

Mrs. Taitano  
fr: BBMR - Angola

P.L. No. 12-103

aside the taking and revest full title to the property in the former owner, his heirs, successors or assigns upon the refund to the Government of any compensation paid for the property."

Section 2. This Act shall only take effect, as to condemnation of land on and after the effective date of this Act and as to cases where the five-year period elapses after the effective date of this Act.

PUBLIC LAW NO. 12-115

Bill No. 120  
Enacted: March 28, 1974  
Governor's Action: Approved  
Riders: None

Introduced by: R.F. Taitano

AN ACT TO ADD A NEW CHAPTER III TO TITLE VI OF THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR A COMPREHENSIVE SYSTEM FOR PROGRAM BUDGETING AND FINANCIAL MANAGEMENT AND TO ADD SECTIONS 5005 AND 5005.1, RELATIVE TO THE CREATION OF THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH AND TO PRESCRIBING DUTIES AND RESPONSIBILITIES FOR SAID BUREAU.

- Section 1 .... Adds Chapter III to Title VI, GC: Program Budgeting and Financial Management.
- \$5150 .... Short Title.
  - \$5151 .... Statement of Policy.
  - \$5152 .... Responsibilities of the Governor.
  - \$5153 .... Responsibilities of the Legislature.
  - \$5154 .... Responsibilities of the Bureau of Budget & Management Research.
  - \$5155 .... Agency Program and Financial Plans.
  - \$5156 .... Governor's Recommendation.
  - \$5157 .... Legislative Review.
  - \$5158 .... Program Execution.
  - \$5159 .... Performance Reporting.
  - \$5160 .... Appropriation for Unauthorized Agencies and Programs.
- Section 2 .... Adds §§5005 and 5005.1 to GC.
- \$5005 .... Creation of Bureau of Budget & Management Research.
  - \$5005.1. .... Duties and Responsibilities of the Bureau.
- Section 3 .... Amends §4106 of GC Relative to Position and Salary of the Director of Budget & Management Research.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. A new Chapter III to Title VI of the Government Code of Guam is hereby added to read as follows:

"CHAPTER III

Program Budgeting and Financial Management

§5150. Short Title.

This Act may be cited as 'The Executive Budget Act'.

§5151. Statement of Policy.

It is the purpose of this Act to establish a comprehensive system for territorial program and financial management which furthers the capacity of the Governor and Legislature to plan and finance the services which they determine the Territory will provide its citizens. The system shall include procedures for:

(1) The orderly establishment, continuing review and periodic revision of the programs and financial goals and policies of the Territory.

(2) The development, coordination and review of long-range program and financial plans that will implement established territorial goals and policies.

(3) The preparation, coordination and analysis, and enactment of a budget organized to focus on territorial services and their costs, that authorizes the implementation of policies and plans in the succeeding budget period.

(4) The evaluation of alternatives to existing policies, plans and procedures that offer potential for more efficient or effective territorial services.

(5) The regular appraisal and reporting of program performance.

§5152. Responsibilities of the Governor.

The Governor shall direct the preparation and administration of the territorial budget. He shall evaluate the long-range program plans, requested budgets, and alternatives to territorial agency policies and programs; and formulate, and recommend for consideration by the Legislature, a proposed comprehensive program and financial plan which shall cover all estimated receipts and expenditures of the government of Guam for the General Fund and all special funds whether or not their resources are annually appropriated by the Legislature, including all grants, loans and moneys received from the Federal government or other agencies both governmental and non-governmental. Proposed expenditures shall not exceed estimated receipts and surpluses.

§5153. Responsibilities of the Legislature.

The Legislature shall:

(1) Consider the program and financial plan recommended by the Governor, including proposed goals and policies, recommended budget, revenue proposals and proposed long-range program plans.

(2) Adopt programs and alternatives to the plan recommended by the Governor as it deems appropriate.

(3) Adopt legislation to authorize the implementation of a comprehensive program and financial plan.

(4) Provide for a post audit of financial transactions, program accomplishments and execution of legislative policy direction.

§5154. Responsibilities of the Bureau of Budget and Management Research.

The Bureau of Budget and Management Research shall:

(1) Assist the Governor in the preparation and explanation of the proposed comprehensive program and financial plan, including the coordination and analysis of territorial agency program goals and objective, program plans and program budget requests.

(2) Develop procedures to produce the information needed for effective policy decision-making.

(3) Assist territorial agencies in their statement of goals and objectives, preparation of program plans, program budget requests and reporting of program performance.

(4) Administer its responsibilities under the program execution provisions of this Act so that the policy decisions and budget determinations of the Governor and the Legislature are implemented to the fullest extent possible within the concepts of proper management.

(5) Provide the Legislature with any budget information it may request.

§5155. Agency Program and Financial Plans.

(a) Each department or agency of the Government (other than the Legislature and the courts), on the date and in the form and content prescribed by the Bureau of Budget and Management Research shall prepare and forward to the Bureau of Budget and Management Research the following program and financial information:

(1) The goals and objectives of the agency programs, together with proposed supplements, deletions and revisions.

(2) Its proposed plans to implement the goals and objectives including estimates of future service needs, planned methods of administration, proposed modification of existing program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan.

(3) The budget requested to carry out its proposed plans in the succeeding fiscal year. The budget request information shall include the expenditures during the last

fiscal year, those estimated for the current fiscal year, those proposal for the succeeding fiscal year, and explanation of the services to be provided, the need for the services, the costs of the services and any other information requested by the Bureau of Budget and Management Research.

(4) A report of the receipts during the last fiscal year, an estimate of the receipts during the current fiscal year, and an estimate for the succeeding fiscal year.

(5) A statement of legislation required to implement the proposed programs and financial plans.

(6) An evaluation of the advantages and disadvantages of specific alternatives to existing or proposed programs, policies or administrative methods.

(b) The territorial agency proposals prepared under Subsection (a) shall describe the relationships of their program services to those of other territorial agencies, of other governments and of non-governmental bodies.

(c) The Bureau of Budget and Management Research shall assist agencies in the preparation of their proposals under Subsection (a). This assistance may include technical assistance; organization of materials; centrally collected accounting, budgeting and personnel information; standards and guidelines formulations; population and other required data; and any other assistance that will help the territorial agencies produce the information necessary for efficient agency management and effective decision-making by the Governor and the Legislature.

(d) If any territorial agency fails to transmit the program and financial information provided under Subsection (a) on the specified date, the Bureau of Budget and Management Research may prepare such information.

(e) The Bureau of Budget and Management Research shall compile and submit to the Governor-elect in any year when a new Governor has been elected, not later than November 20, a summary of the program and financial information prepared by territorial agencies.

§5156. Governor's Recommendation.

(a) The Governor shall formulate the program and financial plan to be recommended to the Legislature after considering the territorial agency proposed program and financial plans, and other programs and alternatives that he deems appropriate. The plan shall include his recommended goals and policies, recommended plans to implement the goals and policies, recommended budget for the succeeding fiscal year and recommended revenue measures to support the budget.

(b) The Governor shall present the proposed comprehensive program and financial plan in a message to the Legislature during its January session prior to each fiscal year. The message shall be accompanied by a budget document which shall contain the Governor's recommended goals, plans and appropriations. The budget document shall be furnished each member of the Legislature and each department or agency of the Government. The budget document shall contain the following information:

(1) The coordinated program goals and objectives that the Governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) The program and budget recommendations of the Governor for the succeeding fiscal year;

(3) A summary of the Territory's receipts in the last fiscal year, a revised estimate for the current fiscal year, and an estimate for the succeeding year;

(4) A summary of expenditures during the last fiscal year, those estimated for the current fiscal year and those recommended by the Governor for the succeeding fiscal year;

(5) Drafts of appropriation bills and revenue measures; and

(6) Any additional information which will facilitate understanding of the Governor's proposed program and financial plan by the Legislature and the public.

(c) After delivery of the Governor's message, the bills incorporating his recommendations may be introduced in the Legislature in accordance with the provisions of its Standing Rules.

**§5157. Legislative Review.**

The Legislature shall consider the Governor's proposed comprehensive program and financial plan; evaluate alternatives to the Governor's recommendations; and determine the comprehensive program and financial plan to support the services to be provided the citizens of the Territory, provided, however, that in such determination authorized expenditures shall not exceed estimated receipts and surpluses.

**§5158. Program Execution.**

(a) Except as limited by policy decisions of the Governor, appropriations by the Legislature, and other provisions of law, the territorial agencies shall have full authority for administering their program service assignments, and shall be responsible for their proper management.

(b) Each territorial agency, (other than the Legislature and the courts), shall prepare an annual plan for the operation of each of its assigned programs. The operations plan shall be prepared in the form and content and be transmitted on the date prescribed by the Bureau of Budget and Management Research.

(c) The Bureau of Budget and Management Research shall:

(1) Review each operations plan to determine that it is consistent with the policy decisions of the Governor and appropriations by the Legislature, that it reflects proper planning and efficient management methods, that appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year.

(2) Approve the operations plan if satisfied that it meets the requirements under Paragraph (1). Otherwise the Bureau of Budget and Management Research shall require revision of the operations plan in whole or in part.

(3) Modify or withhold the planned expenditures at any time during the appropriation period if the Bureau of Budget and Management Research finds that such expenditures are greater than those necessary to execute the programs at the level authorized by the Governor and the Legislature, or that the receipts and surpluses will be insufficient to meet the authorized expenditure levels.

(d) No territorial agency (except the Legislature and the courts), may increase the salaries of its employees, employ additional employees or expend money or incur any obligations except in accordance with law and with a properly approved operations plan.

(e) The Bureau of Budget and Management Research shall report quarterly to the Governor and the Legislature on the operations of each territorial agency, relating actual accomplishments to those planned, and modifying, if necessary, the operations plan of any agency for the balance of the fiscal year.

**§5159. Performance Reporting.**

(a) Each territorial agency (other than the Legislature and the courts), shall submit a performance report to the Bureau of Budget and Management Research on or before September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the Bureau of Budget and Management Research and shall include statements concerning:

(1) The work accomplished and the services provided in the preceding fiscal year or other meaningful work period, relating actual accomplishments to those planned under Subsection (b) of §5158.

(2) The relationship of accomplishments and services to the policy decisions and budget determinations of the Governor and the Legislature.

(3) The costs of accomplishing the work and providing the services, and, to the extent feasible, citing meaningful measures of program effectiveness and cost.

(4) The administrative improvements made in the preceding year, potential improvements in future years, and suggested changes in legislation or administrative procedures to make further improvements.

(b) The Bureau of Budget and Management Research shall summarize the performance reports and forward, through the Governor, copies of the Legislature.

**§5160. Appropriation for Unauthorized Agencies and Programs.**

In order to insure that appropriations are made only for agencies and programs, or projects, authorized by law, appropriation bills shall be separate from bills creating an

agency of Government or authorizing a new program or new project. In the submission of annual budgets under the provisions of this Chapter, no request for appropriation for the operation of any agency of Government nor any request for appropriation for any new program, or project, which has not been created nor authorized previously by law shall be included in such annual budgets."

Section 2. New §§5005 and 5005.1 are hereby added to the Government Code of Guam to read as follows:

"§5005. Creation of Bureau of Budget and Management Research.

There is within the Office of the Governor of Guam a Bureau of Budget and Management Research which shall be headed by the Director of Bureau of Budget and Management Research. The Director of the Bureau of Budget and Management Research shall be a member of the unclassified services of the government of Guam. All other positions in the Bureau of Budget and Management Research shall be in the classified services. The Director shall be appointed by the Governor with the advice and consent of the Legislature.

§5005.1. Duties and Responsibilities of the Bureau.

In addition to the duties and responsibilities prescribed for the Bureau by the provisions of Chapter III of Title X of the Government Code of Guam, the Bureau of Budget and Management Research shall also have the following duties and responsibilities:

- (a) Conduct necessary operational planning and management researches and studies to insure that effective planning and management methods are utilized by departments and agencies of the government of Guam;
- (b) Subject to the approval of the Governor, prescribe a budget calendar for the guidance of all executive agencies and a system of quarterly allotments to insure that appropriations and non-appropriated funds are not exhausted beyond the fiscal period for which such appropriations and funds are made available;
- (c) To institute a system of form control; and
- (d) Perform such other duties and responsibilities as may be prescribed by the Governor or by law."

Section 3. Section 4106 of the Government Code of Guam is hereby amended, where pertinent, by reversing the placement order of the position of Director, Bureau of Budget and Management to read as follows:

.....	
Director of Revenue and Taxation .....	1.....\$19,000
Director of the Bureau of Budget and Management Research .....	1.....\$19,000
.....	"

PUBLIC LAW NO. 12-116

Bill No. 430  
Enacted: March 28, 1974  
Governor's Action: Approved  
Riders: Yes

Introduced by: F.R. Santos

AN ACT TO AMEND SECTION 6610.5 OF THE GOVERNMENT CODE OF GUAM TO INCREASE THE MILEAGE ALLOWANCE FOR GOVERNMENT OF GUAM EMPLOYEES IN PRIVATE AUTOMOBILE, AND FOR OTHER PURPOSES.

Section 1 .... Amends §6610.5 GC: Mileage allowance.  
Section 2 .... Authorizes the transfer of funds within the Headstart Program.