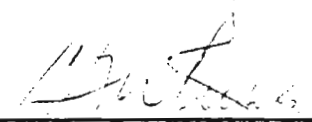


EIGHTEENTH GUAM LEGISLATURE
1986 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 33 (COR), "AN ACT APPROPRIATING ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR THE DESIGN OF SIDEWALKS ALONG Y-SENGSONG ROAD IN DEDEDO AND FOR OTHER PURPOSES," returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 19th day of February 1986, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all members thereof, to wit: by a vote of 14 members.


CARE T. C. GUTIERREZ
Speaker

Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this _____ day of February
1986, at _____ o'clock _m.

Assistant Staff Officer
Governor's Office

Public Law No. 18-30

EIGHTEENTH GUAM LEGISLATURE
1986 (FIRST) Regular Session

Bill No. 33 (COR)
Substitute
Committee on Ways & Means
and further substitute by
Committee on Rules
(2/5/86)

Introduced by:

J. T. San Agustin
F. R. Santos
F. J. Quitugua

D. Parkinson
F. J. Gutierrez
H. D. Dierking
E. P. Arriola
C. T. C. Gutierrez
J. P. Aguon
P. C. Lujan
T. S. Nelson

AN ACT APPROPRIATING ONE HUNDRED THOUSAND
DOLLARS (\$100,000) FOR THE DESIGN OF SIDEWALKS
ALONG Y-SENGSONG ROAD IN DEDEDO AND FOR OTHER
PURPOSES.

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

2 Section 1. The line in Section 2 of Chapter I of the General Appropriation Act
3 of 1986 which reads

4 "Federal Income Tax Collection (Section 30 Funds) 27,021,000"

5 is amended to read:

6 "Federal Income Tax Collection (Section 30 Funds) \$ 31,021,000"

7 Section 2. The sum of One Hundred Thousand Dollars (\$100,000) is
8 appropriated from the General Fund to the Department of Public Works for the
9 architectural and engineering design of sidewalks along Y-Sengsong Road in the
10 Municipality of Dededo.

1 Section 3. Subpart A of Part XXXI (Department of Revenue and Taxation) of
 2 Section 1 of Chapter II of P.L. 18-15 is amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
5 "A. For Executive Direction				
6 1. Personnel Services	514,669			514,669
7	(22.0 FTE)			(22.0 FTE)
8 2. Operating Expenses	443,579			443,579
9 3. Utilities				
10 a. Power	135,000			135,000
11 b. Water	6,600			6,600
12 c. Telephone	50,000			50,000
13 d. Toll Call	<u>5,000</u>			<u>5,000</u>
14 TOTAL	1,154,848			1,154,848"

15 Section 4. Subpart E of Part XXXI (Department of Revenue and Taxation) of
 16 Section 1 of Chapter II of P.L. 18-15 is amended to read:

17 "E. For Taxpayers Service				
18 1. Personnel Services	736,054			736,054
19	(42.0 FTE)			(42.0 FTE)
20 2. Operating Expenses	<u>3,000</u>			<u>3,000</u>
21 TOTAL	739,054			739,054"

22 Section 5. Subpart F of Part XXXI (Department of Revenue and Taxation) of
 23 Section 1 of Chapter II of P.L. 18-15 is amended to read:

24 "F. For Motor Vehicle				
25 1. Personnel Services	507,334			507,334
26	(28.0 FTE)			(28.0 FTE)
27 2. Operating Expenses	<u>17,000</u>			<u>17,000</u>
28 TOTAL	524,334			524,334"

29 Section 6. Subpart G of Part XXXI (Department of Revenue and Taxation) of
 30 Section 1 of Chapter II of P.L. 18-15 is amended to read:

1	"G. For Regulatory		
2	1. Personnel Services	642,836	642,836
3		(33.0 FTE)	(33.0 FTE)
4	2. Operating Expenses	<u>3,000</u>	<u>3,000</u>
5	TOTAL	645,836	645,836"

6 Section 7. Section 8 of P.L. 18-24 is amended to read:

7 "The sum of Seven Hundred Fifty Thousand Dollars (\$750,000) is
8 appropriated from the General Fund to the Guam Fire Department to implement
9 the provisions of Section 7 of this Act."

10 Section 8. Notwithstanding the provisions of Section 2 of Chapter X of the
11 General Appropriation Act of 1986, the Guam Police Department is authorized to use
12 and expend funds derived from personnel lapses of the Guam Police Department for
13 the payment to Police Reservists.

14 Section 9. Subsection (b) of 16 GCA §3602 is amended to read:

15 "(b) The fee to be charged for each such inspection shall be established
16 and determined by the Director of the Department of Revenue and Taxation.
17 The Director shall also conduct a public hearing to solicit input and information
18 which shall be incorporated in determining such a fee. Commercial and Armed
19 Forces of the United States vehicle safety inspection stations shall retain all
20 fees collected as payment for inspection services rendered, however, such
21 stations shall be required to purchase official inspection decalomania from the
22 Department of Revenue and Taxation. All fees received by the Department of
23 Revenue and Taxation shall be deposited in the General Fund of the Treasury
24 of Guam."

25 Section 10. Part XXIV of Section 1 of Chapter II of P.L. 18-15 is amended to
26 read:

27 "PART XXXIV

28 DEPARTMENT OF VOCATIONAL REHABILITATION

29	General	Other	Federal	
30	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>

31 A. For Rehabilitation Service
32 Administration under C.F.D.A.
33 No. 13.264
34 1. Personnel Services

33,550		507,270	540,820
--------	--	---------	---------

1		(1.9 FTE)	(27.1 FTE)	
2	2. Operating Expenses		503,550	503,550
3	3. Lease of Office Space		77,280	77,280
4	4. Utilities			
5	a. Telephone		6,600	6,600
6	b. Toll Call		1,000	1,000
7			<u>8,500</u>	<u>8,500</u>
8	TOTAL	<u>33,500</u>	<u>1,104,200</u>	<u>1,137,750</u>
9	B. For Workshop Center			
10	1. Personnel Services	\$ 354,101		\$ 354,101
11		(18.0 FTE)		(18.0 FTE)
12	2. Operating Expenses	59,481		59,481
13	3. Utilities			
14	a. Power	34,500		34,500
15	b. Water	2,411		2,411
16	c. Telephone	<u>4,800</u>		<u>4,800</u>
17	TOTAL	\$ 455,293		\$ 455,293
18				
19	PART XXIV			
20	GRAND TOTAL	488,843	\$1,104,200	1,593,043"
21				

22 Section 11. The sum of One Hundred Eighteen Thousand Six Hundred Fifty-one
23 Dollars (\$118,651) is appropriated from the General Fund to the Department of
24 Vocational Rehabilitation for the payment of federal disallowed costs.

25 Section 12. The sum of Twenty-seven Thousand Dollars (\$27,000) is
26 appropriated from the General Fund to the Department of Parks and Recreation for
27 the operations and maintenance of the Veteran's Cemeteries to be effective as of
28 December 21, 1985.

29 Section 13. Subsection (B) of Section 1 of Chapter IV of Public Law 18-15 is
30 amended to read:

1	2	General	Other	Federal	Total
3	4	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
5	"B. For Parks Administration and Planning				
6	1. Personnel Services	\$ 116,642			\$ 116,642
7		(6.0 FTE)			(6.0 FTE)
8	2. Contractual Services	452			452
9	3. Supplies and Materials	3,000			3,000
10	4. Equipment				
11	a. Reference Books	350			350
12	TOTAL	<u>\$ 120,444</u>			<u>\$ 120,444"</u>

13 Section 14. Subsection (D) of Section 1 of Chapter IV of Public Law 18-15 is amended to read:

14	15	General	Other	Federal	Total
16	17	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
18	"D. For Parks Maintenance				
19	1. Personnel Services	\$ 978,274			\$ 978,274
20		(68.0 FTE)			(68.0 FTE)
21	2. Contractual Services	160,475			160,475
22	3. Supplies and Materials	115,000			115,000
23	4. Equipment				
24	a. Bush Cutters (19)	4,731			4,731
25	b. Lawn Mowers (25)	4,643			4,643
26	c. Router Machine	110			110
27	d. Edge Trimmers (3)	615			615
28	e. Welding Apparatus (20)	498			498
29	f. Hand Tools	1,403			1,403
30	TOTAL	<u>\$ 1,265,749</u>			<u>\$1,265,749"</u>

31 Section 15. Notwithstanding any other provision of law, the sum of
32 Seventy-five Thousand Dollars (\$75,000) is appropriated from the General Fund to the Department of Public Health and Social Services Dental Program to fund the inpatient hospital dentistry services for the handicapped.

1 Section 16. Section 10 of Chapter X of the General Appropriation Act of 1986
2 is amended to read:

3 "Section 10. The sum of Six Million One Hundred Sixty-seven Thousand
4 Two Hundred Fifty-two Dollars (\$6,167,252) is appropriated from the General
5 Fund to the Public Utility Agency of Guam Fund for the Fiscal Year 1986
6 operations of the Public Utility Agency of Guam. An additional One Hundred
7 Sixty Thousand Dollars (\$160,000) is appropriated from the General Fund to the
8 Public Utility Agency of Guam Fund to fund solely the reclassification of PUAG
9 employees which have been approved by the Civil Service Commission as of the
10 effective date of this Act, for the period October 1, 1985 through May 15 1986.
11 The reclassification of PUAG employees to be funded by the One Hundred Sixty
12 Thousand Dollar (\$160,000) appropriation shall be effective retroactively from
13 October 1, 1985. After May 15, 1986 the reclassification shall be funded from
14 the water rate increase approved by the Public Utilities Commission. If the
15 Public Utility Agency of Guam receives sufficient revenues from its proposed
16 water rate increase to fund the reclassification before May 15, 1986, any unused
17 portion of the One Hundred Sixty Thousand Dollars (\$160,000) appropriated
18 shall be reverted to the General Fund by the Director of Administration. The
19 Governor shall implement the reclassification of the PUAG employees within
20 thirty (30) days after the enactment of this Act. It is the intent of the
21 Legislature to provide funding for the reclassifications of Public Utility Agency
22 of Guam employees which have been approved by the Civil Service Commission
23 as of the effective date of this Act, until such time as the Public Utility Agency
24 of Guam becomes independent of the General Fund for funding through
25 increased water rates. In the event the amounts appropriated are not sufficient
26 to provide such funding for approved reclassifications of Public Utility Agency
27 of Guam employees, then the Governor may request such additional amounts as
28 are required by the Agency to cover reclassifications until the new water rates
29 go into effect."

30 Section 17. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) is
31 appropriated from the General Fund to the Department of Public Works for the
32 purpose of expanding and enclosing the gymnasium at Simon Sanchez High School to
33 include a classroom, a weight room, and storage space. Any unused amounts shall
34 be available to Simon Sanchez High School for maintenance needs.

1 Section 18. The sum of Fifty Thousand Dollars (\$50,000) is appropriated from
2 the General Fund to the Department of Public Works for the purpose of constructing
3 a multi-purpose basketball-volleyball court at the Pagachao Subdivision of Agat.

4 Section 19. The sum of One Hundred Seventy Thousand Dollars (\$170,000) is
5 appropriated from the General Fund to the Public Utility Agency of Guam for the
6 construction in Agat of sewer lines along Route 12 into the R.R. Cruz Subdivision.

7 Section 20. The sum of Sixty-eight Thousand Dollars (\$68,000) is appropriated
8 from the General Fund to the Public Utility Agency of Guam for the installation of a
9 six-inch water pipe (which will replace a two-inch line) to carry water into the R.R.
10 Cruz Subdivision in Agat and for the construction of two fire hydrants in the same
11 subdivision.

12 Section 21. A new Section 8310 is added to 12 GCA, Chapter 8, Article 3 to
13 read:

14 "§8310. The Guam Energy Office and the Governor of Guam shall submit a
15 program plan to the Legislature for approval prior to spending any funds
16 received from or pursuant to U.S. Public Law 97-377 Section 155, the Court
17 Case of U.S. vs. Exxon (TECA Nos. 91-100 (Consolidated)) and the case of "In
18 re Department of Energy Stripper Well Exemption Litigation (MDL No. 378). No
19 money shall be spent by the Guam Energy Office, the Governor, or the
20 territory of Guam from any of the above without prior concurrence by law."

21 Section 22. The sum of Seventy-five Thousand Dollars (\$75,000) is
22 appropriated from the General Fund to the Department of Public Works for the
23 construction of a canopy and the upgrading and refurbishing of the swimming pool to
24 meet proper health and safety standards at the Brodie Memorial School.

25 Section 23. The sum of Three Hundred Fifty Thousand Dollars (\$350,000) is
26 appropriated from the General Fund to the Department of Public Works for the
27 purpose of constructing additional classrooms to accomodate the classroom needs of
28 the Inarajan Middle School. Any unused amounts shall be available to Inarajan
29 Middle High School for maintenance needs.

30 Section 24. The sum of One Hundred Eight Thousand Dollars (\$108,000) is
31 appropriated from the General Fund to the Department of Public Health and Social
32 Services, for the purpose of implementing the reorganization of the Division of Social
33 Services.

1 Section 25. Notwithstanding the limitation of the amounts appropriated for
2 various specific items listed in Subsections Z-1. 1 and Z-1.2 of Section 1 of Chapter
3 IX of P.L. 18-15, the University of Guam is authorized to purchase the specific
4 items listed in these subsections and may exceed the amounts listed in P.L.18-15 for
5 each of the specific items as long as the totals of funds utilized for capital outlay
6 items do not exceed the following amounts for the following divisions or colleges:
7 The Plant Management Division (One Hundred Sixty-two Thousand Dollars
8 (\$162,000)), the Learning Resources Center (Five Thousand Three Hundred
9 Eighty-three Dollars (\$5,383)), the College of Arts and Sciences (Ninety-three
10 Thousand Fifty Dollars (\$93,050)), the College of Business and Public Administration
11 (Thirty-four Thousand Five Hundred Dollars (\$34,500)) and the College of
12 Agriculture and Life Sciences (Sixteen Thousand Four Hundred Fifty-five Dollars
13 (\$16,455)).

14 Section 26. Notwithstanding any other provision of law, the Board of Regents
15 of the University of Guam is authorized to use projected personnel lapses up to the
16 following amounts for the purposes specified: to address the personnel costs of
17 Summer School (Two Hundred Sixteen Thousand Three Hundred Seventy-six Dollars
18 (\$216,376)); contractual costs for lease of computer hardware for the Computer
19 Center (One Hundred Thirty Thousand Nine Hundred Dollars (\$130,900)); and
20 Supplies and Materials needs of the Computer Service Center (Five Thousand Dollars
21 (\$5,000)); the Plant Management Office (Thirty-one Thousand Six Hundred One
22 Dollars (\$31,601)); Administration Office of Academic Affairs (Five Hundred Dollars
23 (\$500)); Admissions, Records, Placement and Alumni Relations (Eight Thousand
24 Dollars (\$8,000)); Student Affairs (Two Thousand Dollars (\$2,000)); Learning
25 Resources (Four Thousand Five Hundred Dollars (\$4,500)); College of Arts and
26 Sciences (Forty-five Thousand One Hundred Thirty Dollars (\$45,130)); Division of
27 Nursing (Two Thousand Dollars (\$2,000)); College of Education (Seven Thousand
28 Dollars (\$7,000)); College of Business and Public Administration (Nine Thousand
29 Dollars (\$9,000)); Graduate School (Five Hundred Dollars (\$500)); Marine Laboratory
30 (One Thousand Five Hundred Dollars (\$1,500)); and the Micronesian Area Research
31 Center (Two Thousand Dollars (\$2,000)).

1 Section 27. Section 19501.0212 of the Government Code is amended to read:

2 "Section 19501.0212. Refunds and interest. He shall authorize the
3 Treasurer of Guam, by certification, to make refund of any overpayment of a
4 tax made by taxpayer or any assessment erroneously or illegally made and
5 collected; provided that such refunds as are hereby authorized are to be made
6 out of the funds in the Treasury which were derived from the collection of the
7 tax under which the refund is made; provided, further, that the Government of
8 Guam will pay interest at an annual rate established under Section 19515 of the
9 Government Code on all moneys erroneously or illegally assessed and collected,
10 such interest to run from the date of the overpayment. Where a refund of any
11 tax or portion thereof is due a taxpayer and the said taxpayer has any
12 obligation owing to the Government of Guam, regardless of how such obligation
13 was accrued, the refund or such necessary part thereof, shall be applied to the
14 obligation so owing."

15 Section 28. Section 19514 of the Government Code is repealed and reenacted to
16 read:

17 "Section 19514. Penalty. The following penalties are hereby levied and
18 shall be assessed and collected by the Tax Commissioner: (a) Late payment.
19 In case of failure to pay the amount shown as tax on any return required
20 under this Chapter on or before the date prescribed for payment of such tax,
21 unless it is shown that such failure is due to reasonable cause and not due to
22 willful neglect, there shall be imposed in addition to other penalties provided
23 herein, a specific penalty to be added to the tax in the amount of five percent
24 (5%) of the amount of such tax if the failure is not more than thirty (30) days,
25 with the additional five percent (5%) for each additional thirty (30) days, or
26 fraction thereof, not to exceed twenty-five percent (25%) in the aggregate.
27 Provided, that the minimum penalty shall be the lesser of the amount of tax due
28 or Twenty-five Dollars (\$25.00).

29 (b) False and fraudulent returns. If any part of any deficiency is due
30 to fraud with intent to evade the tax, or any portion thereof, fifty percent
31 (50%) of the total amount of such deficiency, in addition to the penalties
32 provided in subsection (a) above, shall be assessed and added to the deficiency
33 assessment."

1 Section 29. The sum of Two Hundred Forty-eight Thousand Dollars (\$248,000)
 2 is appropriated from the General Fund to the Superior Court of Guam to fund the
 3 upgrading/reassignment of pay ranges for Superior Court employees covering the
 4 period October 1, 1985 to September 30, 1986.

5 Section 30. The sum of Three Hundred Sixty Thousand Dollars (\$360,000) is
 6 appropriated from the General Fund to the Eighteenth Guam Legislature for its Fiscal
 7 Year 1986 operations of the Republican Minority Senators to be apportioned at the
 8 rate of Forty Thousand Dollars (\$40,000) for each minority senator.

9 Section 31. Items 1.a of Subsection H of Section 1 of Chapter IX of P.L.18-15
 10 is hereby repealed.

11 Section 32. Subitem a of Item 2. of Subsection H of Section 1 of Chapter IX of
 12 P.L. 18-15 is amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
13 "2. FACILITIES & MAINTENANCE				
14 a. Six (6) Pick-up trucks	32,500			32,500"

15 Section 33. A new Item 11 is added to Subsection H. of Section 1 of Chapter
 16 IX of P.L. 18-15 to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
17 "11. Agana Heights Elementary				
18 a. Repair of Flooding				
19 Problems	\$ 31,000			31,000"

20 Section 34. Part VII of Section 1 of Chapter III of P.L. 18-15 is amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	<u>Total</u>
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	
21 "Part VII				
22 FACILITIES AND MAINTENANCE				
23 110. Personnel Services	1,674,162			\$1,674,162
24 (93.0 FTE)				(93.0 FTE)
25 220. Travel for mileage				
26 (local)	12,000			12,000
27 230. Contractual	427,272			427,272

1	240. Supplies & Materials	377,677	377,677
2	200. Equipment	<u>22,000</u>	<u>22,000</u>
3	TOTAL	\$2,513,111 *	\$2,513,111

4 * The amount of \$1,974,027 will be reimbursed from School Assistance for
5 federally affected areas [Impact Aide/SAFA funds]."

6 Section 35. The line 361 in Subpart A of Part IV of Section 1 of Chapter III of
7 P.L. 18-15 is amended to read:

8	General	Other	Federal	
9	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
10	"361. Power	\$1,263,500		\$1,263,500"

11 Section 36. Section [1] of Section 1 of Chapter III of P.L. 18-15 is amended to
12 read:

13 "[1] Notwithstanding any provision of law, the Board of Education is
14 authorized to use lapsed funds to address school repair and capital improvement
15 needs as cited in the FY'86 Committee Report."

16 Section 37. Notwithstanding any other provision of law, the Board of Trustees
17 of the Guam Community College is authorized to expend funds derived from the
18 personnel services lapses of the Guam Community College to address the repair and
19 capital improvement needs of the Guam Community College.

20 Section 38. Notwithstanding any other provision of law, the Board of Trustees
21 of the Guam Community College is authorized to use up to Forty Thousand Dollars
22 (\$40,000) in projected lapsed funds appropriated in Item 3.a. of Subpart F of Part
23 XII of Section 1 of Chapter II of P.L. 18-15 for a training program in aquaculture.

24 Section 39. Subpart C. of Part XIII of Section 1 of Chapter III of P.L. 18-15
25 is amended to read:

26	General	Other	Federal	
27	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
28	"C. Dededo Middle School			
29	110. Personnel Services	2,366,443		2,366,443
30		(117.0 FTE)		(117.0 FTE)
31	230. Contractual Services	10,126		10,126
32	240. Supplies & Materials	55,476		55,476
33	250. Equipment	<u>73,913</u>		<u>73,913</u>
34	TOTAL	\$2,505,958		\$2,505,958"

1 Section 40. Subpart B. of Part XIII of Section 1 of Chapter III of P.L. 18-15
 2 is amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
5 "B. Agueda Johnston Middle School				
6 110. Personnel Services	2,161,927			2,161,927
7	(109.0 FTE)			(109.0 FTE)
8 230. Contractual Services	10,475			10,475
9 240. Supplies & Materials	47,408			47,408
10 250. Equipment	<u>59,928</u>			<u>59,928</u>
11 TOTAL	\$2,279,738			\$2,279,738"

12 Section 41. Subpart E. of Part XIII of Section 1 of Chapter III of P.L. 18-15
 13 is amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
14 "E. Inarajan Middle School				
17 110. Personnel Services	774,138			774,138
18	(38.0 FTE)			(38.0 FTE)
19 230. Contractual Services	2,500			2,500
20 240. Supplies & Materials	13,267			13,267
21 250. Equipment	<u>9,598</u>			<u>9,598</u>
22 TOTAL	\$ 799,503			\$ 799,503"

23 Section 42. Subpart F. of Part XIII of Section 1 of Chapter III of P.L. 18-15
 24 is amended to read:

	<u>General</u>	<u>Other</u>	<u>Federal</u>	
	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
27 "F. Piti Middle School				
28 110. Personnel Services	1,276,755			1,276,755
29	(63.0 FTE)			(63.0 FTE)
30 230. Contractual Services	8,090			8,090
31 240. Supplies & Materials	27,390			27,390
32 250. Equipment	<u>6,670</u>			<u>6,670</u>
33 TOTAL	\$1,318,905			\$1,318,905"

1 Section 43. Subpart H. of Part XIII of Section 1 of Chapter III of P.L. 18-15
 2 is amended to read:

	<u>General</u> <u>Fund</u>	<u>Other</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Total</u>
"H. George Washington High School				
6 110. Personnel Services	3,291,969			3,291,969
7	(158.0 FTE)			(158.0 FTE)
8 230. Contractual Services	24,352			24,352
9 240. Supplies & Materials	80,850			80,850
10 250. Equipment	<u>23,600</u>			<u>23,600</u>
11 TOTAL	\$3,420,771			\$3,420,771"

12 Section 44. Subpart K. of Part XIII of Section 1 of Chapter III of P.L. 18-15
 13 is amended to read:

	<u>General</u> <u>Fund</u>	<u>Other</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Total</u>
"K. Oceanview High School				
17 110. Personnel Services	1,430,328			1,430,328
18	(70.0 FTE)			(70.0 FTE)
19 230. Contractual Services	12,275			12,275
20 240. Supplies & Materials	33,075			33,075
21 250. Equipment	<u>30,370</u>			<u>30,370</u>
22 TOTAL	1,506,048			1,506,048"

23 Section 45. Subpart I. of Part XIII of Section 1 of Chapter III of P.L. 18-15 is
 24 amended to read:

	<u>General</u> <u>Fund</u>	<u>Other</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Total</u>
"I. Inarajan High School				
28 110. Personnel Services	1,122,717			1,122,717
29	(57.0 FTE)			(57.0 FTE)
30 230. Contractual Services	10,756			10,756
31 240. Supplies & Materials	31,973			31,973
32 250. Equipment	<u>32,993</u>			<u>32,993</u>
33 TOTAL	1,198,439			1,198,439"

1 Section 46. Subpart L. of Part XIII of Section 1 of Chapter III of P.L. 18-15 is
2 amended to read:

3	General	Other	Federal	
4	<u>Fund</u>	<u>Fund</u>	<u>Fund</u>	<u>Total</u>
5 "L. Simon Sanchez High School				
6 110. Personnel Services	1,896,348			1,896,348
7	(94.0 FTE)			(94.0 FTE)
8 230. Contractual Services	28,000			28,000
9 240. Supplies & Materials	45,938			45,938
10 250. Equipment	<u>33,319</u>			<u>33,319</u>
11 TOTAL	2,003,605			2,003,605"

12 Section 47. FTE's and associated funds transferred by Sections 39, 40, 41, 42,
13 43, 44, 45 and 46 of this Act may only be used to transfer teaching positions. No
14 non-teaching positions may be transferred.

15 Section 48. Subsection (u) of Section 4 of Chapter I, P.L. 18-15 is amended to
16 read:

17 "(u) 'Equipment' means, except for Chapter IX of this Act and the
18 Department of Education, items having a purchase price of (\$250) or less.
19 Equipment purchased by and for the Department of Education shall have a
20 purchase price of Two Thousand Dollars (\$2,000) or less."

21 Section 49. Item (6) of 17 GCA §16112 is amended to read:

22 "(6) Levy fees for teachers' certificate and renewals in accordance with
23 the regulations of the Joint Board. The fees collected shall be used to defray
24 the administrative expenses of administering a basics skills test to educators."

25 Section 50. 3 GCA §16206 is amended to read:

26 "§16206. Time for Filing Nomination Papers; Fees. Nomination papers
27 shall be filed with the Commission at least sixty (60) days prior to the day for
28 holding the primary. There shall be deposited with each nomination a fee of
29 One Hundred Dollars (\$100.00) on account of the expenses attending the
30 holding of the primary which shall be paid into the treasury of Guam. Upon
31 the receipt at the office of the Commission of a nomination of a candidate, the
32 day, hour and minute when it was received shall be endorsed thereon."

1 Section 51. 3 GCA §6112 is amended to read:

2 "§6112. Filing and Distribution of Petitions. Not more than One Hundred
3 thirty (130) days and no less than sixty (60) days before a regular general
4 election, candidates for the Legislature and for other elective offices, shall file
5 their declarations of candidacy with the Commission which shall publish in a
6 newspaper of general circulation the names of all candidates and the office for
7 which they have declared their candidacy."

8 Section 52. 3 GCA §16301 is repealed and reenacted to read:

9 "§16301. Form of Primary Election Ballot. Ballots used in the primary
10 election shall be in the form prescribed by the Election Commission and shall
11 conform to the following requirements:

12 (a) All candidates for offices to be contested in the forthcoming general
13 election shall appear on a separate primary ballot for each office to be voted
14 upon by voters in each voting district. A voting district is each district within
15 the territory of Guam as defined in 1 GCA §403, unless otherwise provided in
16 this Title.

17 (b) Across the top of each ballot shall be printed the words 'OFFICIAL
18 PRIMARY ELECTION BALLOT' and the date of the primary election;

19 (c) Thereafter shall appear an explanation to the voter instructing him
20 how to vote for a specific candidate;

21 (d) There shall appear specific instructions in boldface type on each
22 ballot that a voter may cast votes for candidates appearing on that ballot for
23 one (1) party only; that if votes are cast for candidates of more than one (1)
24 party for any office or nomination of offices appearing on the ballot, the entire
25 ballot shall be void. The instructions on each ballot shall clearly indicate that
26 voters may vote for candidates for different parties on different ballots.
27 Between the candidates for different parties there shall appear a thick dark line
28 vertically across the ballot;

29 (e) The ballot shall be divided so that the party with the greatest
30 number of candidates elected to the Legislature at the next preceding election
31 shall appear first on the left on the ballot below the words, in boldface type,
32 ' _____ PARTY PRIMARY CANDIDATES'; The ballot for each office for
33 which party nominations are sought shall contain instructions to the voters as
34 to the maximum number of candidates that may be selected for that office; that

1 party's candidates for nomination for each office shall be listed on the ballot in
2 random order in a manner similar to that established for general election ballot
3 listing and placement;

4 (f) On the right, next to the first party's primary candidates, there
5 shall appear a thick dark line vertically across the ballot;

6 (g) Immediately to the right of the line, the party with the next highest
7 number of candidates elected to the Legislature at the next preceding election
8 shall have its candidates listed in an identical manner to the preceding party,
9 below the words, in boldface type, ' _____ PRIMARY CANDIDATES';

10 (h) All other parties participating in the primary shall appear on the
11 ballot to the right in order based upon the number of party candidates elected
12 to the Legislature at the next preceding election. The parties shall be
13 separated from each other on the ballot, and their candidates shall appear on
14 the ballot in the same manner set forth for the first two (2) parties;

15 (i) In the event more than one (1) party shall be entitled to the same
16 position on the ballot, the order shall be determined publicly by the Election
17 Commission; each concerned party shall be given reasonable notice of the time
18 and place of the drawing and shall be invited to attend;

19 (j) The Election Commission shall make accomodation for the voter to
20 write in the name of a person or persons not otherwise appearing on the ballot,
21 under each office being contested under each party heading;

22 (k) Should the Election Commission adopt a ballot form using any
23 mechanical, electro-mechanical, or electronic device to record the vote or aid in
24 recording the vote, the information required by this Section shall appear on the
25 device in the place provided therefore, or otherwise prominently within the
26 voting booth so as to be easily read by the voter."

27 Section 53. 3 GCA §§8101, 8102, 8104, and 8104.1 and 3 GCA §§8105 through
28 8116, inclusive, are repealed.

29 Section 54. A new 3 GCA Chapter 19 is added to read:

30 "CHAPTER 19. ELECTION CAMPAIGN CONTRIBUTIONS
31 AND EXPENDITURES

32 §19101. DEFINITIONS. When used in this Chapter: (a) 'Advertisement'
33 means:

1 (1) Any communication exclusive of bumper stickers or other
2 sundry items paid for by or on behalf of a candidate which identifies a
3 candidate directly or by implication or which advocates or supports the
4 nomination for election, of the candidate or advocates or supports his
5 defeat; and

6 (2) Any communication exclusive of bumper stickers or other sundry
7 items paid for by or on behalf of a committee which identifies an issue or
8 question which appears or is reasonably certain to appear on the ballot at
9 the next applicable election or which advocates or supports the passage or
10 defeat of the question or issue.

11 (b) 'Campaign treasurer' means a person appointed under Section 19106 of
12 this Chapter, and, unless expressly indicated otherwise, includes deputy
13 campaign treasurers.

14 (c) 'Candidate means an individual who seeks nomination for election or
15 election to office. An individual is a candidate if he does any of the following:

16 (1) Files nomination papers for an office for himself, or consents to
17 have a declaration of nomination for an office filed on his behalf by a
18 qualified political party pursuant to Section 6109 of this Title or by five
19 (5) voters as specified in Section 6110 of this Title; or

20 (2) Receives contributions in an aggregate amount of more than One
21 Hundred Dollars (\$100.00), or makes or incurs any expenditures to bring
22 about his nomination for election, or election, to office; or

23 (3) Gives his consent for any other person to receive contributions
24 or make expenditures to aid his nomination for election, or election, to
25 office.

26 (d) 'Commission' means the Election Commission.

27 (e) 'Committee' means:

28 (1) Any person who accepts a contribution or makes an expenditure
29 for or against any individual candidate or group of candidates, person
30 seeking nomination for election, or election to office, or political party,
31 with the authorization of the candidate, person, or political party or who
32 accepts a contribution or makes an expenditure for or against any question
33 or issue which is to appear on the ballot at the next applicable election;

1 (2) Any person who raises or holds money or anything of value and
2 who subsequently contributes the money or thing of value to, or make
3 expenditures in behalf of an individual candidate, group of candidates,
4 person, political party; provided that the term 'committee' shall not include
5 any person making a contribution or expenditure of his own funds or thing
6 of value, he originally acquired for his own use and not for the purpose
7 of evading any provision of this Chapter.

8 (f) 'Contribution' means:

9 (1) A gift, subscription, loan, advance, deposit of money or
10 anything of value, or cancellation of a debt or legal obligation for the
11 purpose of:

12 (i) Influencing the nomination for election, or election, of any
13 person to office; or

14 (ii) Influencing the outcome of any question or issue which
15 appears or is reasonably certain to appear on the ballot at the next
16 applicable election; or

17 (iii) Use by any party for the purpose set out in clause (i) or
18 (ii) above;

19 (2) The payment, by any person other than a candidate or
20 committee, or compensation for the personal services of another person
21 which are rendered to the candidate or committee without charge or at an
22 unreasonably low charge, other than volunteer campaign services, or

23 (3) A contract, promise, or agreement to make a contribution;
24 provided that notwithstanding Subparagraphs (1), (2), and (3) of this
25 paragraph, the term shall not include services or portions thereof
26 voluntarily provided without reasonable compensation by individuals to or
27 in behalf of a candidate or committee; or

28 (4) Notwithstanding the above, a candidate's expenditure of his own
29 funds in the pursuit of his campaign shall not be a contribution for the
30 purpose of this subpart.

31 (g) 'Election means any general or primary election for office or for
32 determining a question or issue provided by law.

33 (h) 'Expenditure' means:

1 (1) Any purchase or transfer of money or anything of value or
2 promise or agreement to purchase or transfer money or anything of value,
3 or payment incurred or made, or the use or consumption of a nonmonetary
4 contribution for the purpose of:

5 (i) Influencing the nomination for election, or election, of any
6 person seeking nomination for election, or election, to office whether
7 or not the nomination papers have been filed by him or in his behalf;
8 or

9 (ii) Influencing the outcome of any question or issue which is
10 to appear on the ballot at the next applicable election; or

11 (iii) Use by any political party for the purposes set out in
12 clause (i) or (ii) above;

13 (2) The payment, by any person other than a candidate or
14 committee, of compensation for the personal services of another person
15 which are rendered to the candidate or committee for any of the purposes
16 mentioned in clause (h)(1)(i), (ii), or (iii) of this Section; or

17 (3) The expenditure by a candidate of his own funds for the
18 purposes set out in clauses (h)(1)(i), (ii), or (iii) of this Section.

19 (i) 'Newspaper' means a publication of general distribution in the
20 territory issued once or more per month which is written and published in the
21 territory.

22 (j) 'Office' means any elective public office excluding federal elective
23 offices.

24 (k) 'Person' means an individual, partnership, committee, association,
25 organization.

26 (l) A candidate is 'directly opposed' another when the election of that
27 other candidate could mean the non-election of the candidate in question.

28 §19102. DUTIES OF ELECTION COMMISSION. The Election Commission
29 shall supervise campaign contributions and expenditures, and its duties in
30 regards to this Chapter shall include, but shall not be limited to, the following:

31 (a) To ascertain whether any candidate, committee, political party, or
32 other person has failed to file a report required by this Chapter or has filed a
33 substantially defective or deficient report, and to notify the persons that their
34 failure to file or filing of a substantially defective or deficient report must be

1 corrected and explained, the correction or explanation to be submitted in
2 writing to the Commission within a reasonable time after the notification of the
3 failure to file or deficiency. The Election Commission shall make available a list
4 of candidates, committees, and political parties who have failed to correct their
5 deficiency within the time allowed by the Election Commission. Failure to
6 properly respond to the notification shall constitute a violation of this Chapter;

7 (b) To develop and adopt reporting forms required by this Chapter;

8 (c) To preserve all reports required by this Chapter for at least five (5)
9 years from the date of receipt;

10 (d) To permit the inspection, copying or duplicating of any report
11 required by this Chapter pursuant to rules adopted by the Election Commission
12 for such purpose; provided that no information or copies from the reports shall
13 be sold or used by any person for the purpose of soliciting contributions or for
14 any commercial purpose;

15 (e) To investigate and hold public hearings for receiving evidence of any
16 violations;

17 (f) To request the initiation of prosecution for the violation of any
18 requirements of this Chapter; and

19 (g) To offer advisory opinions to interested persons regarding compliance
20 with the requirements of this Chapter.

21 §19103. FILING OF REPORTS. All reports required to be filed by this
22 Chapter by a candidate or committees supporting a candidate with his consent
23 shall be certified as correct by the candidate. All reports required to be filed
24 under this Chapter by a political party or any other committee shall be certified
25 correct by the party, or committee treasurer, or the deputy treasurer, or the
26 chairman, thereof, in that order. All reports required to be filed with the
27 Election Commission shall be open for public inspection.

28 §19104. REGISTRATION. Each candidate, committee, and political party
29 shall file an organizational report not later than the earliest of the following
30 applicable days:

31 (a) On or before the day of filing for nomination or election;

32 (b) By the tenth day after receiving any contributions for the next
33 campaign in an aggregate amount of more than One Hundred Thousand Dollars

1 (\$100,000.00) or the making or incurring of any expenditure for the next
2 campaign in excess of One Hundred Thousand Dollars (\$100,000).

3 §19105. ORGANIZATIONAL REPORTS. (a) The organizational report shall
4 include:

5 (1) The name, address, office sought when known, and party
6 affiliation of each candidate or individual whom the committee or party is
7 supporting and the name and address of the committee or party;

8 (2) The names and addresses of the campaign treasurer and
9 deputies;

10 (3) The names and addresses of the campaign chairman and deputy
11 campaign chairman;

12 (4) A list of all banks, safety deposit boxes, or other depositories
13 used and the applicable account numbers;

14 (5) The amount and date of deposit of the contributions and the
15 name and address of each individual donor who has made a contribution of
16 more than One Hundred Dollars (\$100.00) except for funds and
17 contributions which may be reported in the aggregate as indicated in 3
18 GCA §19109(b).

19 (6) In the case of a report by a committee or party supporting or
20 opposing a ballot question or issue, all of the information described in
21 Subsections (2) through (5) herein and a description of the question or
22 issue.

23 (b) Any change in information submitted in the organizational report
24 other than in Subsection (a) (5) above, shall be reported not later than the
25 tenth day after the change or when the candidate, committee, party, or
26 campaign treasurer, becomes aware of the change.

27 §19106. CAMPAIGN TREASURER. (a) Every committee, political party,
28 and candidate shall appoint a campaign treasurer on or before the day for filing
29 an organizational report. Up to five (5) deputy campaign treasurers may be
30 appointed. A candidate may appoint himself as campaign treasurer.

31 (b) A campaign treasurer may be removed at any time. In case of death,
32 resignation, or removal of the campaign treasurer, the committee, party, or
33 candidate shall promptly appoint a successor, during the period the office of

1 campaign treasurer is vacant, the candidate, committee chairman, or party
2 chairman, whichever is applicable, shall serve as a campaign treasurer.

3 (c) Each campaign treasurer shall be authorized to receive contributions
4 or make expenditures on behalf of the candidate, committee, or political party
5 appointing him.

6 §19107. CAMPAIGN CONTRIBUTIONS; IN GENERAL (a) All monetary
7 contributions shall be promptly deposited in a financial depository duly
8 authorized to do business in the territory, such as a bank, savings and loan
9 institution, industrial loan company, or similar financial institution, in the name
10 of the candidate, committee, or political party, whichever is applicable.

11 (b) Each candidate, committee, or political party shall establish and
12 maintain an itemized record showing the amount of each monetary contribution,
13 the description and value of each nonmonetary contribution, and the name and
14 address of each donor making a contribution of more than One Hundred Dollars
15 (\$100.00) in value, except funds and contributions which may be reported in
16 the aggregate as indicated in 3 GCA §19109(b).

17 (c) Each candidate and campaign treasurer shall report the amount and
18 date of each contribution and the name and address of each donor who makes a
19 contribution or contributions whose value is more than One Hundred Dollars
20 (\$100.00).

21 (d) No candidate, committee or party may accept a contribution of more
22 than Two Hundred Fifty Dollars (\$250.00) in cash from a single person without
23 issuing a receipt to the donor and keeping a record of the transaction.

24 (e) Each candidate and political party shall disclose the original source of
25 all earmarked funds, the ultimate recipient of the earmarked funds, and the
26 fact that the funds are earmarked.

27 (f) For the purposes of this Section 'earmarked funds' means
28 contributions received by a committee or party on the condition that the funds
29 be contributed to or expended only on certain candidates, issues, or questions.

30 §19108. CAMPAIGN CONTRIBUTIONS: RESTRICTIONS AGAINST
31 TRANSFER. (a) A candidate, campaign treasurer, or committee shall not
32 receive any contributions, make any expenditures, or receive or make any
33 transfer of money or anything else of value;

1 (1) For any purpose other than those directly related:

2 (i) In the case of the candidate, to his own campaign; or

3 (ii) In the case of a campaign treasurer or committee, to the
4 campaign of the candidate, question, or issue with which they are
5 directly associated; or

6 (2) To campaign against any other candidate not directly opposing
7 the candidate for whom the funds were collected or with whom the
8 campaign treasurer or committee is directly associated; Provided that a
9 candidate, campaign treasurer, or committee may purchase from its
10 campaign fund not more than two tickets for each testimonial or fund
11 raising affair held by another candidate, committee, or political party.

12 (b) This Section shall not be construed to prohibit a political party from
13 supporting more than one candidate or to prohibit joint expenditure by two or
14 more candidates seeking election to multiple offices whether the expenditures
15 are equally or unequally incurred among such candidates; provided that the
16 allocation of expenditures between the candidates is based upon reasonable
17 objective standards. The political party or candidates, whichever is applicable,
18 shall make the initial allocation between candidates. If the allocation is
19 disallowed by the Election Commission, and the allocation of expenditures is not
20 corrected as prescribed by the Election Commission, the allocation found shall
21 presume to be a transfer of funds in violation of this Section.

22 §19109. LIMIT ON ANONYMOUS CONTRIBUTIONS. (a) No person shall
23 make a contribution of his own money or property or money of another person
24 of more than One Hundred Dollars (\$100.00) to any candidate, political party or
25 committee in connection with a nomination for election, or election, anonymously;
26 nor shall any candidate, political party, or committee knowingly receive, accept,
27 or retain the contribution or enter or cause the same to be entered in its
28 accounts as an anonymous contribution or in another name than that of the
29 person by whom it was actually furnished.

30 (b) This Chapter shall not apply to amounts that aggregate less than Two
31 Hundred Fifty Dollars (\$250.00) when obtained through multiple contributions
32 made by ten (10) or more persons at the same event, nor shall it apply to
33 money received from fund raising or testimonial dinners, functions, food sales,
34 raffles and fund raising activities, the ticket or cost for which is not more than

1 twenty-five dollars (\$25.00) per person or ticket. Each such aggregate
2 contribution shall be reported accompanied by a description of the means,
3 method, place, and date of receipt.

4 (c) Any anonymous contributions received by a candidate, political party,
5 or committee and not allowed by this Section shall not be used or expended,
6 but shall be returned to the donor. If the donor cannot be identified, the
7 contribution shall escheat to the territory.

8 §19110. FALSE NAME. No person shall make any contributions of his own
9 money or property or money of another person to any candidate, political
10 party, or committee in connection with a nomination for election, or election, in
11 any other name than the name of the person owning the money or who supplied
12 the money or property. All contributions made in the name of a person other
13 than the true or established name of the actual owner of the money or property
14 shall escheat to the territory.

15 §19111. LIMITATION ON AMOUNT OF CONTRIBUTIONS.

16 (a) No person shall make aggregate contributions in excess of One
17 Thousand Dollars (\$1,000.00) for any one candidate in any calendar year for
18 any primary election and no person shall make aggregate contributions in excess
19 of One Thousand Dollars (\$1,000) for any one candidate in any general or
20 special election.

21 (b) It is unlawful for any bank or labor organization, whether or not
22 authorized to do business on Guam, to make a contribution or expenditure in
23 connection with any election to any political office, or in any primary election;
24 A corporation, whether or not authorized to do business on Guam, may
25 purchase no more than Five Hundred Dollars (\$500.00) worth of tickets for each
26 fundraising dinner or function for any political party or candidate, but not to
27 exceed the aggregate contributions allowed under Subsection (a) of this
28 Section. Such corporate contributions must be reported to the election
29 commission regardless of amount. Every bank, corporation, or labor
30 organization which makes any contribution in violation of this section shall be
31 fined not more than Five Thousand Dollars (\$5,000.00), and every officer or
32 director of any bank, corporation, or labor organization as the case may be,
33 and any person who accepts or receives any contribution in violation of this

1 Section, shall be fined not more than One Thousand Dollars (\$1,000.00) or
2 imprisoned no more than one (1) year, or both.

3 §19112. CAMPAIGN EXPENDITURES: AUTHORITY REQUIRED.

4 (a) A candidate may draw on the campaign treasurer for expenditures
5 related to his campaign or political activities. The candidate shall make a
6 detailed accounting of his campaign expenditures and the accounting shall be
7 made a part of the reports required in Sections 19113 and 19114 of this
8 Chapter. The account shall state the amount and purpose of the expenditures
9 and other information required by the Election Commission and shall be signed
10 and certified by the campaign treasurer.

11 (b) No funds shall be withdrawn or paid from a campaign depository
12 except on the written authorization of the campaign treasurer.

13 §19113. PRELIMINARY REPORTS. Each candidate, authorized person in
14 the case of a political party, or campaign treasurer in the case of a committee
15 shall file a preliminary report with the Election Commission on forms provided
16 by the Election Commission not later than the tenth day prior to each election
17 or primary, as the case may be. The report shall be certified pursuant to
18 Section 19103 of this Chapter and shall contain the following information which
19 is to be current through the fifteenth calendar day prior to the election or
20 primary:

21 (a) The aggregate sum of all contributions received;

22 (b) The amount and date of deposit of the contribution and the name and
23 address of each donor who contributes an aggregate of more than One Hundred
24 Dollars (\$100.00);

25 (c) All expenditures made, incurred, or authorized by or for a candidate
26 including the name and address of each payee and the amount, date, and
27 purpose of each expenditure.

28 (d) A current statement of the balance on hand or deficit.

29 §19114. REGISTRATION AND TAXATION OF CAMPAIGN FUNDS. Any
30 political candidate, committee, or party, which raises contributions, or other
31 things of value for campaign or political purposes shall not be required to
32 register with the Department of Revenue and Taxation nor fill any tax returns
33 with the Department of Revenue and taxation unless liable for the Territorial
34 Income Tax. There shall be no gross receipts tax imposed on campaign

1 contributions or money or things of value raised from fund raising activities if
2 later reported to the Election Commission, whether or not required to do so
3 under any provision of this Title.

4 §19115. FINAL AND SUPPLEMENTAL REPORTS. (a) Each candidate
5 whether or not successful in a primary or special primary election, authorized
6 person in the case of a party, or campaign treasurer in the case of a committee
7 shall file a final primary report not later than the tenth day after the primary
8 or special primary election, certified pursuant to Section 19103 of this Chapter.
9 The report shall include:

10 (1) A statement of the total contributions received;

11 (2) The amount and date of deposit of the contribution and the name
12 and address of each donor who contributes more than One Hundred Dollars
13 (\$100.00);

14 (3) A statement of all expenditures made or incurred by or for a
15 candidate including the name of each payee and the amount, date, and
16 purpose of each expenditure; and

17 (b) Each candidate or authorized person in the case of a committee, shall
18 file a final general report with the Election Commission not later than the
19 twentieth day after a general or special election, certified pursuant to Section
20 19103 of this Chapter and reporting all items prescribed in Subsection (a) of
21 this Section. A candidate who is unsuccessful in a primary or special primary
22 election need not file a final general report.

23 (c) Deficit. In the event of a deficit, the candidate or authorized person
24 in the case of a committee shall, every three (3) months until the deficit is
25 eliminated, file a supplemental report, the first of which shall be due not later
26 than sixty (60) days following the election.

27 (d) Surplus. In the event of a surplus, the candidate, authorized
28 person in the case of a committee shall:

29 (1) Maintain the cash surplus in a financial depository; and

30 (2) Every six (6) months, until he becomes a candidate again, file
31 supplemental reports reporting all items prescribed in Subsection (a) of
32 this Section. The first report shall be due not later than sixty (60) days
33 after the election.

1 (e) A candidate, party, or committee who receives no contributions or
2 makes no expenditures shall nevertheless file preliminary, final, and
3 supplemental reports as required by law.

4 §19116. DISPOSITION OF FUNDS. (a) All candidates who withdraw or
5 cease to be candidates, or committees directly associated with these candidates,
6 or persons who receive contributions but fail to file for nomination, or
7 committees or parties which discontinue their activities covered in this Chapter,
8 shall return any residual contributions to the political party of the person or
9 candidate or to the campaign committee of a person of the same party who is a
10 candidate for the same office as the person who has ceased to receive
11 contributions or to be a candidate.

12 (b) Upon dissolution, the candidate for campaign treasurer shall file a
13 report with the Election Commission reporting the amounts distributed under
14 this Section and the manner of disposition.

15 §19117. ADVERTISING. (a) No person shall cause or submit any
16 advertisement in support of a candidate to be published, broadcast, televised,
17 or otherwise circulated and distributed except under the following conditions:

18 (1) The advertisement shall contain a notice in a prominent location
19 that the literature or advertisement is published, broadcast, televised, or
20 circulated with the approval and authority of the candidate, provided that
21 in the event that the literature or advertisement is paid for by a candidate
22 or committee directly associated with a candidate, the notice of approval
23 and authority need not be included; or

24 (2) The advertisement shall contain a notice in a prominent location
25 that the literature or advertisement is published, broadcast, televised, or
26 circulated without the approval and authority of the candidate.

27 (b) All advertisements mentioned in Subsection (a) above and all other
28 advertisements of a political nature shall contain the true name and address of
29 the candidate, committee, person or political party paying for same.

30 §19118. COMPLAINTS AND INVESTIGATION. (a) Complaints of violations
31 of this Chapter against any person shall be filed with the Election Commission.
32 The complaint shall be in writing and shall be signed under oath by the
33 complainant.

1 (b) The Election Commission shall give notice of receipt of the complaint
2 together with a copy of the complaint to the person cited and shall afford him
3 an opportunity to explain or otherwise respond to the complaint. The Election
4 Commission may also cause an investigation pursuant to Section 19102 of this
5 Title to be made of the complaint.

6 (c) Upon hearing the response of the person cited, if he elects to
7 respond to the complaint, and upon completion of any investigation, the Election
8 Commission shall make a prompt determination as to whether probable cause
9 exists that a violation has been committed.

10 (1) Any person who appears before the Election Commission shall
11 have all of the rights, privileges, and responsibilities of a witness
12 appearing before the courts of the territory.

13 (2) The Election Commission shall cause a record to be made of all
14 proceedings pursuant to this Subsection. At the conclusion of proceedings
15 concerning an alleged violation or upon receiving a report from its
16 investigating officer, the Election Commission shall immediately begin
17 deliberations and then proceed to determine by majority vote of the
18 members whether probable cause exists that a violation has been
19 committed.

20 (d) Until the determination of probable cause by the Election Commission,
21 all proceedings, including the filing of the complaint, investigation, and hearing
22 shall be confidential unless the person complained of requests an open session.
23 In the event the Election Commission shall determine that probable cause does
24 not exist, then the complaint shall be dismissed and the entire records of the
25 proceedings shall be kept confidential at the option of the person complained of.

26 (e) The Election Commission shall give written notice to the person
27 complained of and to the complainant as to whether probable cause of a violation
28 exists or whether the complaint has been dismissed.

29 (f) In the event a determination is made that probable cause of an
30 unintentional violation exists, the Election Commission shall issue a confidential
31 order that may require the violator to:

32 (1) Temporarily cease and desist violation of this Chapter; or

33 (2) File any report, statement, or other information as required by
34 this Subsection.

1 (g) The Election Commission may only initiate prosecution as provided in
2 the next Section when it finds that probable cause of willful violation exists.
3 §19119. PENALTIES; RELIEF.

4 (a) Any person willfully violating any provision of this Chapter shall,
5 unless otherwise expressly stated, be punishable in the manner prescribed as
6 follows:

7 (1) If a natural person, he shall be guilty of a misdemeanor and
8 shall be subject to the penalties specified therefor; or

9 (2) If a corporation, organization, or association, it shall be
10 punishable by a fine not exceeding One Thousand Dollars (\$1,000.00); and

11 (3) Whenever a corporation, organization, or association violates this
12 Chapter, the violation shall be deemed to be also that of the individual
13 directors, officers, or agents of the corporation, organization, or
14 association, who have knowingly authorized, ordered, or done any of the
15 acts constituting the violation.

16 (b) Any person may sue for injunctive relief to compel compliance with
17 the Chapter.

18 §19120. PROSECUTION. (a) The office of the Attorney General shall
19 have prosecutorial responsibility over violations of this Chapter.

20 (b) The court shall give priority to the expeditious processing of suits
21 under this Section.

22 (c) Prosecuting for violation of any provision of this Chapter shall not be
23 commenced after one (1) year has elapsed from the date of the violation or date
24 of filing of the report covering the period in which the violation occurred,
25 whichever is later."

26 Section 55. A new Chapter 18 is added to 3 GCA to read:

27 "Chapter 18

28 Verification of Signatures

29 §18101. Verification of Signatures. The Election Commission shall verify
30 all signatures contained in any petition for any initiative, referendum, or
31 recall, to insure that all signatures on the petitions are the signatures of
32 persons registered to vote in the territory. In order to facilitate the
33 verification of signatures on petitions, the Election Commission may promulgate
34 rules allowing any proponent to submit petitions to the Election Commission on a

1 staggered schedule, as the signed petitions are received by the proponents,
2 rather than waiting until all petitions have been signed."

3 Section 56. If any provisions of this Act or the application thereof to any
4 person or circumstance is held invalid, such invalidity shall not affect the other
5 provisions or applications of this Act which can be given effect without the invalid
6 provisions of application and to this end the provisions of this Act are severable.

7 Section 57. The sum of One Hundred Fifty Thousand Dollars (\$150,000) is
8 appropriated from the General Fund to the Legislative Operations Fund for the
9 continuing operation of the Eighteenth Guam Legislature.

10 Section 58. The line in Subsection B.(1) of 4 GCA §6206 which reads

11 "Director of Revenue and Taxation 1 \$36,000"

12 is amended to read:

13 "Director of Revenue and Taxation 1 \$45,000"

14 Section 59. Subsection B.(2) of 4 GCA §6206 is amended to read:

15 "(2) Deputy Directors

16 - one (1) per Department as
17 enumerated in §6206.B(1),

18 not to exceed \$30,000

19 except Deputy Director of

20 the Department of Revenue

21 and Taxation not to exceed \$40,000"

22 Section 60. The sum of Ninety-two Thousand Dollars (\$92,000) is appropriated
23 from the General Fund to the Public Utility Agency of Guam to fund the water and
24 sewer connection of the Dominican Senior Care Home.

25 Section 61. (a) The sum of Twenty-five Thousand Dollars (\$25,000) is
26 appropriated from the General Fund to the Department of Public Works for the
27 purpose of procuring materials necessary to construct a regulation field on
28 Government of Guam property adjacent to the old Guam Memorial Hospital, Lot
29 5175-1-R2 NEW.

30 (b) As many square meters of Lot 5175-1-R2 NEW as are needed is hereby
31 dedicated for the exclusive use as a baseball and recreation field for sports,
32 recreation, and other related purposes.

1 Section 62. A new Subsection (f) is added to 12 GCA §9112 to read:

2 "(f) Notwithstanding any other provision of law, government funds of any
3 department, agency or instrumentality of the government may not be used to
4 pay membership dues or acquire voting rights. Any such funds used to
5 acquire or continue membership or acquire or continue voting rights after
6 October 1, 1985 shall be reimbursed to the affected department, agency or
7 instrumentality of the government."

8 Section 63. The sum of Twenty-five Thousand Dollars (\$25,000) is appropriated
9 from the General Fund to the Department of Public Works to improve the Mangilao
10 baseball field, including the addition of lighting and other needed items.

11 Section 64. The sum of Forty Thousand Dollars (\$40,000) is appropriated from
12 the General Fund to the Department of Public Works to improve the baseball field
13 and basketball court in Agana Heights.

14 Section 65. The sum of Twenty-five Thousand Dollars (25,000) is appropriated
15 from the General Fund to the Department of Public Works to improve the Jose U.
16 Atoigue baseball field, including bleachers and lighting, in Ordot-Chalan Pago.

17 Section 66. Notwithstanding any other provision of law, the Department of
18 Administration is authorized to use personnel lapses from the FY 1986 budget to pay
19 overtime accumulated by persons who rendered personnel services to the Department
20 of Administration in FY 1985.

21 Section 67. Section 215 of the Civil Code is repealed and reenacted to read:

22 "Section 215. Legitimation of children. (a) A child is considered
23 legitimate for all purposes if:

24 (1) The parents of the child were married at the conception of the
25 child or at anytime after the conception of the child, and before the
26 child's eighteenth birthday; or

27 (2) The child is legitimate on the effective date of this Act; or

28 (3) The child is legitimate under the laws of the place of his birth;

29 or

30 (4) If the parents have jointly executed an affidavit before the
31 eighteenth birthday of the child, affirming that the signatories are the
32 natural, biological parents of the child, affirming the paternity of the
33 child, indicating the birthdate of the child, and affirming their desire to
34 legitimate the child. Any such affidavit shall be conclusive as to the

1 legitimacy of the child. The Director of Public Health may make
2 appropriate changes as to parentage, name, and other matters on the
3 child's birth certificate based on such affidavit.

4 (b) Petition for legitimating children.

5 (1) Any natural parent in Guam may petition the court for an order
6 affirming the legitimacy of his or her child, based upon the affidavit as
7 provided for in Subsection (a)(2) of this Section, or based upon the
8 marriage of the parents. The court shall have jurisdiction to make such
9 an order if either parent is a resident of Guam or if the child is a
10 resident of Guam, as residence is defined in Sections 128 and 129 of the
11 Civil Code. Before such an order can be entered, both parents must file
12 affidavits that no other persons have claimed to be parents of said child
13 and file an acknowledged consent to the court's legal name be changed to
14 reflect the natural father's family name.

15 (2) Upon entry of an order of legitimacy, pursuant to this Section,
16 the court shall transmit a copy of said order to the Director of Public
17 Health or to the office issuing the child's birth certificate, as appropriate,
18 which shall make appropriate changes to the birth certificate to reflect the
19 correct name and parentage of the child.

20 (3) A child shall be considered legitimate for all purposes if, before
21 the child's eighteenth birthday, a court of competent jurisdiction has
22 determined the paternity of said child, in any divorce action, paternity
23 action, or action for support. The Superior Court shall have the
24 jurisdiction and authority to determine paternity in such actions,
25 notwithstanding other provisions of law, but shall order a complete
26 investigation and home study by court personnel or by personnel from the
27 Department of Public Health before issuing an order determining paternity
28 in such cases, unless both of the parents agree as to the issue of
29 paternity or the lack of it.

30 Nothing in this Section shall be construed to de-legitimate any person who is
31 legitimate under the laws of the place of his birth or who is legitimate on the
32 effective date of this Act."

1 Section 68. (a) Legislative Findings. The Legislature finds that Harold J.
2 Finney, Jr., the only resident of Asan/Maina to die in Vietnam, contributed
3 significantly to his community in many ways. Harold J. Finney Jr. was born on
4 Guam on April 16, 1950 and attended Asan Elementary School and Adelup Elementary
5 School. He had a deep interest in forming community sports organizations and
6 started a body building club for the youth of Asan/Maina before joining the United
7 States Army in 1968.

8 Harold J. Finney was killed in action in Vietnam on June 21, 1969, at the age
9 of nineteen, the 148th fatality for Guam. To honor him, and the high moral and
10 civic standards which he established in his lifetime, the Municipal Planning Council
11 and the Commissioner of Asan/Maina have expressed the desire to name the new
12 baseball field in Asan/Maina in his honor.

13 (b) A new 1 GCA §821 is added to read:

14 "§821. Harold J. Finney, Jr. Field. The baseball field located in the
15 village of Asan heretofore known as the 'Asan Baseball Field' is renamed the
16 'Harold J. Finney, Jr. Field' to honor Harold J. Finney, Jr., the only resident
17 of Asan/Maina to die during the war in Vietnam, for the many significant
18 contributions he made to his community."

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No.: 33

DATE: 2-6-86

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada		✓		
J. P. Aguon	✓			
E. P. Arriola		✓		
J. G. M. Bamba	✓			
F. F. Blas		✓		
H. D. Dierking		✓		
E. R. Duenas				✓
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III	✓			
P. C. Lujan		✓		
M. D. A. Manibusan	✓			
XXXXXXXXXX				
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin				✓
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

13

5

2

EIGHTEENTH GUAM LEGISLATURE

CHAIRMAN, COMMITTEE ON RULES

Members: Speaker Carl T.C. Gutierrez
Sens. Elizabeth P. Arriola,
Hermilina D. Dieking,
Franklin J. Gutierrez
Pilar C. Lujan,
Ted S. Nelson,
Don Parkinson,
Franklin J. Quitugua,
Joe T. San Agustin,
Francisco R. Santos,
Edward R. Duenas



SENATOR JOHN PEREZ AGUON
P.O. Box CB-1
Agana, Guam USA 96910
472-2990, 472-3426, 472-6614

MEMBER

Committee on General Governmental
Operations
Committee on Economic Development,
Housing and Community Development
Committee on Tourism, Transportation
and Communications
Committee on Federal, Foreign and
Legal Affairs

~~January 27,~~ 1986

The Honorable Carl T.C. Gutierrez
Speaker
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

P.L. 18-30

Dear Mr. Speaker:

The Committee on Rules at its meeting on Friday, January 24, 1986, approved the placement of Bill No. 33, second item on the Second Reading File; and hereby transmits to the full Legislature Bill No. 33 as Substituted by the Committee on Ways & Means and further Substituted by the Committee on Rules.

The Committee voting record for passage of Bill No. 33 is as follows:

TO DO PASS	<u>8</u>
TO NOT PASS	_____
ABSTAIN	_____
COMMENTS	<u>3</u>

A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely yours,

Handwritten signature of John P. Aguon.
JOHN P. AGUON
Chairman

Attachments

VOTING SHEET - Bill No. _____, as Substituted by the Committee on Ways & Means and further
 COMMITTEE ON RULES Substituted by the Committee on Rules.

<u>MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAINED</u>	<u>COMMENTS</u>
SEN. JOHN P. AGUON Chairperson	_____	_____	_____	_____
<i>E. Aguon</i> SEN. ELIZABETH P. APPIOLA Member	<input checked="" type="checkbox"/>	_____	_____	_____
<i>H. Dierking</i> SEN. HERMINIA D. DIERKING Member	_____	_____	_____	To report out
<i>C. Gutierrez</i> SEN. CARL T. GUTIERREZ Member	<input checked="" type="checkbox"/>	_____	_____	_____
SEN. FRANKLIN J. GUTIERREZ Member	_____	_____	_____	_____
SEN. PILAR C. LUJAN Member	_____	_____	_____	_____
SEN. TED S. NELSON Member	_____	_____	_____	_____
SEN. DON PARKINSON Member	_____	_____	_____	_____
<i>D. Quitorua</i> SEN. FRANKLIN J. QUITORUA Member	<input checked="" type="checkbox"/>	_____	_____	_____
SEN. JOE T. SAN AGUSTIN Member	_____	_____	_____	_____
<i>J. Santos</i> SEN. FRANCISCO R. SANTOS Member	<input checked="" type="checkbox"/>	_____	_____	_____
<i>E. Duenas</i> SEN. EDUARDO R. DUENAS Member	_____	_____	_____	<input checked="" type="checkbox"/> To report out

Committee Report
Committee on Rules

The members of the Committee on Rules met on Friday, January 24, 1986 at 3:00 p.m. A motion was made to place Bill 33 second on the Second Reading File for Session at 2 p.m. Monday January 27, 1986, and to substitute Bill 33 as it was substituted by the Committee on Ways and Means reflecting amendments, deletions, and additions made during the Rules Committee meeting. This motion carried, and Bill 33, substitute by Committee on Ways and Means was further substituted by the Committee on Rules to reflect the following changes:

1. The underlying Bill No. 33 as substituted by the Committee on Ways and Means was adopted as reported out, and numerous technical amendments were authorized to be made throughout the bill, to put in proper format. Section 1 and Section 2 contain the same material as Bill 33 substitute by Committee on Ways & Means, however Section 3 was divided into Sections 3, 4, 5 and 6 in the version as substituted by the Committee on Rules. Later section numbers in the bill were changed accordingly to be consecutive.

2. On page 8 of Bill 33 as substituted by the Committee on Ways and Means, Section 20, appearing as Section 23 of the bill as substituted by the Committee on Rules, amendment was made to delete the word "four (4)" to reflect that the appropriation made in Section 23 may be used for the constructing of as many additional classrooms as the appropriation covers, without restriction as to number.

3. A new Section 50 was added, amending 3 GCA §16206 in order to require nomination papers for primary elections to be filed by candidates sixty days prior to the primary rather than the previous thirty days.

4. A new Section 51 was added to amend 3 GCA §6112. This amendment enlarges the period for filing declarations for candidacy for the general election, to coincide with the new deadline for filing for the primary, enlarging the period so that the declaration of candidacy may be filed one hundred thirty days before the general election, rather than the former ninety days.

5. A new Section 52 was added to repeal and reenact 3 GCA §16301 to change the format of the primary election ballot from one requiring that candidates for the gubernatorial offices and senatorial offices appear on the same ballot, to a new method wherein each office is listed on separate ballots, although requiring the voter still to choose

candidates from one party as the parties appear on the separate ballots, as is required by the current law.

6. A new Section 53 was added to repeal 3 GCA §§8101, 8102, 8104, and 8104.1 and 3 GCA §§8105 through 8116, inclusive. Each section repealed relates to former election code requirements for the regulation of campaign contributions and expenditures. Former sections in Chapter 8 of 3 GCA which describe election offenses and penalties were left intact.

7. A new Section 54 was added to add a new 3 GCA Chapter 19. Chapter 19, entitled "ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", is the same material as is contained in Chapter 12 of Bill 24-3 as reported out by the Committee on General Governmental Operations and renumbered. This new Chapter 19 contains technical corrections to allow it to fit into the present election code. One change was made to this chapter from that as it appeared in Chapter 12 of Bill 24-3, and this is to Section 19110 of the Chapter, now allowing corporations to purchase fundraising dinner or function tickets up to a limit of Five Hundred Dollars (\$500.00) rather than the previous One Hundred Dollars (\$100.00) limit. This new chapter 19 specifies the law defining campaign contributions and reporting of such contributions to clarify the manner in which this is to be done, to eliminate confusion in the old election code, as well as to make it easier for candidates to keep records and report their campaign contributions and expenditures.

8. A new Section 55 was added to add a new Chapter 18 to 3 GCA which requires the Election Commission to verify signatures on petitions for initiatives, referendums, or recalls in order to ensure that all these signatures are from persons of registered voters. This section also allows the checking of signatures to be done as the petitions are turned in to the Election Commission, rather than making the proponents wait to hand in all their petitions for verification until the end of their campaign to collect them.

9. A new Section 56 was added to the bill and is a severability clause.

10. A new Section 57 was added to appropriate One Hundred Fifty Thousand Dollars (\$150,000) from the General Fund to the Legislature Operations Fund.

11. A new Section 58 was added to the Bill in order to add a new Section 28050.1 to Chapter 1.5 of Title XXIX of the Government Code. This allows persons who undergo disciplinary procedures in the Superior Court for the discipline of attorneys to move for a new trial within thirty days after the entry of judgment, regardless of whether or not an appeal has been taken.

12. A new Section 59 was added to amend the portion of 4 GCA §6206 which sets out the salaries of directors to reflect that the salary of the Director of Revenue and Taxation will increase from Thirty-six Thousand Dollars (\$36,000) to Forty-five Thousand Dollars (\$45,000).

13. A new Section 60 was added to the bill to reflect a change in 4 GCA §6206 to increase the salary of the Deputy Director of the Department of Revenue and Taxation to Forty Thousand Dollars (\$40,000) rather than the previous Thirty Thousand Dollars (\$30,000).

14. A new Section 61 was added to appropriate Ninety-two Thousand Dollars (\$92,000) from the General Fund to PUAG to fund water and sewer connections to the Dominacan Senior Care Home.

15. A new Section 62 was added to appropriate Twenty-five Thousand Dollars (\$25,000) from the General Fund to the Department of Public Works to construct a baseball field next to old Guam Memorial Hospital. This section also dedicates the use of the specified land for the exclusive use of baseball, soccer and recreational purposes.

16. A new Section 63 was added to add a new Subsection (f) to 12 GCA §9112 in order to restrict the use of government funds from acquiring or continuing membership dues or voting right in Guam Visitors Bureau after October 1, 1985.

17. A new Section 64 was added to appropriate Twenty-five Thousand Dollars (\$25,000) from the General Fund to the Department of Public Works to improve the Mangilao Baseball Field.

18. A new Section 65 was added to appropriate Forty Thousand Dollars (\$40,000) from the General Fund to the Department of Public Works to improve the baseball field and basketball court in Agana Heights.

19. A new Section 66 was added to appropriate Twenty-five Thousand Dollars (\$25,000) from the General Fund to the Department of Public Works to improve the baseball field in Ordot-Chalan Pago.

20. A new Section 67 was added to allow Department of Administration to pay overtime accrued in 1985 by persons rendering services to DOA from personnel lapses of FY 1986.

The amendments and other changes being adopted, as set out above, Bill 33 as further substituted by the Committee on Rules was placed second on the Second Reading Agenda for the Monday January 27, 1986 Session at 2 p.m.



JOE T. SAN AGUSTIN
Vice-Speaker

Chairman, Committee
on Ways and Means

Vice-Chairman, Committee
on Federal, Foreign, and
Legal Affairs

Member, Committee
on Rules

Member, Committee
on Tourism, Transportation,
and Communication

Member, Committee on
Health, Welfare,
and Ecology

Member, Committee
on Education

Office of the Vice-Speaker Eighteenth Guam Legislature

P.O. Box CB-1, Agana
Territory of Guam, U.S.A. 96910
Tel: 477-8527/9120

January 22, 1986

Honorable Carl T.C. Gutierrez
Speaker
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

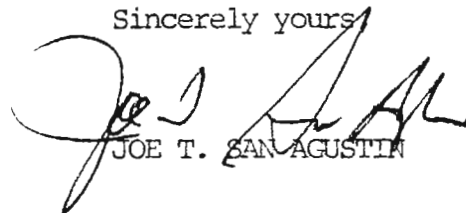
The Committee on Ways & Means, to which Bill Number 33 was referred, wishes to report its findings and recommendations.

The Committee voting record is as follows:

To do pass	<u>9</u>
To not pass	<u>0</u>
To report out	<u>—</u>
Off-Island	<u>—</u>

A copy of the report and all other pertinent documents are attached for your information.

Sincerely yours


JOE T. SAN AGUSTIN

attachments

VOTE SHEET
 Committee on Ways & Means
 BILL NUMBER 33 AS SUBSTITUTED
 AN ACT APPROPRIATING \$100,000 FOR THE
 DESIGN OF SIDEWALKS ALONG Y-SENGSONG
 ROAD IN DEDEDO AND FOR OTHER PURPOSES.

<u>SENATOR</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>TO REPORT OUT</u>	<u>COMMENTS</u>
<u>Joe T. San Agustin, Chairman</u>	✓			
<u>Francisco R. Santos, Vice-Chairman</u>	✓			
<u>Joseph F. Ada, Member</u>	✓			
<u>Herminia D. Dierking, Member</u>	✓			
<u>Franklin J. Gutierrez, Member</u>				
<u>Marilyn D.A. Manibusan, Member</u>	✓			
<u>Don Parkinson, Member</u>	✓			
<u>Franklin J. Quitugua, Member</u>	✓			
<u>Antonio R. Unpingco, Member</u>	✓			

EIGHTEENTH GUAM LEGISLATURE
1986 (Second) Legislative Session

Bill No. 33
As Substituted by
Committee on Ways & Means

Introduced by: J.T. San Agustin
F.R. Santos
F.J. Quitugua
D. Parkinson
F.J. Gutierrez
H.D. Dierking
E.P. Arriola
C.T.C. Gutierrez
J.P. Aguon
P.C. Lujan
T.S. Nelson

AN ACT APPROPRIATING \$100,000 FOR THE
DESIGN OF SIDEWALKS ALONG Y-SENSONG
ROAD IN DEDEDO AND FOR OTHER PURPOSES.

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

Section 1. The sum of One Hundred Thousand Dollars (\$100,000) is hereby appropriated from the General Fund to the Department of Public Works for the architectural and engineering design of sidewalks along Y-Sengsong Road in the Municipality of Dededo.

Section 2. The line in Section 2 of Chapter I of the General Appropriation Act of 1986 which reads "Federal Income Tax Collection (Section 30 Funds) 27,021,000" is amended to read:

"Federal Income Tax Collection (Section 30 Funds) [27,021,000]
31,021,000."

Section 3. Chapter II, Part XXXI, Sections A.1, A.2, A.3.b.c., E.1, F.1, and G.1 are hereby amended to read as follows:

	General Fund	Other Fund	Federal Fund	TOTAL
<u>A. FOR EXECUTIVE DIRECTION</u>				
1. Personnel Services	[\$ 633,669]			[\$ 633,669]
	<u>514,669</u>			<u>514,669</u>
	(22.0 FTE)			(22.0 FTE)
2. Operating Expenses	[215,579]			[215,579]

	<u>443,579</u>	<u>443,579</u>
3. Utilities		
a. Power	135,000	135,000
b. Water	[4,600]	[4,600]
	<u>6,600</u>	<u>6,600</u>
c. Telephone	[40,000]	[40,000]
	<u>50,000</u>	<u>50,000</u>
d. Toll Call	<u>5,000</u>	<u>5,000</u>
TOTAL	[\$1,033,848]	[\$1,033,848]
	<u>1,154,848</u>	<u>1,154,848</u>

E. FOR TAXPAYERS SERVICE DIVISION

1. Personnel Services	[\$ 805,054]	[\$ 805,054]
	<u>736,054</u>	<u>736,054</u>
	(42.0 FTE)	(42.0 FTE)
2. Operating Expenses	<u>3,000</u>	<u>3,000</u>
TOTAL	[\$ 808,054]	[\$ 808,054]
	<u>739,054</u>	<u>739,054</u>

F. FOR MOTOR VEHICLE DIVISION

1. Personnel Services	[\$ 519,334]	[\$ 519,334]
	<u>507,334</u>	<u>507,334</u>
	(28.0 FTE)	(28.0 FTE)
2. Operating Expenses	<u>17,000</u>	<u>17,000</u>
TOTAL	[\$ 536,334]	[\$ 536,334]
	<u>524,334</u>	<u>524,334</u>

G. FOR REGULATORY DIVISION

1. Personnel Services	[\$ 682,836]	[\$ 682,836]
	<u>642,836</u>	<u>642,836</u>
	(33.0 FTE)	(33.0 FTE)
2. Operating Expenses	<u>3,000</u>	<u>3,000</u>
TOTAL	[\$ 685,836]	[\$ 685,836]
	<u>645,836</u>	<u>645,836</u>

Section 4. Section 8 of P.L. 18-24 is hereby amended to read:

"The sum of Seven Hundred Fifty Thousand Dollars (\$750,000) is appropriated from the ~~fees to be realized from the sale of the Three Hundred Million Dollar (\$300,000,000) bond issue approved by P.L. 18-20 General Fund~~ to the Guam Fire Department to implement the provisions of Section 7 of this Act."

Section 5. Notwithstanding Section 2 of Chapter X of the General Appropriation Act of 1986, the Guam Police Department is authorized to use and expend funds derived from personnel lapses of the Guam Police Department for the payment to Police Reservists.

Section 6. Subsection 3602(b) of Article 6 Chapter 3 of 16 GCA is hereby amended to read:

"(b) ~~A fee of Five Dollars (\$5.00) shall be charged for each such inspection. Vehicles failing to pass inspection shall be reinspected for a fee of One Dollar (\$1.00).~~ The fee to be charged for each such inspection shall be established and determined by the Director of the Department of Revenue and Taxation. The Director shall also conduct a public hearing to solicit input and information which shall be incorporated in determining such a fee. Commercial ~~vehicle inspection stations~~ and Armed Forces of the United States vehicle safety inspection stations shall retain all fees collected as payment for inspection services rendered, however, such stations shall be required to purchase official inspection decalomania from the Department of Revenue and Taxation ~~at a cost of Two Dollars (\$2.00 each).~~ All fees received by the Department of Revenue and Taxation shall be deposited in the General Fund of the Treasury of Guam."

Section 7. Part XXXIV of Chapter II of P.L. 18-15 is amended to read:

"PART XXXIV
DEPARTMENT OF VOCATIONAL REHABILITATION

General Fund	Other Fund	Federal Fund	TOTAL
-----	-----	-----	-----

A. For Rehabilitation Service

Administration under

C.F.D.A No. 13.264

1. Personnel Services	[\$ 84,152]	[\$ 456,668]	\$ 540,820
	<u>33,550</u>	<u>507,270</u>	
	[(4.5 FTE)]	[(24.5 FTE)]	(29.0 FTE)
	<u>(1.9 FTE)</u>	<u>(27.1 FTE)</u>	
2. Operating Expenses	[149,398]	[554,152]	[703,550]
		503,550	503,550
3. Lease of Office Space		77,280	77,280
4. Utilities			
a. Telephone		6,600	6,600
b. Toll Call		1,000	1,000
5. Board Stipend		<u>8,500</u>	<u>8,500</u>
TOTAL	[\$ 233,550]	\$ 1,104,200	[\$1,337,750]
	<u>33,550</u>		<u>1,137,750</u>

B. For Workshop Center

1. Personnel Services	\$ 354,101		\$ 354,101
	(18.0 FTE)	.	(18.0 FTE)
2. Operating Expenses	59,481		59,481
3. Utilities			
a. Power	34,500		34,500
b. Water	2,411		2,411
c. Telephone	4,800		4,800
TOTAL	\$ 455,293		\$ 455,293

GRAND TOTAL PART XXXIV	[\$ 688,843]	\$ 1,104,200	[\$1,793,043]
	<u>488,843</u>		<u>1,593,043</u>

Section 8. The sum of One Hundred Eighteen Thousand Six Hundred Fifty-One Dollars (\$118,651) is appropriated from the General Fund to the Department of Vocational Rehabilitation for the payment of federal disallowed costs.

Section 9. The sum of Twenty-Seven Thousand Dollars (\$27,000) is appropriated from the General Fund to the Department of Parks and Recreation for the operations and maintenance of the Veteran's Cemeteries, to be effective as of December 21, 1985.

Section 10. Section 1(B) of Chapter IV of Public Law 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
B. For Parks Administration and Planning				
1. Personnel Services	\$ 116,642			\$ 116,642
	(6.0 FTE)			(6.0 FTE)
2. Contractual Services	[302]			[302]
	<u>452</u>			<u>452</u>
3. Supplies and Materials	[3,500]			[3,500]
	<u>3,000</u>			<u>3,000</u>
4. <u>Equipment</u>	.			
<u>a. Reference Books</u>	<u>350</u>			<u>350</u>
TOTAL	<u>\$ 120,444</u>			<u>\$ 120,444</u>

Section 11. Section 1 (D) of Chapter IV of Public Law 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
D. For Parks Maintenance				
1. Personnel Services	\$ 978,274			\$ 978,274
	(68.0 FTE)			(68.0 FTE)
2. Contractual Services	160,475			160,475
3. Supplies and Materials	115,000			115,000
4. Equipment				
a. Bush Cutters (19)	4,731			4,731
b. Lawn Mowers (25)	[4,599]			[4,599]
	<u>4,643</u>			<u>4,643</u>

<u>c. Router Machine</u>	<u>110</u>	<u>110</u>
d. Edge Trimmers [(4)]	[920]	[920]
<u>(3)</u>	<u>615</u>	<u>615</u>
<u>e. Welding Apparatus (2)</u>	<u>498</u>	<u>498</u>
<u>f. Hand Tools</u>	<u>1,403</u>	<u>1,403</u>
TOTAL	\$ 1,265,749	\$1,265,749

Section 12. Notwithstanding provisions of the law to the contrary, the sum of Seventy-Five Thousand Dollars (\$75,000) is hereby appropriated from the General Fund to the Department of Public Health and Social Services Dental Program to fund the inpatient hospital dentistry services for the handicapped.

Section 13. Section 10 of Chapter X of the General Appropriation Act of 1986 is amended to read:

Section 10. The sum of Six Million One Hundred Sixty-Seven Thousand Two Hundred Fifty-Two Dollars (\$6,167,252) is appropriated from the General Fund to the Public Utility Agency of Guam Fund for the Fiscal Year 1986 operations of the Public Utility Agency of Guam. ~~Upon appropriation, any PUAG revenues in excess of the estimated PUAG Fund revenues of \$10.0 million shall be used first to fund the reclassification of PUAG employees as originally requested by the Agency.~~ An additional One Hundred Sixty Thousand Dollars (\$160,000) is appropriated from the General Fund to the Public Utility Agency of Guam Fund to fund solely the reclassification of PUAG employees which have been approved by the Civil Service Commission as of the effective date of this Act, for the period October 1, 1985 thru May 15, 1986. The reclassification of PUAG employees to be funded by the \$160,000 appropriation shall be effective retroactively from October 1, 1985. After May 15, 1986 the reclassification shall be funded from the water rate increase approved by the Public Utilities Commission. If the Public Utility Agency of Guam receives sufficient revenues from its proposed water rate increase to fund the reclassification before May 15, 1986, any unused portion of the \$160,000 appropriated shall be reverted to the General Fund by the Director of Administration. The Governor shall implement the reclassification of the PUAG employees within thirty (30) days after the enactment of this Act. It is the intent of the Legislature

to provide funding for the reclassifications of Public Utility Agency of Guam employees which have been approved by the Civil Service Commission as of the effective date of this Act, until such time as the Public Utility Agency of Guam becomes independent of the General Fund for funding through increased water rates. In the event the amounts appropriated are not sufficient to provide such funding for approved reclassifications of Public Utility Agency of Guam employees, then the Governor may request such additional amounts as are required by the Agency to cover reclassifications until the new water rates go into effect. ~~Should other additional PUAG operational revenues be collected, the General Fund subsidy of \$6,167,252 appropriated pursuant to this section is correspondingly reduced.~~

Section 14. The sum of Two Hundred and Fifty Thousand Dollars (\$250,000) is hereby appropriated from the General Fund to the Department of Public Works for the purpose of expanding and enclosing the gymnasium at Simon Sanchez High School to include a classroom, a weight room, and storage space. Any unused amounts shall be available to Simon Sanchez High School for maintenance needs.

Section 15. Fifty Thousand Dollars (\$50,000) is appropriated from the General Fund to the Department of Public Works for the purpose of constructing a multi-purpose basketball-volleyball court at the Pagachao Subdivision of Agat.

Section 16. One Hundred Seventy Thousand Dollars (\$170,000) is appropriated from the General Fund to the Public Utility Agency of Guam for the construction in Agat of sewer lines along Route 12 into the R.R. Cruz Subdivision.

Section 17. Sixty-Eight Thousand Dollars (\$68,000) is appropriated from the General Fund to the Public Utility Agency of Guam for the installation of a six-inch water pipe (which will replace a two-inch line) to carry water into the R.R. Cruz Subdivision in Agat and for the construction of two fire hydrants in the same subdivision.

Section 18. A new Section 8310 is added to 12 GCA, Chapter 8, Article 3 to read:

Section 8310. The Guam Energy Office and the Governor of Guam shall submit a program plan to the Legislature for approval prior to spending any funds received from or pursuant to U.S. Public Law 97-377 Section 155, the court case of U.S. vs. Exxon (TECA Nos. 91-100 (Consolidated)) and the case of "In re Department of Energy Stripper Well Exemption Litigation (MDL No. 378). No money shall be spent by the Guam Energy Office, the Governor, or the Territory of Guam from any of the above without prior concurrence by law.

Section 19. The sum of Seventy-Five Thousand Dollars (\$75,000) is hereby appropriated from the General Fund to the Department of Public Works for the construction of a canopy and the upgrading and refurbishing of the swimming pool to meet proper health and safety standards at the Brodie Memorial School.

Section 20. The sum of Three Hundred and Fifty Thousand Dollars (\$350,000) is hereby appropriated from the General Fund to the Department of Public Works for the purpose of constructing four (4) additional classrooms to accommodate the classroom needs of the Inarajan Middle School. Any unused amounts shall be available to Inarajan Middle High School for maintenance needs.

Section 21. The sum of One Hundred Eight Thousand Dollars (\$108,000) is hereby appropriated from the General Fund to the Department of Public Health and Social Services, for the purpose of implementing the reorganization of the Division of Social Services.

Section 22. Pursuant to Subsection Z-1.(1) and Z-2.(2) Section 1 of Chapter IX of P.L. 18-15, the University of Guam is authorized to exceed the amount appropriated for individual items listed in Chapter IX by pooling funds within a division or College where necessary but not to exceed the total amount of funds appropriated within the Plant Management Division (\$162,000), the Learning Resources Center (\$5,383), the College of Arts and Sciences (\$93,050), the College of Business and Public Administration (\$34,500) and the College of Agriculture and Life Sciences (\$16,455).

Section 23. Notwithstanding any provision of law, the Board of Regents of the University of Guam is authorized to use projected personnel lapses to

address the personnel costs of Summer School (\$216,376); contractual costs for lease of computer hardware for the Computer Center (\$130,900); and Supplies and Materials needs of the Computer Service Center (\$5,000); the Plant Management Office (\$31,601); Administration Office of Academic Affairs (\$500); Admissions, Records, Placement and Alumni Relations (\$8,000); Student Affairs (\$2,000); Learning Resources (\$4,500); College of Arts and Sciences (\$45,130); Division of Nursing (\$2,000); College of Education (\$7,000); College of Business and Public Administration (\$9,000); Graduate School (\$500); Marine Laboratory (\$1,500); and the Micronesian Area Research Center (\$2,000).

Section 24. Section 19501.0212 of the Government Code is amended to read:

Section 19501.0212. Refunds and interest. He shall authorize the Treasurer of Guam, by certification to make refund of any overpayment of a tax made by (a) taxpayer or any assessment erroneously or illegally made and collected; provided that such refunds as are hereby authorized are to be made out of the funds in the Treasury which were derived from the collection of the tax under which the refund is made; provided, further, that the Government of Guam will pay interest at ~~the rate of nine percent (9%) per annum~~ an annual rate established under Section 19515 of the Government Code on all monies erroneously or illegally assessed and collected, such interest to run from the date of the overpayment. Where a refund of any tax or portion thereof is due a taxpayer and the said taxpayer has any obligation owing to the Government of Guam, regardless of how such obligation was accrued, the refund or such necessary part thereof, shall be applied to the obligation so owing.

Section 25. Subsection (c) of Section 19514 of the Government Code is added to read:

(c) False and fraudulent returns. If any part of any deficiency is due to fraud with intent to evade the tax, or any portion thereof, fifty percent (50%) of the total amount of such deficiency, in addition to the penalties provided in subsection (a) and (b) above, shall be assessed and added to the deficiency assessment.

Section 26. The sum of Two Hundred Forty-Eight Thousand Dollars (\$248,000) is hereby appropriated from the General Fund to the Superior Court of Guam to

fund the upgrading/reassignment of pay ranges for Superior Court employees covering the period October 1, 1985 to September 30, 1986.

Section 27. The sum of Three Hundred Sixty Thousand Dollars (\$360,000) is hereby appropriated from the General Fund to the 18th Guam Legislature for the fiscal year 1986 operations of the Republican Minority Senators to be apportioned at the rate of \$40,000 for each Minority Senator.

Section 28. Subsection H(1)a of Section 1, Chapter IX of P.L. 18-15 is hereby deleted.

Section 29. Subsection H(2)a of Section 1 Chapter IX of P.L. 18-15 is hereby amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
"2. Facilities & Maintenance				
[a. One (1) pick-up truck	\$ 5,000		\$ 5,000]	
<u>Six (6) pick-up trucks</u>	<u>32,500</u>			<u>32,500"</u>

Section 30. A new subsection H.(11)a is hereby added to Section 1 of Chapter IX of P.L. 18-15:

	General Fund	Other Fund	Federal Fund	TOTAL
"H. 11. Agana Heights Elementary				
a. Repair of Flooding Problems	\$ 31,000		\$ 31,000"	

Section 31. Section 1, Part VII of Chapter III of P.L. 18-15 is hereby amended to read:

"Part VII
Facilities and Maintenance

	General Fund	Other Fund	Federal Fund	TOTAL

110. Personnel Services	\$1,674,162	\$1,674,162
	(93.0 FTE)	(93.0 FTE)
<u>220. Travel (local)</u>	<u>12,000</u>	<u>12,000</u>
230. Contractual	[351,272]	[351,272]
	<u>427,272</u>	<u>427,272</u>
240. Supplies & Materials	377,677	377,677
200. Equipment	<u>22,000</u>	<u>22,000</u>
TOTAL	[\$2,425,111]*	[\$2,425,111]
	<u>2,513,111 *</u>	<u>2,513,111</u>

* The amount of \$1,974,027 will be reimbursed from School Assistance for federally affected areas [Impact Aide/SAFA funds]."

Section 32. The line in Section 1, Part IV A. (361) of Chapter III of P.L. 18-15 is hereby amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
"361. Power	[\$1,110,000]			[\$1,110,000]
	<u>1,263,500</u>			<u>1,263,500"</u>

Section 33. Section 1[1] of Chapter III of P.L. 18-15 is hereby amended to read:

"[1] Notwithstanding any provision of law, the Board of Education is authorized to use lapsed funds to address school repair and capital improvement needs as cited in the FY'86 Committee Report."

Section 34. Notwithstanding any other provision of law, the Board of Trustees of the Guam Community College is authorized to expend funds derived from the personnel services lapses of the Guam Community College to address the repair and capital improvement needs of the Guam Community College.

Section 35. Notwithstanding any other provision of law, the Board of Trustees of the Guam Community College is authorized to use up to \$40,000 in projected lapsed funds appropriated in P.L. 18-15, Chapter II, Part XII, F.,3.,a. for a training program in aquaculture.

Section 36. Subsection C. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
C. Dededo Middle School				
110.	[\$2,286,487]			[\$2,286,487]
	<u>2,366,443</u>			<u>2,366,443</u>
	[(113.0 FTE)]			[(113.0 FTE)]
	<u>(117.0 FTE)</u>			<u>(117.0 FTE)</u>
230.	10,126			10,126
240.	55,476			55,476
250.	<u>73,913</u>			<u>73,913</u>
TOTAL	[\$2,426,002]			\$[2,426,002]
	<u>2,505,958</u>			<u>2,505,958</u>

Section 37. Subsection B. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
B. Agueda Johnston Middle School				
110.	[\$2,221,894]			[\$2,221,894]
	<u>2,161,927</u>			<u>2,161,927</u>
	[(112.0 FTE)]			[(112.0 FTE)]
	<u>(109.0 FTE)</u>			<u>(109.0 FTE)</u>
230.	10,475			10,475
240.	47,408			47,408
250.	<u>59,928</u>			<u>59,928</u>
TOTAL	[\$2,339,705]			[\$2,339,705]
	<u>2,279,738</u>			<u>2,279,738</u>

Section 38. Subsection E. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

General Fund	Other Fund	Federal Fund	TOTAL
-----	-----	-----	-----

E. Inarajan Middle School

110.	[\$ 734,160]	[\$ 734,160]
	<u>774,138</u>	<u>774,138</u>
	[(36.0 FTE)]	[(36.0 FTE)]
	<u>(38.0 FTE)</u>	<u>(38.0 FTE)</u>
230.	2,500	2,500
240.	13,267	13,267
250.	<u>9,598</u>	<u>9,598</u>
TOTAL	[\$ 759,525]	[\$ 759,525]
	<u>799,503</u>	<u>799,503</u>

Section 39. Subsection F. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
F. Piti Middle School				
110.	[\$1,336,722]			[\$1,336,722]
	<u>1,276,755</u>			<u>1,276,755</u>
	[(66.0 FTE)]			[(66.0 FTE)]
	<u>(63.0 FTE)</u>			<u>(63.0 FTE)</u>
230.	8,090			8,090
240.	27,390			27,390
250.	<u>6,670</u>			<u>6,670</u>
TOTAL	[\$1,378,872]			[\$1,378,872]
	<u>1,318,905</u>			<u>1,318,905</u>

Section 40. Subsection H. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
H. George Washington High School				
110.	[\$3,212,013]			[\$3,212,013]
	<u>3,291,969</u>			<u>3,291,969</u>

	[(154.0 FTE)]	[(154.0 FTE)]
	(158.0 FTE)	<u>(158.0 FTE)</u>
230.	24,352	24,352
240.	80,850	80,850
250.	<u>23,600</u>	<u>23,600</u>
TOTAL	[\$3,340,815]	[\$3,340,815]
	<u>3,420,771</u>	<u>3,420,771</u>

Section 41. Subsection K. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
K. Oceanview High School				
110.	[\$1,470,306]			[\$1,470,306]
	<u>1,430,328</u>			<u>1,430,328</u>
	[(72.0 FTE)]			[(72.0 FTE)]
	<u>(70.0 FTE)</u>			<u>(70.0 FTE)</u>
230.	12,275			12,275
240.	33,075			33,075
250.	<u>30,370</u>			<u>30,370</u>
TOTAL	[\$1,546,026]			[\$1,546,026]
	<u>1,506,048</u>			<u>1,506,048</u>

Section 42. Subsection I. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
I. Inarajan High School				
110.	[\$1,242,651]			[\$1,242,651]
	<u>1,122,717</u>			<u>1,122,717</u>
	[(63.0 FTE)]			[(63.0 FTE)]
	<u>(57.0 FTE)</u>			<u>(57.0 FTE)</u>
230.	10,756			10,756
240.	31,973			31,973

250.	<u>32,993</u>	<u>32,993</u>
TOTAL	[\$1,318,373]	[\$1,318,373]
	<u>1,198,439</u>	<u>1,198,439</u>

Section 43. Subsection L. of Part XIII, Chapter III of P.L. 18-15 is amended to read:

	General Fund	Other Fund	Federal Fund	TOTAL
	-----	-----	-----	-----
L. Simon Sanchez High School				
110.	[\$1,816,392]			[\$1,816,392]
	<u>1,896,348</u>			<u>1,896,348</u>
	[(90.0 FTE)]			[(90.0 FTE)]
	<u>(94.0 FTE)</u>			<u>(94.0 FTE)</u>
230.	28,000			28,000
240.	45,938			45,938
250.	<u>33,319</u>			<u>33,319</u>
TOTAL	[\$1,923,649]			[\$1,923,649]
	<u>2,003,605</u>			<u>2,003,605</u>

Section 44. FTE's and associated funds transferred by Sections 36, 37, 38, 39, 40, 41, 42, and 43 of this Act may only be used to transfer teaching positions. No non-teaching positions may be transferred.

Section 45. Section 4(U) Chapter I, P.L. 18-15 is hereby amended to read:

"(U) "Equipment means, except for Chapter IX of this Act and the Department of Education, items having a purchase price of (\$250) or less. Equipment purchased by and for the Department of Education shall have a purchase price of \$2,000 or less."

Section 46. Section 11848.2(6) Guam Code is amended to read:

"levy fees for teachers' certificate and renewals in accordance with the regulations of the Joint Board. The fees collected shall be used to defray the administrative expenses of administering a basics skills test to educators.

COMMITTEE ON WAYS & MEANS
COMMITTEE REPORT ON
BILL NUMBER 33
"AN ACT APPROPRIATING \$100,000 FOR THE
DESIGN OF SIDEWALKS ALONG Y-SENGSONG
ROAD IN DEDEDO AND FOR OTHER PURPOSES."
January 17, 1985

Bill No. 33 as introduced by Senator Joe T. San Agustin would appropriate \$100,000 from the Territorial Highway Fund to the Department of Public Works for the construction of sidewalks in Y-Sengsong Road in Dededo.

PUBLIC HEARING AND TESTIMONY

The public hearing on Bill No. 33 was held on April 15, 1985 at 10:20 A.M. in the Legislative Session Hall. The Department of Public Works through the Deputy Director Vicente Reyes submitted testimony on the Bill and stated the proposed project was with good intentions however several problems existed. As introduced, the funding for the construction of sidewalks would be from the Territorial Highway Fund however the revenues in this fund have been pledged toward the repayment of the \$35 million highway bond issued in mid-1985. In addition, drainage problems must be addressed to insure various areas above the roadway do not become flooded.

COMMITTEE RECOMMENDATIONS AND FINDINGS

The Committee is aware and mindful of the pledge of revenues in the THF for the repayment of the bond issue therefore the change to Bill No. 33 would include the following. The title of the Bill and the appropriation of \$1.0 million from the THF for actual construction purposes has been amended and

Inarajan Middle	<u>36</u>	<u>38</u>	<u>-2</u>
TOTAL:	706	706	0

Section 45 - This section amends the definition of equipment for the Department of Education to purchase items with a price of not less than \$2,000. Current statute as found in the FY'86 Budget Act defines equipment as items having a purchase price of not less than \$250. In the Department's FY'86 Budget, numerous items costing over \$250 were provided for under the equipment object category. Consequently, the department is unable to purchase equipment such as typewriters, chalk boards, floor buffers, vacuum cleaners, etc.

Section 46 - This section amends the powers and duties of the Board of Education in levying fees for teachers certificates whereby the fees collected will be applied toward administrative expenses incurred while administering the tests. The test is being administered to all educators as a means of determining which persons need to upgrade their skills to meet minimum requirements.

RECOMMENDATION

The Committee on Ways & means hereby recommends passage of Bill Number 33 as substituted.

Section 33 - This section expands the authority given to the Department of Education to use whatever lapsed funds are generated to address school repair and capital improvement needs.

Section 34 & 35 - These sections authorize the Guam Community College to utilize available lapses from personnel services for the repair, and capital improvement needs of the College in addition to the establishment of a training program in aquaculture.

Section 36 - 44 - These sections transfer teaching positions from one school to another within the Department of Education due to unforeseen student enrollment at various schools. Associated salary costs are also transferred at the rate of \$19,989 per FTE. A breakdown of the teaching positions is as follows:

<u>School</u>	FTE		<u>Difference</u>
	<u>Budget</u>	<u>Needs</u>	
George Washington High	154	158	-4
Simon Sanchez High	90	94	-4
Oceanview High	72	70	+2
Inarajan High	63	57	+6
Dededo Middle	113	117	-4
Agueda Johnston Middle	112	109	+3
Piti Middle	66	63	+3

essence, sub-section (c) is being restored to Section 19514 GC as originally enacted.

Section 26 - This section would fund the upgrading and reassignment of pay ranges for employees of the Superior Court for FY'86. The amount of \$248,000 would come from the General Fund.

Section 27 - The appropriation of \$360,000 is for operational expenses of the nine (9) Republican Minority senators in the 18th Guam Legislature distributed at \$40,000 each.

Section 28 thru 32 - These sections are related to the FY'86 Budget of the Department of Education. In the Capital Outlay budget for DOE, an appropriation of \$300,000 was made for energy conservation fixtures, however the department officials have indicated that higher priorities exist, therefore the deletion of that appropriation is made in Section 28. The savings of \$300,000 is then reprogrammed as follows.

Section 29	Five additional trucks	\$ 27,500
Section 30	Agana Hgts. Elem.	31,000
Section 31	Local Mileage	12,000
	Cafeteria Equip. Repair	76,000
Section 32	Additional Power Expenses	<u>153,500</u>
	TOTAL	\$ 300,000

Section 21 - This section appropriates \$108,000 to the Department of Public Health for the reorganization of the Division of Social Services. The funding is from the General Fund and reorganization has been approved by the Bureau of Budget and Management Research and also the Civil Service Commission.

Section 22 - This section for the University of Guam would allow the University to group and consolidate funds from the capital outlay budget in FY'86 for use in Divisions within the University. Expenditure limits have also been set per division however the line-item basis would no longer exist, this would then leave the University without a line-item budget for capital outlay.

Section 23 - In this section, the University has projected lapses under personnel services for FY'86 amounting to over \$464,000. The proposal in this section seeks to authorize and allow the University to expend the lapses for other necessary programs and projects.

Section 24 - This section clarifies the Government Code with respect to the Gross Receipts Tax provisions, whereby the interest for taxes owed to the taxpayers is applied. Presently, the statute provides for applying and adding interest on taxes owed the Government. However, it does not apply to refunds, hence, this section will then correct the situation in order to provide for interest on taxes owed and refunds.

Section 25 - This sub-section was inadvertently left out when an amendment to Section 19514 GC was passed in Public Law 18-15, Section 40. In

physical education facilities at the school. Currently, severe problems and inadequate facilities exist such as the lack of lockers, storage space, ventilation, and protection from rain.

Section 15, 16, & 17 - These sections are appropriations for Capital Improvement Projects in the Agat area. These include a multi-purpose basketball-volleyball court, water line installation, and wastewater lines.

Section 18 - This section directs the Guam Energy Office and the Governor to submit a plan to be approved by the Legislature for the expenditure of certain funds to be received by Guam from a recent oil overcharge suit involving Exxon Corporation. The overcharge refunds are from damages the United States Department of Energy is collecting to compensate customers for overcharges on petroleum products during the 1970's. Guam's estimated share of the refund is over \$2.5 million.

Section 19 - This appropriation of \$75,000 is for the construction of a canopy and the refurbishing of the swimming pool at the Brodie Memorial School in Tumon.

Section 20 - The \$350,000 appropriation is for the construction of four (4) classrooms at the Inarajan Middle School. Due to very high enrollment conditions, certain classes are being housed and conducted at the Inarajan Elementary School, therefore the additional classrooms would alleviate this situation.

Supplies and Materials to Equipment to allow the division to purchase park related reference books.

Section 11 - This section reprograms funds in the Parks Maintenance Division of the Department of Parks and Recreation. Funds in the Equipment category are being reprogrammed to allow the division to purchase other needed maintenance type equipment.

Section 12 - This section addresses the Dental Handicapped Program within the Department of Public Health & Social Services in which services are performed at the Guam Memorial Hospital. The funds are only for hospitalization costs for handicapped children with severe cases and average \$ 1,500 per case with a maximum amount of cases projected at 50 for the year.

Section 13 - This section amends the FY'86 Budget Act with respect to the reclassification funding for Public Utility Agency of Guam employees which is found in Section 10 of the Miscellaneous Provisions of the Budget Act. as enacted, the reclassification of the employees could only be funded if the revenues of PUAG exceeded \$10.0 million, however, the amendment provides for a direct appropriation of \$160,000 to fund the reclassification during the period of October 1, 1985 thru May 15, 1986. After May 15, 1986, the reclassification is to be funded from the water rate increases scheduled to take effect that same day.

Section 14 - The appropriation of \$ 250,000 to expand and enclose the gym at Simon Sanchez High School would alleviate the present lack of proper

Section 8 - The Department of Vocational Rehabilitation through the savings of \$200,000 derived from the waiver is requesting that a portion be used to address the long-standing liabilities of the Government of Guam to the federal government in the form of disallowed costs. The principal amount due since May 21, 1984 of \$102,506.56 has been accumulating interest at the rate of .75% per month. The amount appropriated would cover the payment of disallowed costs plus interest until February 1986. The computation of the amount is as follows:

\$ 102,506.56 x .75%/month	=	\$ 768.80 interest/month
May 21, 1984 to Feb. 21, 1986	=	21 months
21 months x \$768.80 interest/month	=	\$ 16,144.80
Plus Principal	=	<u>\$ 102,506.56</u>
		\$ 118,651.36

Section 9 - This section appropriates \$27,000 from the General Fund to the Department of Parks and Recreation for the operations and maintenance of the Veteran's Cemeteries of Guam which includes the Veterans Cemetery in Piti and the Agana Naval Cemetery. The appropriation covers the cost for grounds maintenance, the opening and closing of graves, purchase of canopy, grass and casket lowering devices and headstone installation.

Section 10 - This section reprograms funds in the Parks Administration and Planning Division of the Department of Parks and Recreation. \$150 is reprogrammed from Supplies and Materials to Contractual Services to adequately cover the maintenance of typewriters. \$350 is reprogrammed from

source to the General Fund keeping in mind the needed and necessary reclassification requirements of the island's fire fighters.

Section 5 - The authorization in this section allows the Guam Police Department to spend personnel lapsed funds within the department in order to pay for the stipends of Guam Police Reservists. The amount was not budgeted for in FY'86 however just as in FY'85, lapsed funds from personnel services were used to pay for the reservists.

Section 6 - This section in the bill is in relation to the vehicle safety inspection fee currently being assessed to all owners of vehicles. Presently the law provides for a fee of \$5.00 for each inspection with \$2.00 paid to the Department of Revenue and Taxation for the inspection decal and the balance of \$3.00 retained by the commercial entity involved in vehicle inspections. The Government is no longer operating inspection stations, instead two private firms have assumed the responsibility along with the military. The amendment would provide for the Director of Revenue & Taxation to set the fee for each inspection provided a public hearing is held to solicit information and public input on setting such a fee.

Section 7 - This section reprograms funds in the FY'86 Budget Act for the Department of Vocational Rehabilitation due to a waiver of the local matching fund requirement of up to \$200,000. The waiver of the first \$200,000 in the local match is due to a recent amendment of Title V of the Omnibus Territories Act and it presents a savings of \$200,000 within the General Fund.

reduced to a \$100,000 appropriation for the architectural and engineering design of the sidewalks in the Y-Sengsong, Dededo area. In addition, the Committee has included various other items and are discussed accordingly as follows.

Section 2 - This section amends the revenue estimate in the FY'86 Budget Act with regard to Section 30 funds. Basically, as enacted, the revenues were estimated at \$27 million, however information received from the Administration indicates an increase in Section 30 funds will be forthcoming due to additional military personnel on the island as well as increases in military retirees. The total increase in Section 30 revenues is estimated at \$4.0 million.

Section 3 - This involves a reprogramming request for the Department of Revenue and Taxation in their FY'86 Budget. The shifting of funds would decrease the amounts budgeted for in personnel services due to vacancy lapses and would increase in operational areas for supplies, materials, postage, and license plates, etc. This increase for expenses is partly attributable due to the department's increased collection activities as mandated in Public Law 18-15.

Section 4 - This section amends Section 8 of Public Law 18-24 which provides for the funding of the reclassification of the fire fighters within the Guam Fire Department. Originally, the funding source of \$750,000 was from the fees the Guam Economic Development Authority (GEDA) received from the recent \$300 million bond issue. It has since been made aware to the Committee that GEDA has expended the funds for other purposes within the Authority, therefore the Committee has changed the funding

Introduced

JAN 14 '85

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 33 (COR)

Introduced by:  Joe T. San Agustin

AN ACT APPROPRIATING \$1,000,000
FOR THE CONSTRUCTION OF SIDEWALKS
ALONG Y-SENG SONG ROAD IN DEDEDO.

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

Section 1. Appropriation. The sum of One Million Dollars (\$1,000,000) is hereby appropriated from the Territorial Highway Fund to the Department of Public Works to construct sidewalks along Y-Seng Song Road in the Municipality of Dededo.