29/14



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JUN 11 2014

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 309-32 (COR), As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No 309-32 (COR), as substituted, An Act to *Add* a New Section 7 to Chapter I of Public Law 32-068 and to *Repeal* and *Re-Enact* Section 13109(a)(5), Chapter 13 Title 2 of the Guam Code Annotated, Relative to prioritizing the uses of additional Section 30 Revenues and to increase Transparency and Accountability in the reporting of Section 30 Revenues to be received by the Government of Guam to be known as the "Supplemental Appropriations Act of 2014", sponsored by Senator Vicente (ben) Cabrera Pangelinan, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

5 TO PASS
0 NOT TO PASS
1 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse'


Vicente (ben) Cabrera Pangelinan
Chairman

2014 JUN 11 AM 11:15



Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

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**COMMITTEE REPORT
ON**

**Bill No. 309-32 (COR), As Substituted
Sponsored by Senator Vicente (ben) Cabrera
Pangelinan**

An Act to *Add* a New Section 7 to Chapter I of Public Law 32-068 and to *Repeal* and *Re-Enact* Section 13109(a)(5), Chapter 13 Title 2 of the Guam Code Annotated, Relative to prioritizing the uses of additional Section 30 Revenues and to increase Transparency and Accountability in the reporting of Section 30 Revenues to be received by the Government of Guam to be known as the “Supplemental Appropriations Act of 2014”



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JUN 11 2014

MEMORANDUM

To: All Members
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation and Land.

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 309-32 (COR), As Substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 309-32 (COR), as substituted, An Act to *Add* a New Section 7 to Chapter I of Public Law 32-068 and to *Repeal* and *Re-Enact* Section 13109(a)(5), Chapter 13 Title 2 of the Guam Code Annotated, Relative to prioritizing the uses of additional Section 30 Revenues and to increase Transparency and Accountability in the reporting of Section 30 Revenues to be received by the Government of Guam to be known as the "Supplemental Appropriations Act of 2014", sponsored by Senator Vicente (ben) Cabrera Pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 309-32 (COR), As Introduced
4. Copy of Bill No. 309-32 (COR), As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of Fiscal Note
8. Copy of COR referral Bill No.309-32 (COR)
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

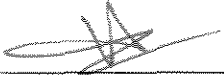
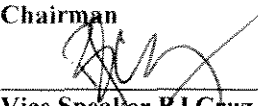


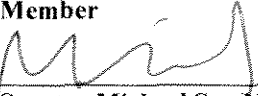

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation and Land

Bill No. 309-32 (COR), as substituted, An Act to *Add* a New Section 7 to Chapter I of Public Law 32-068 and to *Repeal* and *Re-Enact* Section 13109(a)(5), Chapter 13 Title 2 of the Guam Code Annotated, Relative to prioritizing the uses of additional Section 30 Revenues and to increase Transparency and Accountability in the reporting of Section 30 Revenues to be received by the Government of Guam to be known as the "Supplemental Appropriations Act of 2014"

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
 Vice Speaker BJ Cruz Vice Chairperson	✓				
 Speaker Judith T. Won Pat Member	✓				
 Senator Tina Rose Muña-Barnes Member	✓				
_____ Senator Dennis Rodriguez, Jr. Member					
 Senator Michael San Nicolas Member	✓				
_____ Senator Tommy Morrison Member					
 Senator Michael Limtiaco Member			(M)		



Committee Report

Bill No. 309-32 (COR), An act to *add* a new Section 7 to Chapter 1 of Public Law 32-068 and to *repeal* and *re-enact* Section 13109(a)(5), Chapter 13, Title 2 of the Guam Code Annotated, relative to prioritizing the uses of additional Section 30 revenues and to increase transparency and accountability in the reporting of Section 30 revenues to be received by the government of Guam.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on May 23, 2014 at 8:30 am in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets and newspaper of general circulation on May 16, 2014 (5-Day Notice), and again on May 21, 2014 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Speaker Judith Won Pat
Senator Rory Respicio
Senator Frank Aguon, Jr.
Senator Tommy Morrison
Senator Anthony Ada
Senator Chris Duenas

(b) Appearing before the Committee

Mr. Jose Q. Cruz, Ed.D, Chairman of Guam Education Board
Mrs. Maria A. Gutierrez, Vice Chairperson of Guam Education Board
Mr. Ronald A. Ayuyu, Member of Guam Education Board
Mr. Kenneth P. Chargualaf, Member of Guam Education Board
Mr. Jon J.P. Fernandez, Superintendent Department of Education
Mr. Christopher Budasi, Controller, Judiciary of Guam
Mr. Lester Carlson, Jr., Public Finance Manager Guam Economic Development Authority

Office of
the People

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
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and Land

Member
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Member
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Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

(c) Written Testimonies Submitted

Mr. Joshua Tenorio, Acting Administrator of the Court, Judiciary of Guam
Mr. Kenneth P. Chargualaf
Mr. Jon J.P. Fernandez, Superintendent, Department of Education
Mr. Lester Carlson, Jr. on behalf of the Governor of Guam

II. COMMITTEE PROCEEDINGS

Chairman Vicente Pangelinan: We will now proceed to the bills that have been proposed. Bill 309 is a bill that was proposed by myself and Vice Speaker B.J. Cruz, An act to *add* a new Section 7 to Chapter 1 of Public Law 32-068 and to *repeal* and *re-enact* Section 13109(a) (5), Chapter 13, Title 2 of the Guam Code Annotated, relative to prioritizing the uses of additional Section 30 revenues and to increase transparency and accountability in the reporting of Section 30 revenues to be received by the government of Guam. If you recall, section 30 revenues are referred to as cover over revenues from the federal government from the withholding taxes of military and federal personnel living and working on Guam.

(a) Bill Sponsor Summary

Chairman Vicente Pangelinan: The bill would ensure that section 30 revenues, which are covered over from the federal government for the following fiscal year at the end of September every fiscal year is a one-time payment. We have seen over the last couple of years where there have been additional revenues of section 30 garnered through reconciliation and audits in which there have been increases in section 30 revenues to the government of Guam.

In PL 31-77 the FY2013 Budget Act, the administration informed the legislature there was \$53million-451 in section 30 revenues that would be remitted to the government of Guam. The actual receipt of section 30 revenues subsequent to the enactment of the public law was \$58 million - a difference of over \$5million that was hidden. The legislature was not informed and not known to the legislature to be available for appropriation for things like education, public health and public safety. In FY2014 there was additional revenues that were remitted to the government of Guam after the adoption of the FY 2014 revenues. This additional revenue amounted to \$15 million-333630, and once again this was done after the passage of the budget and the legislature only found out about it afterwards. And so what this bill would do because these revenues are adopted at the beginning of the fiscal year that any additional sec 30 revenues received after the adoption of those revenue numbers will be deposited into the supplemental appropriations reserve fund commonly referred to as the "SAR" fund and this money would be available for appropriation by the legislature for the other operational needs of the government of Guam.

This is revenue over and above the adopted revenues and the budget for the government of Guam when the revenues are received. We have reason to believe that there may be additional revenues coming to the government of Guam through the reconciliation process that may amount to as much as \$20million in this fiscal year alone and this is revenue over and above the adopted

revenues of the government of Guam. This bill would also then use additional revenues, should it come in, for the following purposes: The full balance of the unpaid GDOE, Judiciary, UOG, GCC, MCOG, OPA, OAG, PDSC, GMHA and Executive Line Agency employees under the general hay plan. So the additional revenue would fully fund the hay plan which was only funded 50% by the administration.

Secondly it would allow and set aside \$10million to GDOE to expand GWHS to accommodate additional student population, rehabilitate and refurbish the high school at GW. Third, it would fund a new recruiting cycle of up to 20 full-time Police Officer I positions at GPD, such funds as necessary to recruit within the prosecution division and witness victims, Ayuda services within the Office of the Attorney General, two Assistant Attorneys General, two Paralegals or basically a prosecution team. Sums necessary to pay the retroactive salary increments to law enforcement officers pursuant to PL 29-105 and then the other sections of the bill would set up accountability and transparency reporting mechanisms for any additional funds received by the government of Guam.

So at this time I would like to go ahead and call - you are all up here, that's fine. I would then recognize the panel, ask the panel since they have all decided to come up, to introduce themselves, decide who goes first and then we will begin receiving public testimony. I also wanted to before allowing you to proceed, thank Senator Rory Respicio, our majority leader, and Speaker Won Pat who is also with us this morning. Si yu'os ma'ase and thank you for joining us.

(b) Testimonies

Mr. Jose Cruz, Ed.D: Mr. Chairman, thank you and good morning. I will begin by saying that in my preparation the intention here and the title of the bill is beautiful and on mark but in reading further if we are to understand its meaning, I think this can be reconciled and add this to the supplemental and we can still push for accountability and transparency. But right now the intention of the bill hides the intention that it is bad for the Department of Education. The intention of the title of the bill appears to be very laudable in regard to the Section 30 money, which I yield, is really the purview of the Governor and this Legislature. However we are really bystanders for some of the benefits that come in especially in light of the supplemental. So I want to reiterate that this thing can be resolved through the supplemental process, which by the way the GDOE has already started the reconciliation process and I really do urge as an elder of the community looking to propose us as models. We need to demonstrate to our community to our children that we can talk about this but of course we have to talk about it publicly - that's part of the basis of really what is. I'd really like to walk through a little about the testimony that I gave you. We can anticipate the possible problems that may arise.

We do not support this bill especially the treacherousness that may come of it - the complications to the Department of Education. We do not support the bill especially in light of one of the major intention, which is to undo some of the policy decisions that have already been done by the legislature and some of the policy decisions that we have worked towards fulfilling. Because we only have 180 days to educate our children, there is a serious time constraint that we have. There is a serious impact of following the law and then being told that it's going to change. The bureaucracy needs time to turn around but I'm not proposing that we can't do it. I'm proposing

that the complication adds more cost as opposed to relieve costs of what we're doing. The legislation would have pocketed section 30 money, which is good. And part of that is our own appreciation that the money is going to be devoted to funding the 50% of the competitive wage act. That is beneficial and that we really liked. That is good. It will provide for GW to accommodate the student population. It is a policy and it should have a number that states a specific number of enrollment and that if it is over that enrollment it would be overcrowded and we would be adding complications to the thing.

We have lost the intention on that and that goes to the intention of Senator Kasperbauer - proposes and this is really some of the things that should be guiding us. We called attention to the legislature that we really do need additional schools. We really need additional schools because the present schools cannot.... the response that you did was the expansion of Tiyan. When we expanded Tiyan it added some complications because it made the school bigger than the original intention to make it be manageable. In addition do we know that Tiyan did not have some of the infrastructure that we really need to be there and that we say it was because of the partnership we have. It was a turn-key project. We don't necessarily get involved in that so we are sometimes just hidden partners or partners on the side. We whisper really and say please; be on the lookout for this one. So that we thank you for addressing that. So that we say is laudable in this bill.

But the more serious dimension is what I call to your attention is that is GW is really renovated that everything else goes back. When you make everything go back and some of the money that is associated with that includes the moving of the central office. We can't go back to a dilapidated building; we can't go back to a building that doesn't belong to us. It belongs to the Legislature. If you can renovate it quicker than quick then I think we would appreciate that. But we cannot go back. We cannot go back with that very serious aspect of the bill. In addition, what we have done is bought collateral equipment. We have started the move from Hagåtña to Tiyan. Again, we already started Headstart [program] and are already at Tiyan. And if we're saying that some of these people will have to be moved back unless you consider that Headstart is not really part of your central office then they may have to go back. Again you're going to try to separate us and we are trying to centralize as much as we can. Those two basic notations, I say we object and we do not support the bill as it is presently. It really has to do with some major revamping in order for us to make it be acceptable. And we would be willing, more than willing to assist in addressing from the objections that we have raised.

The other final very important to mention; where are we going to find the money we need to build high schools because we don't. With the addition of the military buildup it's really going to further complicate the situation that we are in. Those are the, not hidden complications but after the complications that we have discovered, in opening up the language of the bill. Thank you for the assistance you have provided and demonstrated to us but I remind you to please, let's work a little more closely so that we can and we offer really that this be again done in a bit more substance of reconciliation, substance of the supplemental and really is substance of accountability and transparency that we are really being transparent and accountable to you too. But we are partners altogether in this one. Thank you.

[Submitted written testimony on behalf of the Guam Education Board. See attached].

Chairman Vicente Pangelinan: Thank you.

Mr. Kenneth P. Chargualaf: Honorable Speaker Won Pat, Mr. Chairman and other members of the 32nd Guam Legislature, good day.

[Read written testimony verbatim. See attached].

Chairman Vicente Pangelinan: Thank you Mr. Chargualaf.

Mr. Ronald A. Ayuyu: Good morning Honorable Speaker Won Pat and Chairman Pangelinan and senators. My name is Ronald Ayuyu. I am a parent and also a Guam Education Board Member. As you know, the Chairman said we are not supporting Bill 309. Senators, we are in support of not moving any staff out of Tiyan. That building right now, some of the offices are leaking. As an experienced former employee of the Department of Land Management I used to work at that building. I can tell you right now that in my experience that building is old and they have rats in that ceiling. We have experienced staff getting sick there. Restrooms also have rats. I believe that we have to protect our employees to make sure they function and they don't get sick. If we don't protect our employees at the Department of Education to do their job we will have a lot of people getting sick in that building. So if we are moving them out of Tiyan that's another solution for them to move so that we can't function the Department of Education and not only did we open the new school, we had a public hearing for our new students to move into Tiyan to eliminate overcrowding at GW. As you know this bill is to expand 2,700 students to have additional classrooms. But if you put these staff out of Tiyan again, that's a lot of work, Senators. We are moving forward to make sure that our school is prepared for 2014-2015 for a new high school in Tiyan. If we do this again and we move them out, that's a lot of cost again. So Senator, reconsider this bill because the department worked hard to inform the public. Thank you.

Chairman Vicente Pangelinan: Thank you very much. Ms. Gutierrez.

Mrs. Maria A. Gutierrez: Good day. I guess I made all the younger ones go first. Dr. Cruz said elders on this table. I am the oldest. I am older than all you there. Good day and good morning. Speaker Won Pat, Chairman Pangelinan and all the senators up there. My name is Maria Atalig Gutierrez. I am a parent, grandparent and great grandparent. I hold three titles and the number four title is I am the Vice Chair of the Guam Education Board. My testimony is coming from my heart. I tried writing it last night because I wanted to tell you how I felt about this proposed Bill 309-32.

I have been involved in education, not as a board member but as a parent advocate since 1991 to now. People would ask why do you want to continue being stressed? I say no, it is a commitment that I made that as long as she is as healthy as my 93 year-old mother, I will continue and I know that she is watching. She told me to watch my blood pressure but in the Atalig clan we do not have that problem. What I have to say may hurt some of you, may make you feel like you ate the hot pepper but it's coming from my heart and I am the person that will tell you like it is. Thank you for giving us the opportunity to be here this morning on this Bill 309.

You have heard my three colleagues that we do not support this bill. It is unfortunate that Bill 309 as introduced has decided to use the Department of Education students and our public educational system as bait in the political arena in the conflict of the administration. Please stop using the public schools and the Department of Education in your issue with the administration. In all my years in education, whenever you don't agree with the administration, you introduce legislation to change things. You have given us the power as a policy board to work with the superintendent for our children in our public schools.

Many parents can't afford to pay for private school. I have tried it and it hurts. But please don't use the children as bait or lure. Let's work together, when you sit up there, there are no democrats or republicans or independents. You only have one purpose, one crown and that is the children of the Department of Education. This is what I was telling my granddaughter last night. She says grandma, what are you doing? Why are you talking to yourself? I'm preparing my testimony for tomorrow. Nevermind, grandma. After college I am going to major in political science. I'm coming back to Guam and I'm going to be one of those senators. And I am not going to do what they are trying to do to the public school kids. All I'm asking senators is to give us that flexibility, give John Fernandez that flexibility for us to work. Let's work together.

There is so much time already that the hardworking employees of the DOE that have put into this to get us into Tiyan. Regardless of who owns Tiyan or regardless of who is in the administration, let's stop that. I met two of the administrators yesterday that are working on this transition. They looked at me and said, Mrs. Gutierrez is it worth it? I said, why? They said, all this work that we're doing and look at Bill 309. One of them said she was going to resign and go into the private schools. This is frustrating. Senators, please. You mandate a law that the board's role is not to micromanage so please do not micromanage the DOE. Let the board and the superintendent and all the employees' work on this.

Twenty-seven hundred students at GW - I know some of you senators have a very big concern about overcrowding. I know that. I have been in the system too long and you are going to put 2,700 students there? Try going there in the morning and tell me that honestly, can you walk fast? No, you are going to bump into each other. I challenge you to try going there. I challenge you.

We have board meetings where parents that come before the board, teachers, students and you know what? They put us in a spot. What are you guys going to do about the overcrowding? We are the ones getting hit senators, not you. Sometimes I bite my tongue and say you know what, they are right. Can you help us build a new school? Help us build a new school because we need to address this. All the public school system, the schools are in need also of repair. Some of these schools are older than any of you. But they are doing our best. All that I'm asking you is please let's be one heart, let's get together and work for the children of the GDOE; put politics on the side. I was talking to my cousin from the CNMI who is a senator, and asked what is going on in Guam? Over here we don't meddle with education.

I beg you; if I am to read all of my testimony you will need Kleenex because you will cry because I am saying what is hurting me. Let's stop this and leave us (the board) and the superintendent alone to do our job. We don't support this bill. How would you feel if you did

things to your house and then you are told to move this or that away, your feelings will get hurt and it will bother you. Even if you have no children in the public school system but those who voted for you have children in the public school system. All I am asking of you is that we hold hands and let's move forward. Do not micromanage John Fernandez and the operations and so do the same with us. Don't take what I said to you make it hurt your feelings because I am saying what is in my heart. This is all done and over with if we should run into each other. I will kiss you and we hold each other's hand. Thank you

Chairman Vicente Pangelinan: Thank you very much. Mrs. Gutierrez.

Mr. Jon Fernandez: Hafa adai and good morning Mr. Chairman, Speaker Won Pat, members of the committee. There is absolutely no way to follow Mrs. Gutierrez in her testimony but I do want to recognize Dr. Cruz, Mr. Chargualaf, Mrs. Gutierrez, Mr. Ayuyu as members of the board to testify on the board's position on Bill 309 and I am here to join the board in expressing opposition to Bill 309.

What you see before you is very much a board generated discussion and position on the bill even though there wasn't an opportunity to formally take a vote. I would say that the members have had an opportunity to review and discuss the language and have come here in their capacity to testify as to their positions. I think this goes to show you that what we are talking about here with regard to facilities, and with regard to Tiyan and with regard to the direction that we want to go with the department that a lot of these same issues that you are raising here have already been struggled with and dealt with and discussed at the board level out in our village communities. As we've gone through looking at the attendance areas with the superintendent and with our employees, we looked at our budget resources and as we've looked at our facility needs we are very aware of some of the issues that have come before you that you are looking at. But I would say with full confidence that this board and the Superintendent have been working with these issues and have determined the path forward and have been working very hard to accomplish our vision and accomplish those tasks ahead together as a team and I really appreciate the fact that we are all able to be here to echo the same sentiments. I won't go into my detailed testimony except to hit some of the high points but I do have some copies for the committee to read later and for you to enter into the record. As Dr. Cruz testified, we are not here as experts in managing the government's overall fiscal condition or projecting revenues and we know that that is an issue that is here before you and we leave that to the legislature, to the executive branch to determine how best to appropriate those resources to support the government. I do want to go through five quick points.

The first is with regard to full implementation of the Competitive Wage Act. As you know and as you've tried to address our non-instructional employees are getting 50% of the Competitive Wage Act and we support full funding for them. The administration is charged with implementing the Competitive Wage Act and we've been working with them through these first months to address those issues and we would like to of course, hear the administration's plan to fund any implementation that happens prior to the fiscal year. But obviously through fiscal year 15 we would expect through that budget process we would address those longer term questions of how the CWA would be funded. But just so that our employees know, we do support having

that 50% that remains in the balance funded ultimately so that they can achieve the benefits of the implementation of the new wage scale.

Number 2 is that I do want us to echo the sentiments that you expressed, Senator Pangelinan that we do support George Washington High School. In fact, we support all our schools in terms of the needs of their facilities and I do want to just acknowledge that in the last appropriations act you did put in funding to help GW with their track. That work has started and after Relay for Life we'll start in full force so that we do have a track and field ready to go for the coming school year and our George Washington community is going to appreciate that very much. But because of the vast needs that we have across our facilities we've really been relying on the legislation that Speaker Won Pat has passed and those are Public Laws 32-120 and 32-121 and that identifies a revenue stream to be used to address the needs of Simon Sanchez High School. Given the fact that we were very close to closure of that facility this school year, to help us to develop a master facilities plan that will enable us to prioritize the needs of our schools based on our demographic trends, based on our resources, based on our available land so that we can look at the school system holistically and be able to address those needs and then to be able to use that facilities plan to address all schools.

Now in a letter sent to Governor Calvo last week expressing those facilities priorities and urging for the completion of the RFP to go out and facilitate the implementation of those two public laws, we did provide a listing of schools that we believe need to be addressed in priority but subject of course to the recommendations coming out of the master facilities plan. We know George Washington High School is at the top of that list and I have a copy of that letter for you if you would like to see that. We know that our secondary schools are in fact have the greatest needs because of the foot traffic, the age and wear and tear and so when we do execute this and we do execute the RFP and have the developers come in and a plan developed we expect that the secondary schools will get a lot of the attention because of the fact that they have expressed the greatest needs.

If you talk to our parents they reflect the same sentiments. We see a lot of participation and enrollment in our elementary schools but once they get to middle school there are a lot of questions that parents have about whether they can send their kids to schools of a certain population, certain facility conditions and that is where we don't want to lose our kids. We want them going throughout our school system until they graduate. With the resources dedicated to GW it has in fact been the discussion of this board that we do not want to maintain a population of 2,700 much less higher and so our efforts even with the resources to modernize the school are to support a smaller more manageable operation that allows us to not have to deal with these operational challenges and focus more on the instructional outcomes and a learning environment that we know that our kids deserve. So, I believe that even if we did have the resources for GW it would be to address the facilities but not anywhere near that level.

Right now with the proposed attendance areas, we are looking at high schools that for the most part are going to be around the 2,000 student level and that's at maximum capacity. That's what we are intending - and then a couple of schools that are lower than that but that's really the target in terms of enrollment. I know that for those who have worked in the school system - I know that Mr. Chargualaf mentioned JFK; we currently have 2,700 students and he can tell you how

challenging it is to focus on instruction in the classroom when you do have to deal with these facility challenges.

With regard to the Tiyan policy and activity, this potential reversal of these decisions really complicate what we are trying to get done here because we are working very hard. In fact, we had an all hands on deck meeting yesterday and I told my team, “we know that it’s very hard work that we are all doing here with regard to the central office, with regard to Untalan being back in its renovated campus and with regard to opening a new high school. And I told them in September, when you look back, we’re going to say that we did an amazing thing here—to be able to manage those three very highly complex projects in such a narrow time frame that you should pat yourselves on the back and we’ll recognize that hard work and that effort and we’re going to show everyone that we can accomplish the things we put our mind to it. And what I need them to do is keep going, to recognize the hard work, the flexibility needed and the challenges that we’re going to have over these several weeks in order to get things done. And it’s a hard task just to keep everybody on task and rolling and moving forward because like Mrs. Gutierrez said obviously we’re spreading our resources thin trying to get everything accomplished.

I do want to say with regard to Tiyan we do appreciate the support of the Barrigada community, Mayor Blas who said to us at our village meeting, finally we’re going to have a high school of our own and a middle school of our own that we can be proud of and support. So we’ve asked her and the other mayors who are going to be impacted to help us through the summer to get these things done. I want you to know that at the ground level, there is a lot going into the scheduling, the moving, the physical and intellectual labor. We’re working not only as a department but working with, because we are tenants, we are working with the government of Guam through the governor’s office and with Coretech to manage and get everything done so you’ve got a tri-lateral basically committee working through these complications. But at any rate we are committed to getting the work done.

I think the issue that Mrs. Gutierrez raised knowing that there is a possibility these things are permanent or could change makes it harder to keep focused and keep moving in the same direction. But I’m holding our team to that task and to those goals. There is a proposal on the bill that would prevent new construction on that campus or at least being able to leverage tax credits. So as I’ve said before, we are tenants. We didn’t negotiate the lease, we didn’t negotiate the funding. We just have been abiding by what the executives have been doing, what the legislature’s authorized to be able to be done on that campus. But at the same time knowing that there was consideration of a new gym, sports facility on the campus of Tiyan High School, consideration of warehouse space and more office space at the campus, I will say this, our priority is to make sure that the students of Tiyan High School have that complex and if anything we would prioritize those needs and ask that at the very least be supported, that we have a new gym because we know that those are the first calls we are going to get from those parents and from the students about when that gym will be available. And so I know that we are all on the same page and we know that will happen with the high school.

With regard to the central offices, our employees are happy to be up there just because we know the conditions of our current building. And so, as hard as it is, we’re going to have to be very

flexible, we may have to find additional storage space to address our storage needs, we're going to have to get used to a different office environment up there but overall the conditions of the buildings are much better than what we have. Right now we have flooding that happens. When it rains we have vines that have crawled into the outside and growing into the buildings. We do have occasional; you can hear the footsteps in the drop ceiling from rats. Air conditioners are going down; it's not that we can't fix them, but because we know we're moving, we're trying not to invest too many resources into the building to kind of do the band aids and fix it up because we're hoping that we won't have to deal with those issues very soon and we want to focus on moving.

So at the very least, if we can do the gym the office and warehouse we can wait on. But you know that the office space will allow us to consider further consolidation. For instance, special education occupies significant space at Chief Brodie Memorial School and if we were able to take those functions up to Tiyan that would be an opportunity for us to discuss the educational environment and needs using that school campus instead of using it as an office. But that was one of the considerations; the status quo was that they would remain there.

And then the additional issue was with the warehouses. If we have the warehouses, we are planning to move from our Piti warehouse and at least the receiving warehouse, which has been an issue for us with regard to our federal oversight. We do have a visit from the U.S. Department of Education this summer and we were hoping to be able to say that the direction we were going was to put those functions up at Tiyan in a much more secure warehouse versus investing resources to repair slowly dilapidating and aging warehouse in Piti. So that was the consideration. Obviously status quo would have us remain in Piti. I think that the next point which Mrs. Gutierrez, Mr. Chargualaf mentioned, Dr. Cruz, Mr. Ayuyu, that the board and the superintendent are really working well together trying to address these issues as a team. Now we have our disagreements here and there and in fact, as we were going through this discussions on attendance areas and the high school and what we were going to do, we had a lot of heated decisions. In fact, we were as an administrative team, were pushed to go do much more work to make sure that the board had all the information it needed to make the decisions about the high school and attendance areas so I would say that we would ask for that support for what we've come to today in terms of the direction policy wise and operationally at the department.

And then finally, I do want to raise this issue and I wanted to take this opportunity, I know that you have been corresponding with me and I've corresponded with you and with the governor that we do have immediate needs and those needs reflect the needs on our operating budget and so even though this may not be immediately germane because we are looking at resources in the department, I'm very concerned about this gap that remains with regard to the TEFF funding both in FY13 and FY14 which essentially leaves the department 7 to 8 million dollars in the hole because the budget was built on revenues that were not realized and are not expected to be realized until FY15 and these are revenues coming out of the re-evaluated properties that we expect would increase our tax base and tax revenues.

So, I would just throw that in there because there are needs that we do have. We did want to let you know of that issue and I know you are aware of it. We did let the governor know the same way we let you know through asking for that consideration. We met with the governor to add

that to make sure it was on his fiscal radar. And so we have not yet resolved it but we wanted to say that these are pressing needs that we do see that we would like to see addressed. Thank you. Superintendent Fernandez did provide written testimony that is attached.

Chairman Vicente Pangelinan: Thank you for your testimony. First of all I want to just clarify for the record that this bill does not address the administrative offices whatsoever. This bill only addresses the Tiyan High School. Secondly, I understand the board and your plans but understand that the direction you are moving in with regards to Tiyan is going to cost this government \$256 million dollars. That's what it's going to take to continue to support Tiyan to exist according to your plans and we don't have \$256 million dollars. Now if you go back and give me some suggestions on how we're going to fund Tiyan at \$256 million dollars then maybe we'll consider letting you guys stay up there or letting the government of Guam stay up there cause as you said you're a tenant. But you're a tenant, you have your needs, you develop your plans and then it's up to this legislature to fund it and the governor is requesting that this legislature fund your plans for Tiyan. His plans for Tiyan in terms of buying that property to the tune of \$256 million dollars and we just don't have that money. So that's why we had thought that if we get additional section 30 revenue we can do it. You mentioned that JFK has 2,700 students. Is anybody complaining about overcrowding?

Mr. Jon Fernandez: [inaudible] It will be addressed. So the Tiyan High School addresses both JFK and GW and then Okkodu's expansion into JFK.

Chairman Vicente Pangelinan: What our intention here is that you can have Tiyan as a temporary but we can't afford to buy it. You can have Tiyan and run a 1 or 2 year program there in terms of making some issues and making some changes in the other schools. But why would you want to buy it? I don't think the students at JFK would be happy. They were charged up because they were happy to move in there because they knew that the new one was being built. But if you tell them this is your school and this is yours forever, I don't know that they are going to be as happy moving into that temporary facility. So in that respect, I certainly appreciate the input of all the members of the board and of course the superintendent and we'll continue to work and go through these issues. But it is that challenge that I understand all the desires but the bottom line is that if we proceed with all of the plans that you have and the administration has with regards to Tiyan, we're going to have to come up with an additional \$256 million dollars and we just don't have it. So that's what we're looking at on this side of the table and so forth but certainly appreciate the insight and the testimony this morning. Speaker Won Pat, did you have any comments? Senator Respicio? Senator?

Senator Aguon: Thank you very much Mr. Chairman, Mr. Speaker. I really appreciate the input that you all provided. I think it goes without saying that there is a need for another high school. I don't think that's being refuted right now. But if we look at, for comparative purposes, the construction of JFK high school on government owned property, I believe it's costing the government of Guam in the neighborhood of \$222 million dollars over the term of the arrangement. That in comparison to the \$256 million dollars of procuring and purchasing that facility, you know, if the price was perhaps much less then looking at the facility ensuring that the integrity is there that it would last for the foreseeable 20-30 years because of the structure

obviously it's pre-World War II or World War II structure, so they're fairly strong and sturdy. But those are factors that we need to consider.

I think that there was a comment that was shared in regards to the legislature trying to use our kids. The way I look at this is here's a proposal and it's an idea that would address, perhaps there are some components that need to be revisited but would address providing additional resources to the Department of Education. I look at it from that perspective and knowing full well that all of you understand this legislative process. Things change over time as it's addressed with the committee, as it is addressed on the floor so that hopefully at the end of the day you would get additional resources.

Mr. Superintendent, Mr. Fernandez you have highlighted that you were shy \$7.5 million dollars in FY13 and approximately \$8 million dollars in FY14. So, looking at this legislation and saying realistically if these resources are available, could these resources be redirected so that in fact it would take care of your operational funds for this fiscal year? Perhaps you don't agree with every single provision and some of you have highlighted that and I appreciate that. It's just that I look at it as also should the resources and the funds be available it's another opportunity for us to be able to direct some of these resources to the Department of Education so I appreciate your comments and Mr. Chairman certainly hope that we can take into consideration some of the concerns that have been expressed. Thank you Mr.Chair.

Chairman Vicente Pangelinan: Absolutely, thank you senator. Gentlemen, ladies, thank you for your testimony this morning. I also have Mr. Lester Carlson who wishes to testify.

Mr. Lester Carlson: [Read written testimony verbatim. See attached]. Once again, this is testimony on behalf of Governor Calvo.

Chairman Vicente Pangelinan: Thank you very much. Please express our deep appreciation for his testimony. Mr. Budasi.

Mr. Christopher Budasi: Before I begin, Chief Justice Torres and the acting Administrator of the Court Joshua Tenorio extend their apologies for not being able to be here today. They are both attending a juvenile justice summit in the mainland. I'm also joined here today by my colleague Human Resource Administrator, Bobby Jean Perez, Attorney Sophia Santos Diaz, Chief Marshal of the Court Ed Toves and Chief Probation Officer John Lizama. So on behalf of the Acting Administrator, I'll just read his written testimony regarding Bill 309.

[Read written testimony verbatim. See attached].

Chairman Vicente Pangelinan: Thank you very much Mr. Budasi. Any questions? If not, thank you very much Mr. Budasi for your testimony this morning. We've had a request and I hope that we can accommodate this request to have, [inaudible]. Yes. There is no additional testimony on Bill 309, is that correct? Speaker.

Speaker Won Pat: Thank you very much. In all the years in the legislature I have never really seen or heard testimony such as what has been delivered by Lester Carlson and if anything else, I think this is slanderous and just to use all the words the campaign begins, the election year

politics, yes, cut the politics and stick to the issue. Most recently even when we went through the public hearing for the SEIS is that stick to the issue and apparently that is not the case here. And I'm very; it's really disheartening to hear such a testimony.

Chairman Vicente Pangelinan: I agree madam speaker, I just didn't want to dignify it at all.

There being no further comments or questions, we'll go ahead and adjourn this public hearing. Thank you and Si Yu'os Ma'åse todus hamyo.

This concludes the testimony on Bill No. 309-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at office@guam.net or through our website at senbenp.com

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 309-32 (COR), as substituted, with the recommendation TO PASS

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 309 -32 (COR)

Introduced by:

V.C.Pangelinan
Benjamin J. F. Cruz

AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.

2014 APR -8 PM 4:33

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

2 **Section 1. Legislative Statement and Intent.** *I Liheslaturan Guåhan*
3 finds that it is imperative for the proper planning and prioritization of uses for
4 unexpected General Fund revenues received by the government of Guam. Over the
5 previous two fiscal years, *I Liheslaturan Guåhan* has not been provided all the
6 proper updates relative to the prior, current, and future fiscal year estimates,
7 reconciliations, receipts, overpayments, underpayments, advanced requests for
8 subsequent fiscal years, receipt of United States Department of Treasury warrants
9 or notices of garnishments, and/or discussions related to Section 30 revenues
10 received or to be received by the government of Guam. *I Liheslaturan Guåhan*
11 relies on the Executive Branch to provide such updates and correspondences as it is
12 the Executive Branch that carries out the administrative and executory nature of
13 receiving Section 30 revenues.

1 As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to
2 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that in
3 Section 2(I)(B), Chapter I, of Public Law 31-77 (General Appropriations Act of
4 Fiscal Year 2013) included an estimate of General Fund revenues from Federal
5 Sources of Fifty Three Million Four Hundred Fifty One Thousand Five Hundred
6 Nineteen Dollars (**\$53,451,519**) whereas the actual receipt of Section 30 revenues
7 subsequent to the enactment of Public Law 31-77 was Fifty Eight Million Four
8 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a
9 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars
10 (**\$5,027,190**) that was hidden and thus heretofore not known by *I Liheslaturan*
11 *Guåhan* to be available to appropriate for education, public safety, and public
12 health related services.

13 *I Liheslaturan Guåhan* further finds that the receipt of funds for Section 30
14 revenues for Fiscal Year 2014 included an additional Fifteen Million Three
15 Hundred Thirty Three Thousand Six Hundred Thirty Dollars (**\$15,333,630**) that
16 was unexpected by *I Liheslaturan Guåhan* and was not included in budget
17 deliberations in legislative session and was further made not known by *I*
18 *Liheslaturan Guåhan* to be available to appropriate for education, public safety,
19 and public health related services as a result of the lack of notice or update by the
20 Executive Branch of such additional Section 30 revenues.

21 Such additional Section 30 revenues received at the same time Section 30
22 revenues were received for Fiscal Year 2014 were included in the Bureau of
23 Budget and Management Research's (BBMR's) Consolidated Revenue and
24 Expenditure Report (Report) for the twelve months ending September 30, 2013
25 and were not included in *any* of BBMR's Reports for each month in Fiscal Year
26 2014 through February 28, 2014.

1 *I Liheslaturan Guåhan* further finds that *I Maga'låhen Guåhan* expended
2 such additional Section 30 revenues for the payment of unpaid income tax refunds
3 *only* after members of *I Liheslaturan Guåhan* urged such action and utilization of
4 such funds.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the
6 legislative responsibility and authority granted to it pursuant to the Organic Act of
7 Guam is preserved through prioritizing any excess or additional Section 30
8 revenues received during Fiscal Year 2014 for specific purposes as well as
9 increasing transparency and accountability of the Executive Branch in providing
10 *any* and *all* correspondences relative to Section 30 revenues to and from the
11 Executive Branch.

12 **Section 2.** Section 7 is hereby *added* to Chapter I of Public Law 32-068 to
13 read:

14 “**Section 7. Excess Section 30 Fund Revenues.** Notwithstanding any other
15 provision of law, *any* Section 30 Funds received by the government of Guam in
16 Fiscal Year 2014 above the adopted revenues for Section 30 Funds in Section
17 2(I)(B) of this Chapter *shall* be transferred to the Supplemental Appropriations
18 Revenue (SAR) Fund and is hereby appropriated from the SAR Fund for the
19 following purposes, in the following order of priority:

20 (a) such sums as are necessary to pay the full balance of the unpaid
21 fifty percent (50%) owed to the Guam Department of Education, Unified
22 Judiciary of Guam, University of Guam, Guam Community College,
23 Mayors' Council of Guam, Office of Public Accountability, Office of the
24 Attorney General, Public Defender Service Corporation, Guam Memorial
25 Hospital Authority, and Executive Branch Line Agency employees under the
26 General Pay Plan pursuant to the Competitive Wage Act of 2014 for Fiscal
27 Year 2014 beginning on the date of the enactment of this Act;

1 (b) the sum of Ten Million Dollars (**\$10,000,000**) to the Guam
2 Department of Education (GDOE) to expand the George Washington High
3 School (GWHS) campus to accommodate a student population of *at least*
4 two thousand seven hundred (2,700) students. *All* students, teachers,
5 administrators, staff, and government of Guam employees transferred to the
6 Tiyan High School *shall* be transferred out of the Tiyan High School to other
7 schools or GDOE offices upon completion of the expansion of the GWHS
8 campus. Notwithstanding any other provision of law, the GDOE *shall not*
9 transfer *any* students from any school, into the Tiyan facilities for use as a
10 school subsequent to the transfer of students out of the Tiyan High School
11 upon the completion of the expansion of the GWHS campus.
12 Notwithstanding any other provision of law, *no* tax credits *shall* be
13 authorized to construct a new GDOE gymnasium, GDOE office, GDOE
14 warehouses or mezzanines for such warehouses within the Tiyan facilities in
15 Fiscal Years 2014 and beyond;

16 (c) such sums as are necessary to recruit twenty (20) full-time
17 Police Officer I positions at the Guam Police Department for Fiscal Year
18 2014;

19 (d) such sums as are necessary to recruit for the Prosecution
20 Division and Victim Witness *Ayuda* Services within the Office of the
21 Attorney General which *shall* include two (2) Assistant Attorneys General,
22 two (2) Paralegals I, two (2) Legal Secretaries I, one (1) Investigator I, and
23 two (2) Victim Advocate positions;

24 (e) such sums as are necessary for the payment of required
25 retroactive salary increments to law enforcement officers pursuant to Public
26 Law 29-105 owed to Unified Judiciary of Guam, Office of the Attorney

1 General, Public Defender Service Corporation, and Executive Branch Line
2 Agency employees owed such retroactive salary increments.

3 **Section 3.** Section 13109(a)(5), Chapter 13, Title 2 are hereby *repealed*
4 and *re-enacted* to read:

5 ~~“(5) (A) No later than fifteen (15) days after the end of the third~~
6 ~~quarter of each fiscal year, I Maga’lahen Guåhan (the Governor of Guam)~~
7 ~~shall make available in a report to the Speaker of I Liheslaturan Guåhan and~~
8 ~~the Office of Finance and Budget all correspondence between the United~~
9 ~~States Department of the Treasury, the Department of Interior, the Office of~~
10 ~~Insular Affairs, or its successor, and any other entities of the United States~~
11 ~~Government related to prior and future fiscal year estimates and~~
12 ~~reconciliations of duties, fees and taxes (also referred to as Section 30 funds)~~
13 ~~remitted prior to the commencement of the forthcoming fiscal year.~~

14 ~~(B) The report shall also contain the Section 30 Cash Advance~~
15 ~~Request to the Secretary of the United States Department of the Treasury or~~
16 ~~his representative for the immediate forthcoming fiscal year.~~

17 ~~(C) Prior to the issuance of the report outlined in subsection (A), the~~
18 ~~Bureau of Budget and Management Research and the Department of~~
19 ~~Revenue and Taxation shall present to the Special Accounting Service all~~
20 ~~data and information used to develop the request outlined in subsection (B).~~
21 ~~The Special Accounting Service shall evaluate and certify by a majority of~~
22 ~~members, concurrence of the Section 30 Cash Advance Request by I~~
23 ~~Maga’lahi (the Governor) or provide a revised recommendation.~~

24 **(5) Section 30 Transparency and Accountability Reporting.**

25 (A) *No later than* fifteen (15) days after the end of each month of
26 each fiscal year, *I Maga’lahen Guåhan shall* submit a written report to the
27 Speaker of *I Liheslaturan Guåhan* and the Office of Finance and Budget that

1 provides a list of *any* and *all* correspondences sent by the government of
2 Guam to and/or received by the government of Guam from the United States
3 Department of the Treasury, the Department of the Interior and/or its Office
4 of Insular Affairs, or its successor, and any other entities of the United States
5 government related to prior, current, and future fiscal year estimates,
6 reconciliations, receipts, overpayments, underpayments, advanced requests
7 for subsequent fiscal years, receipt of United States Department of Treasury
8 warrants or notices of garnishments, and/or discussions related thereto of
9 duties, fees, and taxes (also referred to as Section 30 funds) during the
10 previous month. Such report submitted *shall* include a copy of each
11 correspondence as specified above.

12 (B) If during such month of each fiscal year, there are *no*
13 correspondence sent by the government of Guam to and/or received by the
14 government of Guam from the United States Department of the Treasury,
15 the Department of the Interior and/or its Office of Insular Affairs, or its
16 successor, and any other entities of the United States government related to
17 prior, current, and future fiscal year estimates, reconciliations, receipts,
18 overpayments, underpayments, advanced requests for subsequent fiscal
19 years, and/or discussions related thereto of duties, fees, and taxes (also
20 referred to as Section 30 funds) during the previous month, *I Maga'låhen*
21 *Guåhan shall* submit a letter to the Speaker of *I Liheslaturan Guåhan* and
22 the Office of Finance and Budget stating no correspondence having been
23 sent and/or received.

24 (C) If any correspondence required to be submitted pursuant to this
25 Section is deemed confidential and prevents submission to the Speaker of *I*
26 *Liheslaturan Guåhan* and the Office of Finance and Budget, *I Maga'låhen*
27 *Guåhan shall* state such confidentiality inclusive of a citation of local or

1 federal law preventing such submission and a written opinion by the
2 Attorney General of Guam supporting such non-submission that *shall*
3 accompany such written report.”

4 **Section 4. Section 30 Transparency and Accountability Reporting.** *I*

5 *Maga'låhen Guåhan shall* submit a report pursuant to the detailed reporting
6 requirements in Section 13109(a)(5), Chapter 13, Title 2 of the Guam Code
7 Annotated inclusive of all correspondences thereto related to each of the months
8 during the previous three (3) fiscal years prior to Fiscal Year 2014 and for the
9 months during Fiscal Year 2014 prior to the enactment of this Act. Such report
10 *shall* be submitted to the Speaker of *I Liheslaturan Guåhan* and the Office of
11 Finance and Budget *not later than* twenty (20) days after the enactment of this Act.

12 **Section 5. Effective Date.** This Act *shall* take effect upon its enactment
13 and apply prospectively.

14 **Section 6. Severability.** *If* any provision of this Act or its application to
15 any person or circumstance is held invalid, the invalidity *shall not* affect other
16 provisions or applications of this Act which can be given effect without the invalid
17 provision or application and to this end the provisions of this Act is severable.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 309-32 (COR)

As substituted by the Committee on Appropriations,
Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation, and Land

Introduced by:

V.C.Pangelinan
Benjamin J. F. Cruz

**AN ACT TO *ADD* A NEW SECTION 7 TO CHAPTER I OF
PUBLIC LAW 32-068 AND TO *REPEAL* AND *RE-ENACT*
SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM
CODE ANNOTATED, RELATIVE TO PRIORITIZING THE
USES OF ADDITIONAL SECTION 30 REVENUES AND TO
INCREASE TRANSPARENCY AND ACCOUNTABILITY IN
THE REPORTING OF SECTION 30 REVENUES TO BE
RECEIVED BY THE GOVERNMENT OF GUAM TO BE
KNOWN AS THE “*SUPPLEMENTAL APPROPRIATIONS ACT
OF 2014.*”**

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

2 **Section 1. Short Title.** This Act *shall* be known as the “*Supplemental*
3 *Appropriations Act of 2014.*” *Except* as otherwise provided by this Act, the
4 appropriations made by this Act *shall* be available to pay for obligations incurred
5 on *or* after October 1, 2013, but *no later than* September 30, 2014. *If* any
6 appropriation in this Act is found contrary to federal law, all other portions of this
7 Act *shall* remain valid.

8 **Section 2. Legislative Statement and Intent.** *I Liheslaturan Guåhan*
9 finds that it is imperative for the proper planning and prioritization of uses for
10 unexpected General Fund revenues received by the government of Guam. Over the
11 previous two fiscal years, *I Liheslaturan Guåhan* has not been provided all the
12 proper updates relative to the prior, current, and future fiscal year estimates,
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1 subsequent fiscal years, receipt of United States Department of Treasury warrants
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3 received or to be received by the government of Guam. *I Liheslaturan Guåhan*
4 relies on the Executive Branch to provide such updates and correspondences as it is
5 the Executive Branch that carries out the administrative and executory nature of
6 receiving Section 30 revenues.

7 As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to
8 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that in
9 Section 2(I)(B), Chapter I, of Public Law 31-77 (General Appropriations Act of
10 Fiscal Year 2013) included an estimate of General Fund revenues from Federal
11 Sources of Fifty Three Million Four Hundred Fifty One Thousand Five Hundred
12 Nineteen Dollars (**\$53,451,519**) whereas the actual receipt of Section 30 revenues
13 subsequent to the enactment of Public Law 31-77 was Fifty Eight Million Four
14 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a
15 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars
16 (**\$5,027,190**) that was hidden and thus heretofore not known by *I Liheslaturan*
17 *Guåhan* to be available to appropriate for education, public safety, and public
18 health related services.

19 *I Liheslaturan Guåhan* further finds that the receipt of funds for Section 30
20 revenues for Fiscal Year 2014 included an additional Fifteen Million Three
21 Hundred Thirty Three Thousand Six Hundred Thirty Dollars (**\$15,333,630**) that
22 was unexpected by *I Liheslaturan Guåhan* and was not included in budget
23 deliberations in legislative session and was further made not known by *I*
24 *Liheslaturan Guåhan* to be available to appropriate for education, public safety,
25 and public health related services as a result of the lack of notice or update by the
26 Executive Branch of such additional Section 30 revenues.

1 Such additional Section 30 revenues received at the same time Section 30
2 revenues were received for Fiscal Year 2014 were included in the Bureau of
3 Budget and Management Research's (BBMR's) Consolidated Revenue and
4 Expenditure Report (Report) for the twelve months ending September 30, 2013
5 and were not included in *any* of BBMR's Reports for each month in Fiscal Year
6 2014 through April 30, 2014.

7 *I Liheslaturan Guåhan* further finds that *I Maga'låhen Guåhan* expended
8 such additional Section 30 revenues for the payment of unpaid income tax refunds
9 *only* after members of *I Liheslaturan Guåhan* urged such action and utilization of
10 such funds.

11 *I Liheslaturan Guåhan* further finds that in February 2014, the government
12 of Guam also received an additional One Million One Hundred Fifty Eight
13 Thousand Six Hundred Seventy Six Dollars (**\$1,158,676**) in additional Section 30
14 revenues to which notice of such receipt was not timely provided to *I Liheslaturan*
15 *Guåhan*.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the
17 legislative responsibility and authority granted to it pursuant to the Organic Act of
18 Guam is preserved through prioritizing any excess or additional Section 30
19 revenues received during Fiscal Year 2014 for specific purposes as well as
20 increasing transparency and accountability of the Executive Branch in providing
21 *any* and *all* correspondences relative to Section 30 revenues to and from the
22 Executive Branch.

23 **Section 3.** Section 7 is hereby *added* to Chapter I of Public Law 32-068 to
24 read:

25 **“Section 7. Excess Section 30 Fund Revenues.** Notwithstanding any other
26 provision of law, *any* Section 30 Funds received by the government of Guam
27 subsequent to June 1, 2014 in Fiscal Year 2014 above the adopted revenues for

1 Section 30 Funds in Section 2(I)(B) of this Chapter separate and apart from the
2 Section 30 Funds received for FY 2015 *shall* be transferred to the Supplemental
3 Appropriations Revenue (SAR) Fund and is hereby appropriated from the SAR
4 Fund for the following purposes and in the following order of priority:

5 (a) such sums as are necessary to pay for the full implementation of
6 the Competitive Wage Act of 2014 for Fiscal Year 2014 that took effect on
7 January 26, 2014 inclusive of the unpaid fifty percent (50%) for employees
8 under the General Pay Plan for the following agencies:

- 9 (1) Guam Department of Education
- 10 (2) Unified Judiciary of Guam
- 11 (3) University of Guam
- 12 (4) Guam Community College
- 13 (5) Mayors' Council of Guam
- 14 (6) Office of Public Accountability
- 15 (7) Office of the Attorney General
- 16 (8) Public Defender Service Corporation
- 17 (9) Guam Memorial Hospital Authority
- 18 (10) Executive Branch Line Agencies

19 The unpaid fifty percent (50%) for employees under the General Pay
20 Plan *shall* be effective on August 1, 2014. Agencies identified under
21 Subsections (a)(1) through (a)(9) *shall* provide the amounts necessary to
22 cover the full implementation of the Competitive Wage Act of 2014 for
23 Fiscal Year 2014 that took effect on January 26, 2014 to the BBMR *not later*
24 *than* July 15, 2014. The BBMR *shall* release the full allotment of such
25 amounts to each agency. Upon the BBMR's allotment release, agencies
26 identified under Subsection (a)(1) through (a)(9) *shall* send invoices in the
27 amount provided to the BBMR to the Department of Administration (DOA)

1 and the DOA *shall* remit the cash based on the BBMR allotment for each
2 agency *not later than* September 29, 2014;

3 (b) the sum of Six Million Dollars (**\$6,000,000**) to the Guam
4 Department of Education (GDOE) to renovate the George Washington High
5 School (GWHS) campus. This appropriation *shall not* lapse and *shall* be
6 available until fully expended. Notwithstanding any other provision of law,
7 *no* tax credits *shall* be authorized to construct a new GDOE gymnasium,
8 GDOE office, GDOE warehouses or mezzanines for such warehouses within
9 the Tiyan facilities in Fiscal Years 2014 and beyond as identified in and
10 pursuant to the Purchase Agreement and Exercise of Option Under the Lease
11 signed by *I Maga'låhen Guåhan* on December 30, 2013 and further
12 amended and signed by *I Maga'låhen Guåhan* on January 17, 2014.
13 Notwithstanding any other provision of law, *any* new construction within the
14 Tiyan facilities as identified in and pursuant to the aforementioned
15 agreement as amended *shall* require legislative appropriation and approval
16 and *shall* require *I Maga'låhen Guåhan* to identify a funding source for such
17 construction and present it to *I Liheslaturan Guåhan*;

18 (c) such sums as are necessary to recruit twenty (20) full-time
19 Police Officer I positions at the Guam Police Department for Fiscal Year
20 2014;

21 (d) such sums as are necessary to recruit for the Prosecution
22 Division and Victim Witness *Ayuda* Services within the Office of the
23 Attorney General which *shall* include two (2) Assistant Attorneys General,
24 two (2) Paralegals I, two (2) Legal Secretaries I, one (1) Investigator I, and
25 two (2) Victim Advocate positions;

26 (e) such sums as are necessary for the payment of unpaid
27 retroactive salary increments to law enforcement officers pursuant to Public

1 Law 29-105 owed to Unified Judiciary of Guam, Office of the Attorney
2 General, Public Defender Service Corporation, and Executive Branch Line
3 Agency employees owed such retroactive salary increments.
4 Notwithstanding any other provision of law, the position of Investigator at
5 the Public Defender Service Corporation *shall* be considered law
6 enforcement officers, and *shall* be owed retroactive salary increments as of
7 the enactment of Public Law 29-105.

8 Section 1303 of Chapter 1, Article 3, Title 5 GCA *shall not* apply to the
9 appropriations contained in this Section 7. The funds appropriated in this Section 7
10 are *not* subject to *I Maga'låhen Guåhan's* transfer authority.”

11 **Section 4.** All appropriations in Section 7 of Chapter I, of Public Law 32-
12 068 *shall* have no force or effect if the government of Guam does not receive
13 Section 30 Funds subsequent to June 1, 2014 in Fiscal Year 2014 above the
14 adopted revenues for Section 30 Funds in Section 2(I)(B), Chapter I of Public Law
15 32-068 separate and apart from the Section 30 Funds received for FY 2015.

16 **Section 5.** Nothing in this Act *shall* prevent *I Maga'låhen Guåhan* from
17 using any existing appropriations from which he is authorized to transfer in Public
18 Law 32-068 for the full implementation of the remaining balance of the
19 Competitive Wage Act of 2014 for the agencies identified in Section 7(a), Chapter
20 I of Public Law 32-068.

21 **Section 6.** Section 13109(a)(5), Chapter 13, Title 2 are hereby *repealed*
22 and *re-enacted* to read:

23 ~~“(5) (A) No later than fifteen (15) days after the end of the third~~
24 ~~quarter of each fiscal year, *I Maga'låhen Guåhan* (the Governor of Guam)~~
25 ~~shall make available in a report to the Speaker of *I Liheslaturan Guåhan* and~~
26 ~~the Office of Finance and Budget all correspondence between the United~~
27 ~~States Department of the Treasury, the Department of Interior, the Office of~~

1 ~~Insular Affairs, or its successor, and any other entities of the United States~~
2 ~~Government related to prior and future fiscal year estimates and~~
3 ~~reconciliations of duties, fees and taxes (also referred to as Section 30 funds)~~
4 ~~remitted prior to the commencement of the forthcoming fiscal year.~~

5 ~~(B) The report shall also contain the Section 30 Cash Advance~~
6 ~~Request to the Secretary of the United States Department of the Treasury or~~
7 ~~his representative for the immediate forthcoming fiscal year.~~

8 ~~(C) Prior to the issuance of the report outlined in subsection (A), the~~
9 ~~Bureau of Budget and Management Research and the Department of~~
10 ~~Revenue and Taxation shall present to the Special Accounting Service all~~
11 ~~data and information used to develop the request outlined in subsection (B).~~
12 ~~The Special Accounting Service shall evaluate and certify by a majority of~~
13 ~~members, concurrence of the Section 30 Cash Advance Request by I~~
14 ~~Maga'lahi (the Governor) or provide a revised recommendation.~~

15 **(5) Section 30 Transparency and Accountability Reporting.**

16 (A) *No later than* fifteen (15) days after the end of each month of
17 each fiscal year, *I Maga'låhen Guåhan shall* submit a written report to the
18 *Speaker of I Liheslaturan Guåhan* and the Office of Finance and Budget that
19 provides a list of *any and all* correspondences sent by the government of
20 Guam to and/or received by the government of Guam from the United States
21 Department of the Treasury, the Department of the Interior and/or its Office
22 of Insular Affairs, or its successor, and any other entities of the United States
23 government related to prior, current, and future fiscal year estimates,
24 reconciliations, receipts, overpayments, underpayments, advanced requests
25 for subsequent fiscal years, receipt of United States Department of Treasury
26 warrants or notices of garnishments, and/or discussions related thereto of
27 duties, fees, and taxes (also referred to as Section 30 funds) during the

1 previous month. Such report submitted *shall* include a copy of each
2 correspondence as specified above.

3 (B) If during such month of each fiscal year, there are *no*
4 correspondence sent by the government of Guam to and/or received by the
5 government of Guam from the United States Department of the Treasury,
6 the Department of the Interior and/or its Office of Insular Affairs, or its
7 successor, and any other entities of the United States government related to
8 prior, current, and future fiscal year estimates, reconciliations, receipts,
9 overpayments, underpayments, advanced requests for subsequent fiscal
10 years, and/or discussions related thereto of duties, fees, and taxes (also
11 referred to as Section 30 funds) during the previous month, *I Maga'låhen*
12 *Guåhan shall* submit a letter to the Speaker of *I Liheslaturan Guåhan* and
13 the Office of Finance and Budget stating no correspondence having been
14 sent and/or received.

15 (C) If any correspondence required to be submitted pursuant to this
16 Section is deemed confidential and prevents submission to the Speaker of *I*
17 *Liheslaturan Guåhan* and the Office of Finance and Budget, *I Maga'låhen*
18 *Guåhan shall* state such confidentiality inclusive of a citation of local or
19 federal law preventing such submission and a written opinion by the
20 Attorney General of Guam supporting such non-submission that *shall*
21 accompany such written report.”

22 **Section 7. Section 30 Transparency and Accountability Reporting.** *I*
23 *Maga'låhen Guåhan shall* submit a report pursuant to the detailed reporting
24 requirements in Section 13109(a)(5), Chapter 13, Title 2 of the Guam Code
25 Annotated inclusive of all correspondences thereto related to each of the months
26 during the previous three (3) fiscal years prior to Fiscal Year 2014 and for the
27 months during Fiscal Year 2014 prior to the enactment of this Act. Such report

1 *shall* be submitted to the Speaker of *I Liheslaturan Guåhan* and the Office of
2 Finance and Budget *not later than* twenty (20) days after the enactment of this Act.

3 **Section 8. Effective Date.** This Act *shall* take effect upon its enactment
4 and apply prospectively.

5 **Section 9. Severability.** *If* any provision of this Act or its application to
6 any person or circumstance is held invalid, the invalidity *shall not* affect other
7 provisions or applications of this Act which can be given effect without the invalid
8 provision or application and to this end the provisions of this Act is severable.



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

①

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, May 23, 2014
Bill No. 309-32 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Christopher B. Lasi		475-3335	cbulasi@guancarts.org	✓	✓		
Jose R. Cruz		864-9705	jose.g.cruz@gmail.com	✓	✓		NO
Ken Christoff		777-310	F. Pangelinan Pangelinan		✓		NO



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

2

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, May 23, 2014
Bill No. 309-32 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Maria Gutierrez	Tan				✓		✓
Ronald A. Ayun					-		⊗
Jos Fernandez					✓		x
1							



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

3

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

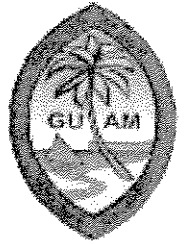
Friday, May 23, 2014
Bill No. 309-32 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Lester Carlson				✓	✓		no



Judiciary of Guam

Administrative Office of the Courts
120 West O'Brien Drive, Hagåtña, Guam 96910-5174
Tel: (671) 475-3544/3178 • Fax: (671) 477-3184



Robert J. Torres
Chief Justice

Alberto C. Lamorena, III
Presiding Judge
Joshua F. Tenorio
Acting Administrator of the Courts

May 21, 2014

The Honorable Vicente (ben) Cabrera Pangelinan
Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation and Land
Suite 101 Quan Building
324 W. Soledad Ave.
Hagåtña, Guam 96910

Re: Testimony on Bill No. 309-32(COR)

Dear Chairman Pangelinan and Members of the Committee:

Thank you for the opportunity to testify on Bill No. 309-32 (COR), AN ACT TO ADD A NEW SECTION 7 TO CHAPTER 1 OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(A)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.

I first want to express my appreciation to the Legislature for its unanimous passage of Public Law 32-147 which appropriates \$944,000 to the Judiciary of Guam to fund implementation of the COPPS Act (P.L. 29-105) for Marshals and Probation Officers that were implemented in December 2013. This amount will ensure that our law enforcement officers are fully paid through the end of FY2014.

The Judiciary of Guam fully supports Bill No. 309-32 (COR) which identifies and appropriates additional Section 30 revenue above those adopted in Public Law 32-068. Should Guam realize a third straight year of "windfall" Section 30 revenue, it would represent a tangible and real funding source available to fully fund the Fiscal Year 2014 implementation of the Competitive Wage Act of 2014.

Public Law 32-068:XI:2(d) provided an appropriation of \$470,592 to the Judiciary for implementation of the FY2014 Competitive Wage Act. The retroactive implementation date of January 26, 2014 results in a shortfall to the Judiciary of approximately \$510,000 for full implementation of the 17.7 pay periods.

Section 2 of Bill 309-32 (COR) adds a new Section 7 to Chapter I of Public Law 32-068. The Judiciary presents, for the Legislature's consideration, that Section 7(a) as proposed can be further strengthened by extrapolating each branch and agency into its own subsection with a specific appropriation amount based on detailed information provided to the Committee by each branch and agency.

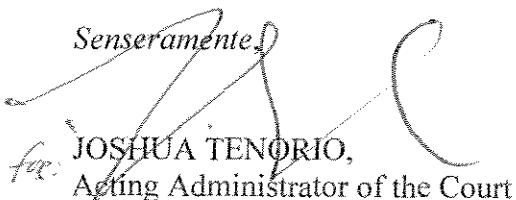
Furthermore, with regard to Section 7(a) as proposed, the Legislature may wish to consider establishing an order of priority to determine which branches and agencies receive funding first as to avoid any interpretation of the provision that may lead to inequitable distribution of available funding. The order of priority could be based on the sequencing of the subsections e.g. Section 7(a)(1), 7(a)(2).

Finally, to ensure swift administration of proposed Section 7(a), the Legislature may consider requiring the disbursement of cash to the branches and agencies within seven (7) days of the receipt of any additional Section 30 revenues.

The remaining priorities outlined in proposed Section 7 are all very important and reflect much needed improvements and enhancements to our community. The Judiciary again supports the payment of prior year obligations to Marshal and Probation employees as provided for in proposed Section 7(e) resulting from the COPPS Act (P.L. 29-105). The Judiciary's prior year obligation to cover the 3rd and 4th 10% increments for Fiscal Year 2013 and the first five (5) pay periods of Fiscal Year 2014 is \$1,350,729. The ideas presented for consideration above for proposed Section 7(a) should also be considered for added Section 7(e).

Thank you again for the opportunity to testify on Bill No. 309-32 (COR). On behalf of all the Judiciary employees, we look forward to full bi-partisan support in order to fully implement the mandated salary increases required by the Competitive Wage Act of 2014 and the COPPS Act (P.L. 29-105).

Senseramente,

for:  JOSHUA TENORIO,
Acting Administrator of the Court

cc: All Senators

Honorable Vice Speaker B.J. Cruz , Senator Ben Pangelinan and members of the 32nd Guam legislature, Hafa Adai yan Buenas Dias!

My name is Kenneth P. Chargualaf, a parent of a Guam pulic school and a member of the Guam Education Board. First, I thank you for your vote of confidence in supporting my nomination to the Guam Education Board.

In addition to the written and oral testimony provided by our Board Chair, I wish to provide a brief testimony to request this august body to reconsider the passage of Bill 309.

In several pieces of Legislation, this legislative branch enacted, repealed, amended, and reenacted laws clearly defining the governance of the Guam Department of Education vested in an education board to be known as the Guam Education Board.

In reviewing the proposed Bill and if it becomes law, the legislation mandates to transfer both students and GDOE employees out of the Tiyan campus upon completing the expansion of GWHS. You entrusted us to execute this formal responsibility with the Board and the Superintendent and we petition this august body to honor existing statutes in the governance and management of GDOE.

Although not the intent to upset the authority of the GEB, this legislation further minimizes the statutory and formal role of the Guam Education Board to make recommendations to the Legislature and to I Maga'lahen Guahan for changes, additions, or deletions to Guam Education Laws. The GEB is clothed statutorily to set the direction and priorities for the Department and therefore it is our position and priority to keep the students and employees at the Tiyan campus at this juncture or any future developments unless it warrants an adjustment of attendance areas.

Because our mission is to educate 31,000 public school students in safe, secure, and supportive learning environment, the Guam Education Board desires to influence the wisdom of our good lawmakers to consider instead investing funds for the construction of additional schools in the central and high, and allow the Department of Education to move forward with its plans to welcome over 1,400 students at Tiyan as we greet them in August this coming school year.

We also pray before this body to honor and view our DOE employees to be so deserving to work in a healthful, safe work environment in the Tiyan facility.

As we all know, I ushered over 2600 JFKHS students in SY 2009 into the Tiyan campus with exuberance and excitement like a ball of fire. In my two years there, the Islander faculty, families, and more importantly our young Islanders have shared with me their positive experiences and forever grateful for the support of this body.

Although the government was financially limited, our students' wonderful experiences at Tiyan were largely due to the unfettered commitment and support of the Liheslaturan Guahan to provide essential services for the JFKHS students and to its community by leveraging and utilizing the government's ability to issue tax credits to the Lessor. This action of the I Liheslaturan Guahan is honorable, laudable, and commendable. We thank you! So we oppose the prohibition of using tax credits to fund new construction at Tiyan.

In closing and on behalf of our Guam public school students, we come to you this morning, honorable senators, to reconsider and reject the passage of Bill 309.

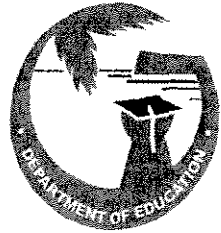
Thank you and Si Yu'os Ma'ase!

A handwritten signature in black ink, consisting of a long horizontal stroke with a vertical stroke crossing it near the center, and a small loop at the end of the vertical stroke.

Kenneth P Chargualaf



DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

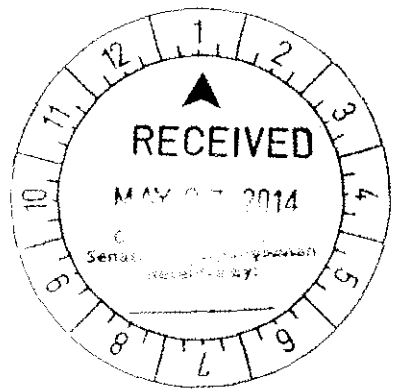


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JON J. P. FERNANDEZ
Superintendent of Education

May 23, 2014

Honorable Vicente "ben" C. Pangelinan
Senator, 32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910



Dear Senator Pangelinan:

Thank you for this opportunity to testify on Bill 309-32. I join the Guam Education Board in expressing opposition to the proposed legislation. The bill, as drafted, would set aside excess Section 30 revenues to pay for the remaining implementation of the Competitive Wage Act, provide up to \$10 million for George Washington High School expansion, reverse policy to use Tiyan for the Guam Department of Education's educational and administrative use (based on Public Law 31-229), and substitute legislative direction in place of the decisions already made by the Board and Superintendent on behalf of students and their families. While I believe that you are interested in assisting the department and our public schools, Bill 309-32 may complicate those efforts.

As the Board will testify, we do not hold ourselves to be experts in managing the Government of Guam's overall fiscal condition and projecting its revenues; those responsibilities appropriately rest with the Guam Legislature and the Governor. Nor would we oppose the addition of financial resources to support the mission of the department. However, we are concerned with Bill 309 and its impact on our plans and activities. The concerns are as follow:

- (1) **Full implementation of the Competitive Wage Act:** We support full implementation of the CWA for those employees who are currently only receiving 50 percent of their anticipated increases. The Administration is responsible for implementing the CWA, and we believe it would be responsible to hear first what the Administration's plan is to address full implementation and whether there are existing funds to do so prior to the end of the current fiscal year. For FY 2015, we would expect the appropriations process to ensure that these costs are addressed going forward.
- (2) **Support for George Washington High School:** Clearly, we do not just have George Washington High School, but all of our schools, which we need to address in terms of facilities improvement. Therefore, we have fully supported Speaker Won Pat's legislation, now Public Laws 32-120 and 32-121, to allow for us to proceed with Simon Sanchez High School, a master facilities plan, and all other schools. In a letter sent to Governor Eddie Calvo last week, expressing our facilities priorities, George Washington High School was the next school listed for improvement. At this time, however, we do not support expansion of the school as the legislation proposes. Managing 2,700 students in any one facility presents operational and safety issues that tend to impact the instructional mission of our department. For this reason, we welcome the additional high school and the opportunity to improve George Washington to support a much more manageable and productive learning environment.

- (3) **Reversal of Tiyan policy and activity:** We are currently moving central offices to Tiyan per the agreement between the Governor and CoreTech. In addition, we have worked with our village mayors and stakeholders to revise attendance areas to reduce overpopulation at JFK and GW by shifting enrollment to Tiyan. Our plan is to open at the beginning of the coming school year and to invest in continued development and improvement of the programs and facilities that will be housed there for our students. The bill proposes the site as a temporary facility, contrary to the decisions made by the Board and Superintendent, and would eventually send students back into an overcrowded school. I would propose, instead, that the Legislature find a way to support our students by ensuring that a new gym and perhaps additional sports facilities can be provided as soon as possible. While we would like the addition of warehouses and offices to support our central functions – allowing us to consolidate our warehouse activities and freeing up space for school use at Chief Brodie Memorial by moving Special Education to Tiyan – we are willing to hold off on this. We believe, however, that the needs of our students are addressed first.
- (4) **Support for Board and Superintendent Decisions:** As the policy-making body, the Guam Education Board has been entrusted by the Guam Legislature to determine policies that support our students and families. As the department leader, the Superintendent is charged with making the operational decisions needed to ensure that policies are carried out and that students are safe, secure and supported in the classroom. It is worrisome that there may be another level of decision-making that could overturn the decision already made by the Board and Superintendent, and we would request that the Guam Legislature allow for the Board and Superintendent to fulfill our roles as intended.
- (5) **Major Issues to Resolve:** I do believe the Legislature can support the school system immediately by helping to address an issue that has been brought to the legislative and executive branches. In FY 2013 and FY 2014, the budget was approved and built on revenues that do not exist. These revenues are what were projected to come in through the Territorial Educational Facilities Fund due to the revaluation of properties. The revaluation will not take effect until FY 2015, leaving the Department in the hole to the tune of \$7.5 million in FY 2013 and \$8.0 million in FY 2014. We ask for your assistance in addressing these gaps, so we can continue to ensure the operations of our department for our children and our employees.

Again, thank you for the opportunity to testify before you today.

Senseramente,



JON J. P. FERNANDEZ



GEDA

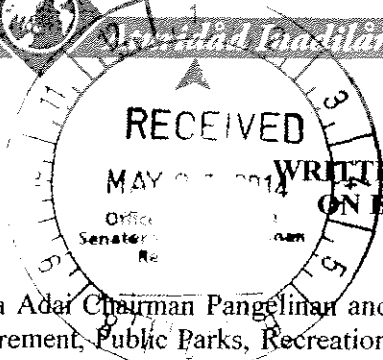
Guam Economic Development Authority

Asiudad Inasilanton Ikunumihan Guahan

05-23-14
Edward J.B. Calvo
Governor of Guam
I Maga' Lahen Guahan

Raymond S. Tenorio
Lt. Governor of Guam
I Segundo Na Maga' Lahen Guahan

John A. Rios
Acting Administrator
Adminaistrador



May 23, 2014

**WRITTEN TESTIMONY OF LESTER CARLSON, JR.
ON BEHALF OF THE GOVERNOR OF GUAM
BILL 309-32 (COR)**

Hafa Adai Chairman Pangelinan and members of the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land. Thank you for the opportunity to provide testimony on Bill No. 309-32. The Governor opposes this bill. It is an abomination. And if, somehow, eight senators are able to shackle their conscience, face the people and lie to them with empty promises, and mandate unsafe conditions for GW students, Governor Calvo surely will veto this bill.

First and foremost, senators, we are beside ourselves with shock that any of you would even consider making it legal for the Department of Education to operate an unsafe and overcrowded high school. Bill No. 309 requires that the minimum enrollment for George Washington High School be 2,700 students. Everyone here knows 2,700 students on any one campus already is dangerous. Will you truly mandate and force DOE to operate every school day with the heightened risk of gang violence, accidents, and lack of adequate supervision? Your support for this bill signals to thousands of parents in Yona, Chalan Pago, Agana Heights, Hagatna, Sinajana, Mongmong-Toto-Maite, Barrigada and Mangilao that you believe they should be forced to send their children to an unsafe school. That this is even being considered as a bill before the Legislature is shameful. This bill would be vetoed on those grounds alone.

If that weren't bad enough, the Legislature has proposed trashing DOE's autonomy by micromanaging it. It would be one thing for a governor to try and wrestle for the reins of an executive agency, however, the Legislature's attempt to usurp the powers of the Superintendent and the Board of Education truly takes the cake. Governor Calvo's leadership style has been engaging and collaborative with DOE. He has laid out a vision for education, shared that vision with the Superintendent and the Board, opened his door to collaboration with them and the teachers' union, and allowed all of them to do their jobs the best way they know how. The results have been promising.

One thing is certain regarding the ability to direct and manage DOE. The current management team, guided by the Board of Education, is making more progress than DOE would make under the control of the Legislature. Indeed, how can this body guide the curriculum, learning standards, measurement, and accountability structures of an agency of 32,000 clients when it cannot even pass one resolution of support for the military buildup? More importantly, how could we trust the expenditure of over \$200 million in public funds to the very body pledging unrealized phantom funds to empty promises in this very piece of legislation we are discussing now.

Bill No. 309 makes very worthy appropriations. The problem is the appropriations all are based on money that isn't in any account, that no one knows will ever come in, and that could very well never materialize. In the financial world, we call that deficit spending. In our homes, we call that irresponsible. And we all know the practice to be called, an 'empty promise.' It is wildly reckless, and attempts to play with the emotions of those affected for what can only be assumed to be election-year politics.

On top of the recklessness of anyone who votes for this bill, supporters will fail to consider how the General Fund will sustain the additions in personnel mandated by this bill beyond one fiscal year. A sudden and unanticipated



increase in Section 30 money may, if it ever materializes, be made by reconciliation and for reimbursement, and not an annual remittance.

If your concern, senators, is to ensure any additional Section 30 funds are first appropriated by the Legislature, Governor Calvo turns your attention inward to discuss what seems to be a disagreement the authors of Bill 309 may have with, well, themselves. Bill No. 309 seeks to appropriate unanticipated Section 30 money for education and safety matters. How ironic. It was September 13 last year – just eight short months ago – when I called the Legislature into special session for this very purpose; except they were for bills to appropriate unanticipated Section 30 money that actually was coming in.

The first, Bill No. 184-32, was authored by Sen. Aline Yamashita, and sought to appropriate \$3 million to fund the facilities master plan needed to make \$100 million in renovations to public schools? Sound familiar? It should. Speaker Won Pat decided to overshadow that mandate with copycat legislation that mandates the same thing. The only difference is that it's eight months later. Construction could have started on Simon Sanchez High School even before the Leave Your Mark class ever raised a red flag had the Legislature passed Sen. Yamashita's bill eight months ago.

The second bill, Bill No. 185, was by Sen. Mike Limtiaco. He wanted to appropriate over \$400,000 to purchase police vehicles. The Legislature also failed to pass that appropriation.

The third bill was by Sen. Tommy Morrison. He saw the tremendous work GPD, Guam Fire Department and Department of Corrections were doing, and he knew they needed more funding to operate, especially for overtime. So he proposed Bill No. 186, which would appropriate an additional \$3 million to cover these operational expenses. Though it turned out Sen. Morrison was right about the need for overtime funding, the Legislature never passed his bill.

The final bill was by Sen. Chris Duenas. He wanted to appropriate an additional \$9 million for tax refunds. Keeping with its history of reluctance to pay tax refunds, the Legislature also refused to even entertain that bill.

Instead, senators ignored the special session. It was based on one thing: Vice Speaker Cruz's comment that the Governor did not need the Legislature's appropriation to spend additional Section 30 funding. Vice Speaker Cruz, who is co-author of Bill 309 now, said, "Cut the politics, just cut the checks." He said legislative appropriation was unnecessary.

Governor Calvo cut the checks the very next day, based on the Legislature's own reading of the Organic Act. No one, not even the author of Bill 309, Sen. Pangelinan, objected to the expenditure of additional Section 30 money.

Much like the legislative position on Ritidian, this position on Section 30 monies seems to have flip flopped to something very different from the Legislature's original position. So, knowing all of this, we must ask, have the authors made up their minds as to how additional Section 30 money is to be used, and will this be their position tomorrow and the day after?

This irony and lack of transparency and sincerity from the Legislature is what makes Bill 309's legislative intent and findings all the more absurd and disturbing. Governor Calvo cannot allow this section to go unnoticed. Far too often the legislative budget committee has made unfounded charges against the Governor's fiscal team. On the record – because of these various sections of legislative intent and findings written by the budget chairman – are innuendo, lies, and revisions of history about the Governor's fiscal team.

The author writes in this bill that financial transparency is needed because the Governor's fiscal team withheld notification of additional Section 30 monies from the Legislature. That is a lie. The Legislature received notification of the funds from the U.S. Treasury at the same time the Governor received his electronic notice. If the author is upset that Republican senators beat him to introducing measures, first we would ask him to drop such



pettiness, and second we would advise that if he can't get past such a petty consideration that he at least work faster to get his bills into the Clerk's office before his colleagues do.

To the integrity and credibility of the fiscal team, however, Governor Calvo expresses the following:

"I openly challenge the authors of this bill. What have you done? You have created the very deficits my fiscal team has eliminated. You have created the excess reporting requirements our employees of the financial agencies work to the middle of the night without compensation to produce for you. You have created empty promise after empty promise to employees, vendors, and taxpayers owed refunds. Those are empty promises my fiscal team has been fulfilling for those employees, vendors, and taxpayers at a rate not seen in over two decades. While you refuse to open up the financials of the Legislature, my fiscal team has won national recognition for financial transparency and accountability, not to mention the dramatic improvements found in the independent audits and the Performer for Fiscal Year 2012. The slander against them in bill after bill from the Legislature is intolerable. Our team works very hard. There is a strong commitment to excellence in service to the people that, even if mimicked by senators could not produce the same level of results."

On the totality of the bill, Governor Calvo has this to say:

"I realize that much of what you do is positioned to impart a political objective against me, but I wonder whether you ever consider the true consequence of your actions to the innocent who become collateral damage on your way to attacking the administration. It's like the Serpent who waved the fruit constantly in the Garden. The journey we've taken to fix this government and set us on the right course is our effort to build Eden. It is clear to me that some senators will stop at nothing to destroy her for the blind want of position and power. This bill isn't the only problem. It's just the latest in a series of attempts to destroy what we have gained with just one wrong decision. I will veto this measure and any other like it, which threatens the progress we have made to reverse the decay of the failed fiscal and social policies that have come from the authors of this bill."

Every aspect of this bill is wrong. It must not receive any support and should be killed immediately.

Thank you for your time today, senators. We hope you each make the right decision.

Senseramente,



Lester Carlson, Jr.
On behalf of the Governor



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 309-32 (COR)**

AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Revenue and Taxation	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	8,196,472
Department's Other Fund (Specify) appropriation(s) to date: \$821,435 (Tax Collection Enhancement Fund) / \$1,620,468 (Better Public Service Fund)	2,441,903
Total Department/Agency Appropriation(s) to date:	\$10,638,375

Fund Source Information of Proposed Appropriation			
	General Fund:	(Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$591,087,815	\$0	\$591,087,815
FY 2014 Appro. (P.L. 32-68)	(\$591,049,932)	\$0	(\$591,049,932)
Sub-total:	\$37,883	\$0	\$37,883
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$37,883	\$0	\$37,883

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Territorial Highway Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept./agency? If no, indicate reason: /x/ Yes / / No
/x/ Requested agency comments not received by due date / / Other:

Analyst: <u>Matthew Quinata</u>	Date: <u>MAY 28 2014</u>	Director: <u>Jose S. Calvo, Acting</u>	Date: <u>MAY 28 2014</u>
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1/ see attachment.

Comments on Bill No. 309-32

The bill proposes to transfer Section 30 funds received above the adopted FY 2014 Section 30 revenue of \$63,287,000 into the Supplemental Appropriations Revenue Fund (SAR) to be appropriated for various purposes. There are no additional Section 30 funds received that will be available for appropriation at this time.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 9, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 309-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 309-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.	04/08/14 4:33 p.m.	04/09/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames <cipo@guamlegislature.org>

Revised Public Hearing - FIRST Notice

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Fri, May 16, 2014 at 3:43 PM

Please disregard the previous email regarding notification of the public hearing. See revised agenda.

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Friday, May 23, 2014 beginning at 8:30am at the Guam Legislature Public Hearing Room. The following is on the agenda:

Confirmation Hearing:

Michael J. Borja, Chairman, Chamorro Land Trust Commission

Pa'le Michael C. Crisostomo, Member, Criminal Injuries Compensation Commission

Bills:

Bill 309-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan:

An Act to Add a New Section 7 to Chapter I of Public Law 32-068 and to *repeal* and *re-enact* Section 13109(a) (5), Chapter 13 Title 2 of the Guam Code Annotated, relative to prioritizing the uses of additional Section 30 revenues and to increase transparency and accountability in the reporting of Section 30 revenues to be received by the Government of Guam.

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An Act to appropriate the sum of One Hundred Thirty Four Thousand Two Hundred Fifty Dollars (\$134,250) from the General Fund for the purchase of a Ballot Tabulation System, and the sum of Forty Eight Thousand Five Hundred Dollars (\$48,500) from the General Fund for the purchase of Ballot Stock and Coding Services, to be utilized by the Guam Election Commission to conduct the November, 2014, and future elections.

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Yanggen un nisisita espesiãt na setbision, put fabot ágang i ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guahan gi www.guamlegislature.com Yanggen para un na'háalom testigu-mu, chule' para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi office@senbenp.com Este na nutisiu inapási nu i fendon gubetnamento.

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—
Lisa Dames
Chief of Staff
I MINATRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
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Lisa Dames <cipo@guamlegislature.org>

Revised Public Hearing - FIRST Notice

Lisa Dames <cipo@guamlegislature.org>

Fri, May 16, 2014 at 3:41 PM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, rgibson@k57.com, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, kstokish@gmail.com, Lifestyles_PDN <life@guampdn.com>

Please disregard the previous email regarding notification of the public hearing. See revised agenda.

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Lisa Dames
Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND Notice

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Wed, May 21, 2014 at 9:35 AM

Please note that Bill No 271 has been removed from the agenda.

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on **Friday, May 23, 2014 beginning at 8:30am** at the Guam Legislature Public Hearing Room. The following is on the agenda:

Confirmation Hearing:

Michael J. Borja, Chairman, Chamorro Land Trust Commission

Påle' Michael C. Crisostomo, Member, Criminal Injuries Compensation Commission

Bills:

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On Wed, May 21, 2014 at 8:59 AM, Lisa Dames <cipo@guamlegislature.org> wrote:

[Quoted text hidden]

[Quoted text hidden]

 **Agenda_May 23.doc**
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Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt,
Legal Affairs, Retirement, Public Parks, Recreation,
Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Betnes, gi diha 23 gi Måyu, 2014
Friday, May 23, 2014

Kuatton Inekungok Pubbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alas ocho I media gi egga'an
(8:30 AM)

**TAREHA
(AGENDA)**

**Para Komfirmasion:
(Confirmation Hearing)**

Michael J. Borja, Chairman, Chamorro Land Trust Commission
Påle' Michael C. Crisostomo, Member, Criminal Injuries Compensation Commission

**Priniponi Siha:
(Bills)**

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GCC Eco-Warriors separated recyclables from trash at the GovGuam Labor Day picnic at Gov. Joseph Flores Memorial Park on Sept. 1, 2013. Photos courtesy of GCC



through our students' efforts and our LEED buildings, but we also try to promote self-sustainability for our students, providing them with marketable skills such as photovoltaic installer, that they can use to build a career," said Dr. Mary Okada, GCC president/CEO. "It's an honor that in D.C., they notice what we are doing out here in the western Pacific," Okada added.

The Green Genome Framework is the product of The Kresge Foundation, the American Association of Community Colleges, and the Sustainability, Education and Economic Development Center, an AACC initiative.

It is designed to help community colleges expand their local green economies by aligning green-focused workforce education programs with other campus and community sustainability initiatives. The framework can also help colleges to gauge their sustainability efforts today and show them where to prioritize future investments.

More than 50 community colleges and a national advisory panel made up of industry representatives, the U.S. Department of Energy, and other national experts collaborated to develop the Green Genome Framework. The document is available online at <http://bit.ly/102...>



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND Notice

Lisa Dames <cipo@guamlegislature.org>

Wed, May 21, 2014 at 9:37 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, rgibson@k57.com, kstokish@gmail.com, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Lifestyles_PDND <life@guampdn.com>, Senator ben pangelinan <senbenp@guam.net>

Please note that Bill No 271 has been removed from the agenda.

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on **Friday, May 23, 2014** beginning at 8:30am at the Guam Legislature Public Hearing Room. The following is on the agenda:

Confirmation Hearing:

Michael J. Borja, Chairman, Chamorro Land Trust Commission

Påle' Michael C. Crisostomo, Member, Criminal Injuries Compensation Commission

Bills:

Bill 309-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan:

An Act to Add a New Section 7 to Chapter I of Public Law 32-068 and to *repeal* and *re-enact* Section 13109(a) (5), Chapter 13 Title 2 of the Guam Code Annotated, relative to prioritizing the uses of additional Section 30 revenues and to increase transparency and accountability in the reporting of Section 30 revenues to be received by the Government of Guam.

Bill 334-32 (LS) – Introduced by Senator Rory Respicio:

An Act to appropriate the sum of One Hundred Thirty Four Thousand Two Hundred Fifty Dollars (\$134,250) from the General Fund for the purchase of a Ballot Tabulation System, and the sum of Forty Eight Thousand Five Hundred Dollars (\$48,500) from the General Fund for the purchase of Ballot Stock and Coding Services, to be utilized by the Guam Election Commission to conduct the November, 2014, and future elections.

Bill 290-32 (COR) – Introduced by Senator Tommy Morrison:


An Act to Amend §§77114 & 77116 relative to dedicating the Recreation Services Fund of the Department of Parks & Recreation exclusively for recreational activities and to authorize the Department to solicit and accept donations.

Bill 303-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan: An Act to appropriate the sum of One Million Dollars (\$1,000,000) from the fund balance of the Guam Board of Accountancy Fund to the University of Guam Endowment Foundation, Inc. for the creation and implementation of the Herminia Dierking and John Phillips Visiting Professor and Lecturer Program.

Yanggen un nisisita espesiát na setbision, put fabot ágang i ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com Yanggen para un na'háлом testigu-mu, chule' para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi office@senbenp.com Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagátña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at office@senbenp.com

[Quoted text hidden]

 **Agenda_May 23.doc**
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As of May 14, 2014**

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As of May 14, 2014

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I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Betnes, gi diha 23 gi Måyu, 2014
Friday, May 23, 2014

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alas ocho I media gi egga'an
(8:30 AM)

**TAREHA
(AGENDA)**

Para Komfitmasion:
(Confirmation Hearing)

Michael J. Borja, Chairman, Chamorro Land Trust Commission
**Pa'le Michael C. Crisostomo, Member, Criminal Injuries Compensation
Commission**

Priniponi Siha:
(Bills)

Bill 309-32 (COR) – Introduced by Senator Vicente (ben) Cabrera Pangelinan:
An Act to Add a New Section 7 to Chapter I of Public Law 32-068 and to *repeal* and *re-enact* Section 13109(a)(5), Chapter 13 Title 2 of the Guam Code Annotated, relative to prioritizing the uses of additional Section 30 revenues and to increase transparency and accountability in the reporting of Section 30 revenues to be received by the Government of Guam.

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I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

Bill 290-32 (COR) – Introduced by Senator Tommy Morrison:

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If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at office@senbenp.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

May 29, 2014

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes / Waivers**

Hafa Adai!

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

- Bill No. 290-32(COR)
- Bill No. 309-32(COR)
- Bill No. 327-32(COR)
- Bill No. 334-32(LS)
- Bill No. 274-32(COR)

WAIVERS:

- Bill No. 329-32(COR)
- Bill No. 330-32(LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
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Senator
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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2014 MAY 29 PM 4:04

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOSE S. CALVO
ACTING DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

MAY 28 2014

JOHN AB PANGELINAN
ACTING DEPUTY DIRECTOR

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 290-32(COR), 309-32(COR), 327-32(COR), 334-32(LS) and Fiscal Note Waiver on the following Bill Nos.: 329-32(COR) and 330-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "J. S. Calvo".
JOSE S. CALVO

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 309-32 (COR)**

AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Revenue and Taxation		Dept./Agency Head: John P. Camacho	
Department's General Fund (GF) appropriation(s) to date:		8,196,472	
Department's Other Fund (Specify) appropriation(s) to date: \$821,435 (Tax Collection Enhancement Fund) / \$1,620,468 (Better Public Service Fund)		2,441,903	
Total Department/Agency Appropriation(s) to date:		\$10,638,375	

Fund Source Information of Proposed Appropriation

	General Fund:	(Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$591,087,815	\$0	\$591,087,815
FY 2014 Appro. (P.L. 32-68)	(\$591,049,932)	\$0	(\$591,049,932)
Sub-total:	\$37,883	\$0	\$37,883
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$37,883	\$0	\$37,883

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Territorial Highway Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept./agency? If no, indicate reason: /x/ Yes / / No
/x/ Requested agency comments not received by due date / / Other:

Analyst: <u>Matthew Quinata</u>	Date: <u>MAY 28 2014</u>	Director: <u>Jose S. Calvo, Acting</u>	Date: <u>MAY 28 2014</u>
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1/ see attachment.

Comments on Bill No. 309-32

The bill proposes to transfer Section 30 funds received above the adopted FY 2014 Section 30 revenue of \$63,287,000 into the Supplemental Appropriations Revenue Fund (SAR) to be appropriated for various purposes. There are no additional Section 30 funds received that will be available for appropriation at this time.



COMMITTEE ON RULES

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Senator
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Senator
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Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 15, 2014

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 309-32 (COR), 310-32(LS), 311-32(LS), 312-32(LS), 313-32(LS), 314-32(LS), 315-32(LS), 316-32(LS), 317-32(LS), 318-32(LS), 319-32(LS), and 320-32(LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.
311-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS AVAILABLE IN THE LIMITED GAMING FUND IN FISCAL YEAR 2013-2014 IN ACCORDANCE WITH PUBLIC LAW 32-060.
312-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS IN THE GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY PURSUANT TO PUBLIC LAW 32-060; BY AMENDING SUBSECTION “(B)” OF §97103, CHAPTER 97, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.
313-32 (LS)	Brant T. McCreddie V. Anthony Ada Chris M. Dueñas Michael T. Limtiaco Tommy Morrison Aline A. Yamashita, Ph.D. FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO CREATE A NEW ARTICLE 6 TO CHAPTER 90 TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS “THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2014”.
314-32 (LS)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW CHAPTER 81 TO TITLE 21, GUAM CODE ANNOTATED RELATIVE TO CREATING A STREAMLINED AND EXPEDITED PROCESS FOR REZONING REAL PROPERTY FOR CONSTRUCTING SMALL PROJECTS BY PARTIALLY PRIVATIZING THE PROCESS.
315-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO APPROPRIATE TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$292,800) TO FUND PROGRAMS FOR DRUG AND ALCOHOL TREATMENT SERVICES AND EMERGENCY YOUTH SHELTER FOR HOMELESS, RUNAWAY, AND ABUSED YOUTH, BY ADDING A NEW §11 TO CHAPTER XI OF PUBLIC LAW 32-068.

Bill Nos.	Sponsors	Title
316-32(LS)	Benjamin J.F. Cruz	AN ACT TO REPEAL AND REENACT §3105, CHAPTER 3 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE.
317-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.
318-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER PROTECTION ACT,”
319-32 (LS)	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER SPYWARE PROTECTION ACT,”
320-32 (LS)	V.C. Pangelinan	AN ACT TO ADD A NEW CHAPTER 53 TO DIVISION 2, AND TO ADD A NEW SECTION 70134 TO CHAPTER 70, DIVISION 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE THE CREATION OF THE GUAM QUALIFIED RETIREMENT PLAN AND TRUST ACT.



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

April 9, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 309-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 309-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

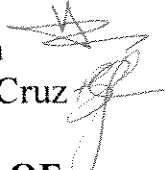
Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 309 -32 (COR)

Introduced by:

V.C.Pangelinan
Benjamin J. F. Cruz



AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.

2014 APR -8 PM 4:33


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

2 **Section 1. Legislative Statement and Intent.** *I Liheslaturan Guåhan*
3 finds that it is imperative for the proper planning and prioritization of uses for
4 unexpected General Fund revenues received by the government of Guam. Over the
5 previous two fiscal years, *I Liheslaturan Guåhan* has not been provided all the
6 proper updates relative to the prior, current, and future fiscal year estimates,
7 reconciliations, receipts, overpayments, underpayments, advanced requests for
8 subsequent fiscal years, receipt of United States Department of Treasury warrants
9 or notices of garnishments, and/or discussions related to Section 30 revenues
10 received or to be received by the government of Guam. *I Liheslaturan Guåhan*
11 relies on the Executive Branch to provide such updates and correspondences as it is
12 the Executive Branch that carries out the administrative and executory nature of
13 receiving Section 30 revenues.

1 As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to
2 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that in
3 Section 2(I)(B), Chapter I, of Public Law 31-77 (General Appropriations Act of
4 Fiscal Year 2013) included an estimate of General Fund revenues from Federal
5 Sources of Fifty Three Million Four Hundred Fifty One Thousand Five Hundred
6 Nineteen Dollars (**\$53,451,519**) whereas the actual receipt of Section 30 revenues
7 subsequent to the enactment of Public Law 31-77 was Fifty Eight Million Four
8 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a
9 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars
10 (**\$5,027,190**) that was hidden and thus heretofore not known by *I Liheslaturan*
11 *Guåhan* to be available to appropriate for education, public safety, and public
12 health related services.

13 *I Liheslaturan Guåhan* further finds that the receipt of funds for Section 30
14 revenues for Fiscal Year 2014 included an additional Fifteen Million Three
15 Hundred Thirty Three Thousand Six Hundred Thirty Dollars (**\$15,333,630**) that
16 was unexpected by *I Liheslaturan Guåhan* and was not included in budget
17 deliberations in legislative session and was further made not known by *I*
18 *Liheslaturan Guåhan* to be available to appropriate for education, public safety,
19 and public health related services as a result of the lack of notice or update by the
20 Executive Branch of such additional Section 30 revenues.

21 Such additional Section 30 revenues received at the same time Section 30
22 revenues were received for Fiscal Year 2014 were included in the Bureau of
23 Budget and Management Research's (BBMR's) Consolidated Revenue and
24 Expenditure Report (Report) for the twelve months ending September 30, 2013
25 and were not included in *any* of BBMR's Reports for each month in Fiscal Year
26 2014 through February 28, 2014.

1 *I Liheslaturan Guåhan* further finds that *I Maga'låhen Guåhan* expended
2 such additional Section 30 revenues for the payment of unpaid income tax refunds
3 *only* after members of *I Liheslaturan Guåhan* urged such action and utilization of
4 such funds.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the
6 legislative responsibility and authority granted to it pursuant to the Organic Act of
7 Guam is preserved through prioritizing any excess or additional Section 30
8 revenues received during Fiscal Year 2014 for specific purposes as well as
9 increasing transparency and accountability of the Executive Branch in providing
10 *any* and *all* correspondences relative to Section 30 revenues to and from the
11 Executive Branch.

12 **Section 2.** Section 7 is hereby *added* to Chapter I of Public Law 32-068 to
13 read:

14 **“Section 7. Excess Section 30 Fund Revenues.** Notwithstanding any other
15 provision of law, *any* Section 30 Funds received by the government of Guam in
16 Fiscal Year 2014 above the adopted revenues for Section 30 Funds in Section
17 2(I)(B) of this Chapter *shall* be transferred to the Supplemental Appropriations
18 Revenue (SAR) Fund and is hereby appropriated from the SAR Fund for the
19 following purposes, in the following order of priority:

20 (a) such sums as are necessary to pay the full balance of the unpaid
21 fifty percent (50%) owed to the Guam Department of Education, Unified
22 Judiciary of Guam, University of Guam, Guam Community College,
23 Mayors’ Council of Guam, Office of Public Accountability, Office of the
24 Attorney General, Public Defender Service Corporation, Guam Memorial
25 Hospital Authority, and Executive Branch Line Agency employees under the
26 General Pay Plan pursuant to the Competitive Wage Act of 2014 for Fiscal
27 Year 2014 beginning on the date of the enactment of this Act;

1 (b) the sum of Ten Million Dollars (**\$10,000,000**) to the Guam
2 Department of Education (GDOE) to expand the George Washington High
3 School (GWHS) campus to accommodate a student population of *at least*
4 two thousand seven hundred (2,700) students. *All* students, teachers,
5 administrators, staff, and government of Guam employees transferred to the
6 Tiyan High School *shall* be transferred out of the Tiyan High School to other
7 schools or GDOE offices upon completion of the expansion of the GWHS
8 campus. Notwithstanding any other provision of law, the GDOE *shall not*
9 transfer *any* students from any school, into the Tiyan facilities for use as a
10 school subsequent to the transfer of students out of the Tiyan High School
11 upon the completion of the expansion of the GWHS campus.
12 Notwithstanding any other provision of law, *no* tax credits *shall* be
13 authorized to construct a new GDOE gymnasium, GDOE office, GDOE
14 warehouses or mezzanines for such warehouses within the Tiyan facilities in
15 Fiscal Years 2014 and beyond;

16 (c) such sums as are necessary to recruit twenty (20) full-time
17 Police Officer I positions at the Guam Police Department for Fiscal Year
18 2014;

19 (d) such sums as are necessary to recruit for the Prosecution
20 Division and Victim Witness *Ayuda* Services within the Office of the
21 Attorney General which *shall* include two (2) Assistant Attorneys General,
22 two (2) Paralegals I, two (2) Legal Secretaries I, one (1) Investigator I, and
23 two (2) Victim Advocate positions;

24 (e) such sums as are necessary for the payment of required
25 retroactive salary increments to law enforcement officers pursuant to Public
26 Law 29-105 owed to Unified Judiciary of Guam, Office of the Attorney

1 General, Public Defender Service Corporation, and Executive Branch Line
2 Agency employees owed such retroactive salary increments.

3 **Section 3.** Section 13109(a)(5), Chapter 13, Title 2 are hereby *repealed*
4 and *re-enacted* to read:

5 ~~“(5) (A) No later than fifteen (15) days after the end of the third~~
6 ~~quarter of each fiscal year, I Maga’lahen Guåhan (the Governor of Guam)~~
7 ~~shall make available in a report to the Speaker of I Liheslaturan Guåhan and~~
8 ~~the Office of Finance and Budget all correspondence between the United~~
9 ~~States Department of the Treasury, the Department of Interior, the Office of~~
10 ~~Insular Affairs, or its successor, and any other entities of the United States~~
11 ~~Government related to prior and future fiscal year estimates and~~
12 ~~reconciliations of duties, fees and taxes (also referred to as Section 30 funds)~~
13 ~~remitted prior to the commencement of the forthcoming fiscal year.~~

14 ~~(B) The report shall also contain the Section 30 Cash Advance~~
15 ~~Request to the Secretary of the United States Department of the Treasury or~~
16 ~~his representative for the immediate forthcoming fiscal year.~~

17 ~~(C) Prior to the issuance of the report outlined in subsection (A), the~~
18 ~~Bureau of Budget and Management Research and the Department of~~
19 ~~Revenue and Taxation shall present to the Special Accounting Service all~~
20 ~~data and information used to develop the request outlined in subsection (B).~~
21 ~~The Special Accounting Service shall evaluate and certify by a majority of~~
22 ~~members, concurrence of the Section 30 Cash Advance Request by I~~
23 ~~Maga’lahi (the Governor) or provide a revised recommendation.~~

24 **(5) Section 30 Transparency and Accountability Reporting.**

25 (A) *No later than fifteen (15) days after the end of each month of*
26 *each fiscal year, I Maga’låhen Guåhan shall submit a written report to the*
27 *Speaker of I Liheslaturan Guåhan and the Office of Finance and Budget that*

1 provides a list of *any* and *all* correspondences sent by the government of
2 Guam to and/or received by the government of Guam from the United States
3 Department of the Treasury, the Department of the Interior and/or its Office
4 of Insular Affairs, or its successor, and any other entities of the United States
5 government related to prior, current, and future fiscal year estimates,
6 reconciliations, receipts, overpayments, underpayments, advanced requests
7 for subsequent fiscal years, receipt of United States Department of Treasury
8 warrants or notices of garnishments, and/or discussions related thereto of
9 duties, fees, and taxes (also referred to as Section 30 funds) during the
10 previous month. Such report submitted *shall* include a copy of each
11 correspondence as specified above.

12 (B) If during such month of each fiscal year, there are *no*
13 correspondence sent by the government of Guam to and/or received by the
14 government of Guam from the United States Department of the Treasury,
15 the Department of the Interior and/or its Office of Insular Affairs, or its
16 successor, and any other entities of the United States government related to
17 prior, current, and future fiscal year estimates, reconciliations, receipts,
18 overpayments, underpayments, advanced requests for subsequent fiscal
19 years, and/or discussions related thereto of duties, fees, and taxes (also
20 referred to as Section 30 funds) during the previous month, *I Maga'låhen*
21 *Guåhan shall* submit a letter to the Speaker of *I Liheslaturan Guåhan* and
22 the Office of Finance and Budget stating no correspondence having been
23 sent and/or received.

24 (C) If any correspondence required to be submitted pursuant to this
25 Section is deemed confidential and prevents submission to the Speaker of *I*
26 *Liheslaturan Guåhan* and the Office of Finance and Budget, *I Maga'låhen*
27 *Guåhan shall* state such confidentiality inclusive of a citation of local or

1 federal law preventing such submission and a written opinion by the
2 Attorney General of Guam supporting such non-submission that *shall*
3 accompany such written report.”

4 **Section 4. Section 30 Transparency and Accountability Reporting.** *I*

5 *Maga'låhen Guåhan shall* submit a report pursuant to the detailed reporting
6 requirements in Section 13109(a)(5), Chapter 13, Title 2 of the Guam Code
7 Annotated inclusive of all correspondences thereto related to each of the months
8 during the previous three (3) fiscal years prior to Fiscal Year 2014 and for the
9 months during Fiscal Year 2014 prior to the enactment of this Act. Such report
10 *shall* be submitted to the Speaker of *I Liheslaturan Guåhan* and the Office of
11 Finance and Budget *not later than* twenty (20) days after the enactment of this Act.

12 **Section 5. Effective Date.** This Act *shall* take effect upon its enactment
13 and apply prospectively.

14 **Section 6. Severability.** *If* any provision of this Act or its application to
15 any person or circumstance is held invalid, the invalidity *shall not* affect other
16 provisions or applications of this Act which can be given effect without the invalid
17 provision or application and to this end the provisions of this Act is severable.