

1 (b) Anything herein to the contrary notwithstanding, the
2 Legislature may appropriate any additional funds for carrying out the
3 activities of the University.

4 (c) No agreements to borrow money shall be entered into by
5 the University without prior Legislative approval.

6 (d) The Board shall disburse such funds as the Legislature may
7 appropriate for the purpose of carrying out the activities of the
8 University."

9 **Section 4.** Any unexpended funds in the appropriation made in Section 3 of
10 Public Law 20-200, from Fiscal Year 1991 funds to the Guam Health Planning and
11 Development Agency, shall revert to the General Fund on the effective date of this
12 Section. The complete budget for the Guam Health Planning and Development
13 Agency for Fiscal Year 1993, and as it may repeat in Fiscal Years 1994 and 1995, is
14 contained in this Act.

15 **Section 5.** A new code section, to be appropriately placed by the Compiler of
16 Laws, is enacted to read:

17 "Section ____ (a) Legislative Intent. The Legislature finds that
18 amounts appropriated directly to territorial agencies for retirement
19 benefits, and personnel benefits such as health insurance, life
20 insurance, and dental insurance, are utilized for personnel expenses
21 such as overtime pay, hazardous pay, holiday pay, limited term
22 positions, and other categories if the funds are transferred, so that
23 the actual expenses of the government of Guam for retirement,
24 health insurance, life insurance, dental insurance, overtime,
25 limited term positions, and other categories, is obscured in the
26 budget process since the categories for which funds are appropriated
27 are actually utilized for a different purpose than that which is stated.
28 For this reason, two funds which are separate and distinct from any
29 other funds of the government of Guam shall be utilized to better
30 track the expenses of the government of Guam in these categories.

31 (b) Creation and operation of Retirement Contributions Fund.
32 There is created, separate and apart from any other funds of the
33 government of Guam, and under the administration and control of
34 the Department of Administration, the Retirement Contributions
35 Fund. Notwithstanding any other provision of law, each fiscal year,
36 all appropriations from the General Fund to any territorial agency

1 for the purpose of paying retirement contributions shall be deposited
2 in the Retirement Contributions Fund, and shall be paid out
3 incrementally only as required by the actual expenses of the
4 aggregate of the individual employees of the government who are
5 currently employed at the time each payroll is prepared. A report of
6 the status of the Retirement Contributions Fund shall be made to
7 the Governor and to the Legislature at the end of each quarter. The
8 funds in the Retirement Contributions Fund shall not be used for
9 any other purpose than retirement contributions to be transmitted to
10 the Government of Guam Retirement Fund. Within thirty (30 days
11 after the end of each fiscal year, all funds in the Retirement
12 Contributions Fund shall be paid over to the Government of Guam
13 Retirement Fund to reduce the unfunded liability. A report of this
14 transaction shall be made to the Legislature.

15 (c) Creation and operation of Personnel Benefits Fund. There is
16 created, separate and apart from any other funds of the government
17 of Guam, and under the administration and control of the
18 Department of Administration, the Personnel Benefits Fund.
19 Notwithstanding any other provision of law, each fiscal year, all
20 appropriations from the General Fund to any territorial agency for
21 the purpose of paying medical insurance, life insurance, and dental
22 insurance, shall be deposited in the Personnel Benefits Fund, and
23 shall be paid out incrementally only as required by the actual
24 expenses of the aggregate of the individual employees of the
25 government who are currently employed at the time each payroll is
26 prepared. A report of the status of the Personnel Benefits Fund shall
27 be made to the Governor and to the Legislature at the end of each
28 quarter. The funds in the Personnel Benefits Fund shall not be used
29 for any other purpose than for medical insurance, life insurance,
30 and dental insurance. Within thirty (30 days after the end of each
31 fiscal year, all funds in the Personnel Benefits Fund shall be paid
32 over to the Government of Guam Retirement Fund to reduce the
33 unfunded liability. A report of this transaction shall be made to the
34 Legislature."

35 Notwithstanding any other provision in this Act, particularly the fact that
36 appropriations for retirement, medical insurance, life insurance, and dental

1 insurance appear as amounts which when added together make up the sums
2 appropriated for Personnel Services, those amounts set out for retirement, medical
3 insurance, life insurance and dental insurance and which appear in the Digest shall
4 be placed in the appropriate fund created in this Section.

5 Section 6. Section 25 of Public Law 20-220 is amended to read:

6 "Section 25. (a) There is hereby created separate and apart from the
7 other funds of the government of Guam the "Residential Treatment
8 Fund" (the "Fund") to be administered by the Director of Administration.
9 Money from the Fund shall be expended upon order of the Superior Court
10 of Guam to send a person under the jurisdiction of the court for
11 residential care arising from a physical, mental, or emotional handicap or
12 a severe emotional disturbance. Such money shall be expended for
13 diagnosis, evaluation, and treatment fees, medical expenses, room and
14 board, and, if sent off-island, transportation and incidental costs of the
15 person."

16 Section 7. §63206 of Chapter 63 of Title 10, Guam Code Annotated, is
17 amended to read:

18 "§63206. Uniforms and Insignia. No member of the Guam
19 National Guard shall wear any Army or Air Force uniform unless
20 Federally recognized and no member shall wear the insignia other than
21 that of his Federally recognized grade, nor other badges, emblems,
22 decorations, awards or evidences of qualification unless authorized by
23 appropriate Federal law or regulation. Members may wear awards,
24 decorations or service ribbons conferred by the territory of Guam or other
25 states, commonwealths or territories, provided written orders have been
26 issued by the Adjutant General, territory of Guam, authorizing the
27 wearing of such awards, decorations and service ribbons and provided the
28 member is not in the active service of the United States. The restriction on
29 the wearing of rank insignia is not applicable to the Adjutant General or
30 the Adjutant General Appointee."

31 Section 8. For convenience, the Compiler of Laws is authorized to report
32 the General Appropriation Act of 1993 in the Twenty-First Guam Legislature Session
33 Laws by reporting the appropriations in the same page set up as was used in Public
34 Law 21-42, with the territorial agency's name at the top, the divisions of the
35 territorial agency as so labelled in this Act listed at the left side, the purposes of the
36 appropriations as so stated in this Act listed at the left side, and the amount and

1 source of appropriations listed in columns labelled "General Fund", "Other Fund
2 (specified)", "Federal Fund" , and "Total". The purposes of the appropriations are
3 set out to the left of the totals in the General Appropriation Act of 1993. Totals in
4 pages marked "Summary" are not appropriations.

5 For convenience, the Legislature may use the same page set up as is
6 authorized to the Compiler of Laws in paragraph one (1) of this Section in
7 amending, repealing, and repealing and reenacting portions of the General
8 Appropriation Act of 1993.

9 **Section 9.** Notwithstanding the provisions of §43104 of Chapter 43 of Title
10 5, Guam Code Annotated, due to the excessive workload placed upon the Civil
11 Service Commission because of the implementation and adjustments needed to the
12 Hay Study and the backlog of personnel cases pending before the Commission, for a
13 period of one (1) year from October 1, 1993, the members of the Civil Service
14 Commission shall receive compensation for attendance at Civil Service
15 Commission meetings of Fifty Dollars (\$50) per meeting with no limitation on the
16 amount of meetings that can be compensated per month.

17 **Section 10.** Section 59 of Public Law 20-221 is repealed, and any funds
18 remaining on the effective date of this Section in the "DPW Building & Design Fee
19 Account", as designated in Subsection (b) of Section 59 of Public Law 20-221, shall
20 revert to the General Fund on the effective date of this Section.

21 **Section 11.** A new code section, to be appropriately placed by the Compiler of
22 Laws, is added to Title 17 of the Guam Code Annotated to read:

23 "§_____(a) With the prior written consent of the Chief Procurement
24 Officer of the General Services Agency, the Director of the Department of
25 Education is authorized to enter into a contract with an architectural and
26 engineering firm to provide the following services to the Department of
27 Education:

28 (1) evaluating and reporting on the conditions of Department
29 of Education plant facilities;

30 (2) preparing architectural and engineering plans for repairs,
31 renovations, improvements, demolition, and construction of plant
32 facilities;

33 (3) assisting in the procurement by the Department of
34 architectural and engineering services, and construction services,
35 through preparation of requests for proposals and scope of services
36 documents, evaluation of designs, review of construction documents,

1 and coordination of compliance of construction documents with all
2 applicable laws, rules, and regulations;

3 (4) performing construction management services for
4 construction projects undertaken; and

5 (5) providing consultation on prices of architectural and
6 engineering services and construction.

7 (b) With the prior written consent of the Chief Procurement Officer
8 of the General Services Agency, the Director of the Department of
9 Education may solicit requests for proposals and enter into contracts for
10 the procurement of architectural, engineering and construction services
11 for the Department of Education. Contracts shall be awarded on forms
12 approved by the Attorney General."

13 **Section 12.** (a) Section 2 of Public Law 21-86 is amended to read:

14 "Section 2. Disposal of surplus books. After following the
15 procedure set out in Section 4 of this Act, public and private school
16 principals are authorized to dispose of identified surplus "out of
17 adoption" books to any of the following parties or agencies:

- 18 i) Public or private school students, but not more than five (5)
19 books per student per year;
- 20 ii) The Guam Public Library;
- 21 iii) Other public schools and Guam's private schools;
- 22 iv) The Department of Youth Affairs;
- 23 v) The Federated States of Micronesia, the Republic of Belau,
24 the Republic of the Marshall Islands, and the Commonwealth of the
25 Northern Mariana Islands;
- 26 vi) Public schools in the Republic of the Philippines; and
- 27 vii) Guam non-profit corporations, including, but not limited
28 to recycling centers.

29 For public schools, such school principals shall eliminate these
30 surplus books by donating them to any of the foregoing parties or
31 agencies, in accordance with rules to be established by the Territorial
32 Board of Education. Books which are no longer salvageable shall be
33 discarded. Such school principals shall notify the Director of Education
34 after the identification of the surplus books of their intention to dispose
35 of the books as provided in this Act.

36 (b) Section 3 of Public Law 21-86 is repealed and reenacted to read:

1 "Section 3. Disposition of surveyed materials, supplies, furniture and
2 equipment. Any materials, supplies, furniture and equipment surveyed
3 by the Department and classified as unsalvageable shall thereafter be
4 disposed of by the principals of the respective schools in which such
5 materials, supplies, furniture and equipment are stored. Assistance by
6 the Department's maintenance personnel may be solicited in this
7 disposition process, if necessary."

8 Section 13. The unexpended balance remaining of the appropriation
9 made in Section 2 of Public Law 21-38, which is One Million One Hundred Thousand
10 Dollars (\$1,100,000), shall revert to the General Fund on the effective date of this
11 Section.

12 Section 14. A new Chapter 10, Relative to creating a Principal's Fund in the
13 Department of Education to be called "Y Kuantan Salappe' Prinsepat", is added to
14 Title 17, Guam Code Annotated, to read:

15 "Chapter 10

16 Y Kuantan Salappe' Prinsepat

17 (Principal's Fund)

18 §10101. Legislative intent. The Legislature is aware of a
19 growing problem that principals in our public schools have encountered
20 over the years in reference to funding and purchasing of small
21 miscellaneous items for the school's needs. Any item in need by the
22 schools, for example, light bulbs, toilet accessories, and so forth, has to be
23 requested through the Department of Education's Procurement Office,
24 and many times several weeks or several months pass before receipt of
25 the item. This problem is primarily a factor of the lengthy procurement
26 process which principals and other public school administrators have to
27 go through in requesting necessary materials and supplies. In order to
28 immediately address the funding of these miscellaneous items for the
29 principals and to reduce the excessive number of requests submitted to
30 the Department's Procurement Office, the Legislature desires to create a
31 principal's fund, primarily for funding these year-round items which
32 address immediate small problems.

33 §10102. Creation of Y Kuantan Salappe' Prinsepat (principal's
34 fund). There is created a fund to be known as the "Y Kuantan Salappe'
35 Prinsepat", which is an allocation to each public school in the amount of
36 Two Thousand Five Hundred Dollars (\$2,500), placed under the control

1 of the principal of each school. Notwithstanding any provision of the
2 procurement law, the fund shall be used, without the need of requisition
3 or other documentation other than that required by this Section, to
4 purchase small miscellaneous items for direct school maintenance and
5 repairs which do not exceed the cost of Fifty Dollars (\$50) per item.

6 §10103. Y Kuantan Salappe' Prinsepat to be placed in
7 Department of Education Budget Request. The appropriation request for
8 Y Kuantan Salappe' Prinsepat shall be included in the budget request for
9 the Department of Education, and shall be listed as individual requests
10 under each school's budget.

11 §10104. Any unexpended funds at the end of the fiscal year
12 in which they are appropriated shall revert to the General Fund at the
13 end of that fiscal year.

14 §10105. Accountability of Funds. Each principal shall be
15 accountable for the specific application of Y Kuantan Salappe' Prinsepat
16 funds. Receipts and records of the purchase of the items shall be made
17 into a balance sheet and submitted to the Director of Education on
18 January 15, April 15, June 15 and September 30 of each year.

19 If any principal is unable to provide receipts or proof of
20 expenditure of funds this may subject the principal to civil or criminal
21 penalties. Inability of any principal to account for the expenditures of
22 these funds, or the spending of the funds for unauthorized purposes, may
23 be reported to the Attorney General's office for disposition, or may subject
24 the principal to disciplinary action.

25 §10106. Level of Funding. The level of yearly funding in the
26 Y Kuantan Salappe' Prinsepat may change upon Legislative
27 appropriation."

28 **Section 15.** Section 3. of Public Law 20-229 is amended to read:

29 "Section 3. Notwithstanding any other provision of law, the
30 Liberation Day Festivities (except for the Liberation Day Parade) shall be
31 held at Ypao Beach Park."

32 **Section 16.** A new Section 8 is added to Public Law 19-45 to read:

33 "Section 8. Notwithstanding the provisions of Sections 1
34 through 7 of this Act: (a) Legislative employees. The Pedro "Doc"
35 Sanchez Scholarship Program is available to the employees of the
36 Legislature as set forth in Section 3 of this Act; and

1 (b) Year-around Program. The Pedro "Doc" Sanchez
2 Scholarship Program is available during the Spring, Summer, and Fall
3 semesters of the University of Guam; and

4 (c) The Chair of the Department of Public Administration and
5 Legal Studies of the College of Business and Public Administration of the
6 University of Guam shall be responsible for developing implementing
7 guidelines and rules for this Chapter to guide scholarship recipients and
8 instrumentalities of the government of Guam. These guidelines and
9 rules shall be disseminated on a regular basis to the Sanchez scholarship
10 recipients and throughout the government of Guam; and

11 (d) The Chair of the Department of Public Administration and
12 Legal Studies of the College of Business and Public Administration of the
13 University of Guam and his or her co-faculty members shall conduct
14 interviews prior to the start of each Fall, Spring, and Summer semesters
15 for the purpose of selecting scholarship recipients under this program.
16 The Chair may invite a representative from each of the three branches of
17 the government of Guam to serve as a member of the interview board.
18 The passing of the oral interviews, the meeting of established University
19 of Guam entrance and academic requirements, and a demonstrated long-
20 term commitment to excellence in the public service of the government
21 of Guam shall constitute the criteria for selection of scholarship
22 recipients. The Chair and faculty shall prescribe qualifications for the
23 admission and continuation of recipients in the scholarship program
24 based upon the academic standards of the University of Guam as specified
25 in policies published in the official Undergraduate and Graduate Bulletin
26 (Catalogue) of the University of Guam.

27 Applicants from the departments, agencies, offices, or units of the
28 Executive, Legislative and Judicial branches of the government of Guam
29 shall meet University of Guam academic requirements and shall be
30 interviewed at a time and place designated by the Chair and faculty.

31 In instances where the number of nominees of the departments,
32 agencies, offices, autonomous or semi-autonomous instrumentalities of
33 the Executive, Legislative and Judicial branches of the government of
34 Guam who passed the interviews and University of Guam entrance
35 requirements exceeded the scholarship slots which are available to it
36 pursuant to Sections 3 and 8 of this Act, candidates of that governmental

1 unit who obtained the higher interview rating shall be given priority
2 over those of lower ratings. A waiting list shall be priority over those of
3 lower rating. A waiting list shall be established by the University of
4 Guam in such circumstances for those candidates awaiting new slots to
5 open up in order to accommodate their entry into the scholarship
6 program at a later date; and

7 (e) All funds appropriated by the Legislature for the Pedro
8 "Doc" Sanchez Scholarship Program in Public Administration previously
9 allocated to the Department of Administration to fund the scholarship
10 program for the current fiscal year shall be immediately transferred by the
11 Department of Administration and the Bureau of Budget and
12 Management Research to the University of Guam within fifteen (15) days
13 of the effective date of this Section. The Department of Administration
14 shall also turn over to the University of Guam all official records dealing
15 with the current and former participants of the scholarship program."

16 **Section 17. Employees who were limited term employees at the time that the**
17 **Hay Study was implemented and who, after that limited term employment, were**
18 **subsequently appointed to limited-term appointments at a lower pay grade than**
19 **their previous appointment shall receive a pay adjustment retroactive to the**
20 **beginning of their present appointment which adjusts their present pay grade to be**
21 **equivalent but not less than the pay grade before the Hay Study was implemented.**
22 **No further action other than a change of record shall be taken by the territorial**
23 **agency to effectuate this action.**

24 **Section 18. Exemption of farm vehicles.** §7103.1 is added to Title 16 of the
25 Guam Code Annotated to read:

26 "§7103.1. Farm tractors and implements of husbandry, exempt from
27 registration and mandatory insurance. Farm tractors which are temporarily
28 driven or moved upon public highways and implements of husbandry which
29 are temporarily drawn, moved or propelled upon public highways are exempt
30 from the provisions of this title pertaining to mandatory motor vehicle
31 registration and liability insurance. A 'farm tractor' is a motor vehicle
32 designed and used primarily as an agricultural implement for drawing plows,
33 mowing machines and other implements of husbandry. An 'implement of
34 husbandry' is a piece of equipment which is used exclusively in the conduct of
35 agricultural operations, excluding trucks, pickups or other automobiles."

1 **Section 19.** (a) Legislative intent. The Legislature finds that students
2 who receive student loans and professional technical awards from the University of
3 Guam who ordinarily are able to receive "service credit" for each year they are
4 employed on Guam after finishing their studies, are unable to receive such a
5 "service credit" for working in the office of Guam's Delegate to Congress. it is
6 desirable for the office of Guam's Delegate to Congress, which is Guam's
7 representative in Washington D. C., to be able to employ qualified and educated
8 people. The inability to receive a "service credit" is making it financially difficult for
9 interested candidates to work in Washington D. C..

10 (b) Amendment. Subsection (b) of §15203 of Title 17, Guam Code Annotated, is
11 amended to read:

12 "(b) Any student granted a loan pursuant to this Article
13 shall receive service credit against amounts due under the
14 promissory note as follows:

15 (i) At the rate of Three Thousand Dollars (\$3,000) for
16 each year during which he or she is employed on Guam, in the office of
17 Guam's Delegate to Congress, or in any United States Congressional or
18 Senatorial Office.

19 No amounts under the promissory note executed pursuant to this
20 Section shall be considered due and payable during the period that any
21 such person is so employed"

22 (c) Subsection (b) of §15403 of Title 17, Guam Code Annotated, is amended
23 to read:

24 "(b) Every student awarded a grant loan pursuant to this Article
25 shall receive credit against amounts due under the promissory note:

26 (i) At the rate of Three Thousand Dollars (\$3,000) for each
27 year during which he or she is employed on Guam, in the office of Guam's Delegate
28 to Congress, or in any United States Congressional or Senatorial Office.

29 No amounts under the promissory note executed pursuant to this
30 Section shall be considered due and payable during the period that any
31 such person is so employed."

32 **Section 20.** Effective date of scholarship program. Section 20 of Public Law
33 21-211, which amends Subsection (a) of Section 6 of Public Law 19-45 relating to the
34 Pedro Doc Sanchez Scholarship Program, is hereby made effective May 18, 1992. This
35 effective date is to make the amendment applicable to the start of the first summer
36 session of the University of Guam.

1 **Section 21.** Police Officer Training. Section 4 of Public Law 21-45 is amended
2 to read:

3 "There is hereby appropriated from the General Fund to the Guam Police
4 Department Twenty Thousand Dollars (\$20,000) to purchase field sobriety kits
5 for field sobriety tests for drivers suspected of driving while under the
6 influence and to provide training to police officers in the use of such kits."

7 **Section 22.** Guma Mami. Section 1 of Public Law 19-13 is amended to read:

8 "Section 1. The Governor of Guam is authorized to transfer title
9 of Lot Nos. 14, 15, and 16, Block No. 3, Tract 139, Maga, Mangilao, Municipality
10 of Barrigada, Guam, containing areas of 1,237.99 square meters, 1,242.33 square
11 meters, and 1,247.37 square meters, respectively, as shown on Land
12 Management Drawing No. 11-65-B405, to the Guma Mami Inc. for the
13 construction of housing to shelter mentally retarded or physically
14 handicapped adults. Said transfer shall provide that if, after ten (10) years of
15 the transfer, any of the real property transferred shall not be used and
16 maintained for the aforesaid purpose, or if any of the real property transferred
17 shall not be used and maintained for the aforesaid purpose, or if any of the
18 real property shall cease to be used and maintained for such purpose, or if any
19 part shall be used for any other purpose inconsistent with providing shelter
20 for mentally retarded or physically handicapped adults,
21 and interest in and to the property and improvements thereof shall revert to
22 and revert in the government of Guam."

23 **Section 23.** Section 59 of Chapter III of Public Law 21-03 is amended to read:

24 "Section 59. Thirty Thousand Dollars (\$30,000) are appropriated from
25 the General Fund to the Department of Public Works to pave the remaining
26 section of the new parking lot adjacent to the exit area of the Agana Heights
27 Gymnasium. This appropriation shall remain available until expended."

28 **Section 24.** The personnel of the Tax Collection Task Force of the
29 Department of Revenue and Taxation shall be permanent employees on October 1,
30 1992. No other action shall be required other than the change of documentation.

31 **Section 25.** (a) Legislative intent. The Legislature has become aware of
32 the DECISION AND ORDER GRANTING ENFORCEMENT OF ADMINISTRATIVE
33 SUBPOENA dated July 24, 1992 in Miscellaneous Case No. 92-00001, UNITED
34 STATES OF AMERICA, ex. rel. JAMES R. RICHARDS, Inspector General, U.S.
35 Department of the Interior vs. LORENZO DE LEON GUERRERO, Governor and

1 Custodian of Records for the Department of Finance, Commonwealth of the
2 Northern Mariana Islands, in the United States District Court for the Northern
3 Mariana Islands.

4 This decision is a result of a dispute between the CNMI and the Inspector
5 General, U.S. Department of the Interior, concerning the release of individual tax
6 returns in the CNMI to the Inspector General for the purpose of performing a review
7 of the CNMI's assessment and collection of income taxes.

8 The decision recited some of the historical background of the CNMI, stating
9 that the Trust Territory of the Pacific Islands was officially terminated as to the CNMI
10 on November 3, 1986, and formerly relevant United Nations international law
11 principles and the independent sovereignty of the Trust Territory were at that point
12 no longer applicable. The CNMI has been under the sovereignty of the United States.

13 The court went on to analyze the power of the Inspector General to conduct an
14 audit, and held that the history of the various statutes authorizing the auditing of
15 the TTPI and NMI is not inconsistent with the right of local self government as it
16 appears in the CNMI Covenant. The people who ratified the Covenant were
17 presumed to have been aware of these various statutes and their applicability to the
18 CNMI.

19 The court recites that "the CNMI most assuredly is not an instrumentality of
20 the federal government", "Nor is the CNMI 'subject to' or in any way subservient to
21 the Department of the Interior. "(page 32, DECISION AND ORDER, SUPRA), yet
22 goes on further to argue that since the CNMI has incorporated into its local laws the
23 U. S. Internal Revenue Code as the Northern Marianas Territorial Income Tax, that
24 the Inspector General's subpoena of individual tax records of the CNMI is in keeping
25 with the purpose of carrying into effect the local CNMI Revenue and Taxation Act of
26 1982.

27 The court further states that even though there is no specific exemption from
28 the confidentiality requirement in federal law for the income tax records to be
29 released to the Inspector General, that the Inspector General is bound by principles of
30 privacy also, and confidentiality is not violated by disclosure to governmental
31 agencies of this tax information.

32 The most difficult holding of the court, and the one which directly affects
33 Guam's quest for Commonwealth status, is the view of the court that the guarantee
34 of self government in §103 of the CNMI Covenant provides only an "institutional
35 right" of local self government and does not confer any substantive rights. By
36 "institutional right" is meant that Congress may not dissolve the CNMI Legislature

1 and judiciary and return to a system of naval government. It implies only that the U.
2 S. Government will not exercise its full rights under the U. S. Constitution's
3 Territorial Clause (art. IV, §3, cl. 2 of the United States Constitution). §103 of the
4 Covenant states:

5 "The people of the Northern Mariana Islands will have the right
6 of local self-government and will govern themselves with respect
7 to internal affairs in accordance with a Constitution of their own
8 adoption."

9 The court appears to be actively discouraging other non-state governmental entities
10 of the American family from seeking to improve their status by denigrating the
11 commonwealth status of the CNMI government. The court states:

12 "The scope of the institutional guarantee of self-government contained in
13 Covenant §103 is of great importance not only to the CNMI, but also to the
14 United States and all U.S. territories that are or in the future may be in the
15 process of reevaluating or renegotiating their political status." (page 85,
16 DECISION AND ORDER, SUPRA)

17 The court indicates that the language of §101 of the CNMI Covenant means
18 that all federal laws applicable to the several states apply to the CNMI, unless
19 excluded by Congress. §101 states:

20 "The Northern Mariana Islands upon termination of the Trusteeship
21 Agreement will become a self-governing commonwealth to be known
22 as the 'Commonwealth of the Northern Mariana Islands,' in political
23 union with and under the sovereignty of the United States of America."

24 The court further argued that §105 of the Covenant authorizes the United
25 States to legislate "in accordance with its constitutional processes" with respect to the
26 CNMI, and this includes the applicability of the laws giving the right of the Inspector
27 General to enforce a subpoena of individual tax returns of people of the CNMI for
28 the purposes of auditing the assessment and collection of taxes.

29 In light of the foregoing legal precedent set of the United States District Court
30 of the Northern Mariana Islands, it is desirable for the government of Guam to enter
31 into the appeal of this decision. The interpretation of the United States court system
32 in this decision makes almost no distinction between the status of commonwealth
33 and the status of territory of the United States with respect to sovereignty, local
34 decision making authority over local matters, the applicability of federal laws to the
35 local jurisdiction, and the applicability of the continuing effect of the Territorial

1 Clause of the United States Constitution to non-state governmental entities within
2 the "American family".

3 (b) There is hereby appropriated from the General Fund to the
4 Commission on Self Determination the sum of ²⁴⁰⁰ ~~Fifty Thousand Dollars (\$50,000)~~ ^{-0- J. J. Ador} for
5 the purpose of retaining the services of an attorney or law firm to represent the
6 government of Guam for to support the appeal of the Commonwealth of the
7 Northern Mariana Islands in their appeal of DECISION AND ORDER GRANTING
8 ENFORCEMENT OF ADMINISTRATIVE SUBPOENA in UNITED STATES OF
9 AMERICA, ex rel. JAMES R. RICHARDS vs.. LORENZO DE LEON GUERRERO,
10 Misc. Case No. 92-00001, UNITED STATES DISTRICT COURT FOR THE
11 NORTHERN MARIANA ISLANDS, by filing an amicus curiae brief before the
12 appellate court.

13 **Section 26.** A new §6306 is added to Title 12, Guam Code Annotated, to read:

14 "§6306. Procurement of motor vehicles. The Authority is authorized
15 to purchase directly without utilizing the General Services Agency, motor
16 vehicles, including, but not limited to, buses, that are utilized pursuant to
17 Article 2, Chapter 6, Title 12, Guam Code Annotated, for public transportation,
18 together with spare parts, repair manuals, and other accessories for the
19 vehicles. In doing so, the authority shall follow the guidelines contained in
20 the Guam Procurement Law (Chapter 5, Title 5, Guam Code Annotated), and
21 the procurement regulations issued thereunder, as far as it is able todo so.
22 This right to procure vehicles directly applies only to the purchase of the
23 Authority's motor vehicles, spare parts, repair manuals and other accessories.
24 This section shall expire September 30, 1993."

25 **Section 27.** The position of the Geographic Information System (GIS)
26 Manager is created within the classified service at Pay Grade "O".

27 **Section 28.** §4406.1 of Title 4, Guam Code Annotated, is amended to read:

28 "§4406.1. Attorney fees and costs of appeal. If an employee in
29 the classified service retains an attorney to represent him or her before
30 the Civil Service Commission or other applicable administrative body
31 to challenge an adverse action brought against the employee, or to file
32 a complaint of discrimination, sexual harassment or other grievance
33 against his or her department, agency, or other instrumentality,
34 including appeals, and the employee prevails in whole or in part
35 before the Civil Service Commission or other applicable
36 administrative body (i) by receiving a favorable decision from the

1 Commission or body, or (ii) by a withdrawal of the adverse action by
2 the department, agency, or instrumentality that brought the adverse
3 action, or (iii) by withdrawal of a non-frivolous complaint of
4 discrimination or of sexual harassment, including other appeals by
5 the employee, as part of an agreement between the department,
6 agency, and the employee, the employee shall be awarded and paid
7 costs, if any, and reasonable attorney's fees because of such attorney
8 representation from funds of the department, agency, or
9 instrumentality in which the employee was employed. This Section
10 shall apply to attorney fees and costs incurred in any appeal filed
11 before the Civil Service Commission or other applicable
12 administrative body on or after January 1, 1983."

13 **Section 29.** Agana Mayor. Notwithstanding any other provision of law, the
14 Mayor of Agana is authorized to use fiscal year 1993 funds to pay for past due
15 obligations.

16 **Section 30.** Guam Mass Transit Authority. Section 5 of Public Law 21-65 is
17 amended to read:

18 "Section 5. Appropriation. Fifty Thousand Dollars (\$50,000)
19 are hereby appropriated from the General Fund to GMTA to fund the
20 operations and personnel requirements of the Task Force and the
21 issuance of the RFP. GMTA shall administer such appropriation
22 separate and apart from its other funds."

23 **Section 31.** §33220 of Chapter 33, Title 5, Guam Code Annotated, is repealed
24 and reenacted to read:

25 "§33220. Government employees. (a) The Attorney General
26 may commission any number of government employees to act as
27 notaries, but notaries so empowered may perform notarial acts only
28 during their hours of employment with their respective government
29 agencies. Such acts include the notarization for members of the public
30 or for fellow employees, of any forms or statements which any
31 government agency requires to be notarized before transmittal from or
32 submission to such agency, or any other notarial act; provided,
33 however, that such a government employee may charge no fees for
34 notarial services."

35 **Section 32.** The first paragraph of §33450 of Chapter 33, Title 5, Guam Code
36 Annotated, is amended to read:

1 "§33450. General acknowledgement. A notary shall use a
2 certificate in substantially the following form in notarizing the signature
3 or mark of persons acknowledging for themselves or as partners,
4 corporate officers, attorneys in fact, or in other representatives capacities,
5 or may use such other forms of certificates as are otherwise authorized
6 by statute:"

7 **Section 33.** (a) §7106 of Title 3, Guam Code Annotated, relative to
8 sessions of the Guam Youth Congress, is amended to read:

9 "§7106. Sessions.

10 Regular Sessions of the Congress shall be held each third Saturday
11 of the year exclusive of holidays, commencing the third Saturday in
12 November, and shall continue for one (1) calendar year. Sessions shall
13 be held in the legislative chamber of the Guam Legislature."

14 (b) §7107 of Title 3, Guam Code Annotated, relative to elections of the
15 Guam Youth Congress, is amended to read:

16 "§7107. Elections.

17 General election to the Youth Congress shall be held on the third
18 Monday in October, commencing September, 1975 and each year
19 thereafter. The election for school representatives will be conducted by
20 the school principal of the public or private junior or senior high
21 schools and by the President of the University of Guam at the school
22 which the eligible electorate attend, and at which the electorate are
23 officially enrolled, and each voter shall be entitled to vote by private
24 ballot for the number of candidates allotted their school as is provided in
25 §7103 of this Code. The election for village representatives will be
26 conducted by the village Mayor for the eligible electorate residing within
27 the village boundaries, and each voter shall be entitled to vote for the
28 number of candidates allotted his village as is provided in §7103 of this
29 Code. The eligible electorate may vote in both the school and village
30 elections.

31 Candidates for election may run as members of a political party or
32 as independents, all such candidates to have received by petition from
33 the eligible youth electorate at least fifty (50) signatures. Names of
34 candidates on ballots shall appear as provided in 3 GCA §7105.

35 It shall be the responsibility of the school principal, the President
36 of the University of Guam or the village Mayor to provide forms for

1 petitions, ballots and tally sheets, the necessary ballot boxes and
2 personnel to supervise the election, count and tally the ballots.

3 Results of the election will be certified by the Mayor, school
4 principal or the President of the University of Guam as appropriated
5 within three (3) days after the election to the Secretary of the Guam
6 Legislature, who shall verify the election results, and certify election of
7 members to the Youth Congress.

8 Any disputes resulting from the election shall be resolved by the
9 Chairman of the Judiciary Committee of the Guam Legislature."

10 **Section 34.** The first paragraph of Section 15301 of Title 17 of the Guam Code
11 Annotated is repealed and reenacted to read:

12 "Section 15301. Students Entitled to Merit Awards. There are
13 established annual merit awards for high school students in the
14 graduating classes of the several public and private high schools in
15 Guam now or hereafter established. The students entitled to these
16 awards shall be the two students having the highest scholastic
17 standing in the graduating classes of each public and non public high
18 school in Guam. In addition to the scholarships for the two students
19 having the highest scholastic standing, one additional scholarship
20 shall be awarded on the basis of academic ranking for every fifty (50)
21 graduates or fraction thereof by which the graduating class exceeds the
22 number of fifty (50) graduates. If as a result of the equal scholastic
23 standing of two (2) or more graduates, there is a tie for the awards
24 granted pursuant to this Chapter and there is an insufficient number
25 of awards available for the tying graduates, additional awards shall be
26 provided for such graduates. Recipients are to attend the University
27 of Guam. However, if the recipient is a valedictorian or salutatorian
28 whose declared major is unavailable at the University of Guam, the
29 valedictorian or salutatorian may attend any accredited college or
30 university in the United States where such declared major is
31 available.

1 Chapter V

2 ADMINISTRATIVE PROVISIONS

3 Section 1. (a) University of Guam; FTE exemption. Notwithstanding
4 any other provision of law, the Full-Time Equivalency (FTE) restrictions imposed by
5 this Act shall not be applicable to the University of Guam instructional positions.

6 (b) University of Guam transfer authority. The University of Guam
7 is authorized to transfer funds not to exceed One Hundred Thousand Dollars
8 (\$100,000) from the personnel salary category to the contractual category to alleviate
9 faculty recruitment difficulties for Fiscal Year 1993, and, in the case of a reenactment
10 of the budget pursuant to Section 7 of Chapter V (Administrative Provisions) of this
11 Act, at the end of Fiscal Year 1994 and Fiscal Year 1995.

12 Section 2. Guam Community College; FTE exemption. Notwithstanding
13 any other provision of law, the Full-Time Equivalency (FTE) restrictions imposed by
14 this Act shall not be applicable to the Guam Community College instructional
15 positions.

16 Section 3. (a) Guam Memorial Hospital Authority; FTE exemption for
17 persons practicing the healing arts and certified and registered ancillary services
18 personnel. Notwithstanding any other provision of law, the FTE restrictions
19 imposed by this Act shall not be applicable to persons practicing the healing arts as
20 defined in Subsection (b) of 10 GCA Section 12101 for the Guam Memorial Hospital
21 Authority or to certified and registered ancillary services personnel in the following
22 position areas within the Authority: Pharmacy, Physical Therapy, Medical
23 Laboratory, Radiology, Cardiopulmonary, and Dietary, and the Authority is
24 authorized to hire personnel to fill positions in such areas in Fiscal Year 1993 and, in
25 the case of a reenactment of the budget pursuant to Section 8 of Chapter V
26 (Administrative Provisions) of this Act, at the end of Fiscal Year 1994 and Fiscal Year
27 1995.

28 (b) Guam Memorial Hospital Authority; FTE exemption for employees in
29 direct patient care. Notwithstanding any other provision of law, part-time
30 employment for non-licensed, non-certified, and non-registered personnel in direct
31 patient care areas including Nursing Services, Ancillary Services, or the
32 Administrative Services of Housekeeping, Laundry, Medical Records, and Security
33 Services is allowed provided that no more than four (4) persons shall share a single
34 FTE, and the total compensation will not exceed the total funds provided for the
35 salary appropriated for the utilization of one (1) FTE.

1 (c) **Guam Memorial Hospital transfer authority.** The Board of
2 Trustees of the Guam Memorial Hospital Authority may approve transfers of
3 appropriations from the Guam Memorial Hospital Operations Fund of up to Five
4 Percent (5%) of any line item of the Guam Memorial Hospital budget to any other
5 line item of said budget in the case of an emergency, to avoid injury or loss of life to
6 any patient, employee or staff member. A declaration of the state of emergency shall
7 be sent to the Governor of Guam within seventy-two (72) hours of any such transfer,
8 duly certified by the chairperson and the hospital administrator, of which a copy
9 shall be sent to the Speaker of the Legislature and the chairperson of the Legislative
10 Committee on Health, Welfare and Ecology.

11 **Section 4. Appropriations from Guam Contractors License Board Fund and**
12 **Professional Engineers, Architects and Land Surveyors Fund to revert to the General**
13 **Fund.** At the end of Fiscal Year 1993, and, in the case of a reenactment of the
14 budget pursuant to Section 7 of Chapter V (Administrative Provisions) of this Act, at
15 the end of Fiscal Year 1994 and Fiscal Year 1995, any unappropriated balances from the
16 Guam Contractors License Board Fund and the Professional Engineers, Architects
17 and Land Surveyors Fund shall revert to the General Fund.

18 **Section 5. All funds except those specified to revert to the General Fund at**
19 **the end of the Fiscal Year.** Notwithstanding any other provision of law, unless
20 otherwise specified in this Act, all unexpended and/or unencumbered
21 appropriations made in this Act, shall revert to the General Fund on the last day of
22 the Fiscal Year 1993, and, in the case of a reenactment of the budget pursuant to
23 Section 7 of Chapter V (Administrative Provisions) of this Act, at the end of Fiscal
24 Year 1994 and Fiscal Year 1995,

25 **Section 6. Carryover of Local and Federal Matching Funds for grants.**
26 The Local and Federal Matching Funds for programs whose expiration dates
27 extend beyond September 30, 1993, and in the case of a reenactment of the budget
28 pursuant to Administrative provision Section 8 at the end of Fiscal Year 1994 and
29 Fiscal Year 1995, are hereby authorized to be carried over and expended through the
30 period of the grant award.

31 **Section 7. Three Year Economic Plan. (a) Legislative Intent.** The
32 Legislature finds that for the last several years the territory of Guam has been
33 experiencing an unprecedented period of rapid economic growth, fueled mainly by
34 an increasing visitor industry, foreign investment, rising land prices and income
35 from transfers, and a drastically expanded construction industry. It was felt by
36 businessmen, banks, and economists that this rapid growth could be sustained for

1 three (3) to four (4) more years, into 1994 or 1995. Economic indicators in this past
2 year, however, have shown that new business activity, and the revenue predicted to
3 come into the territory as a result of new activity, has fallen off unpredictably early
4 due to recent factors beyond our control in the United States, in Japan, and other
5 areas of the world.

6 While the territory will continue to maintain economic stability and
7 experience some progress, it is imperative for cost-cutting procedures to be
8 implemented now, and planned for in the next three (3) years. This advance
9 planning is necessary in order to stabilize the present phenomenal progress of our
10 island's economy, provide funds for ongoing and future infrastructure needs, and
11 keep our island a beautiful place for our children and our grandchildren in the years
12 to come. Advance planning will make it possible for all our people to continue to
13 partake of economic growth and allow for the social structure and fabric of our island
14 to adjust and benefit.

15 For this reason, this Act is a three year economic plan for the Executive,
16 Judicial and Legislative Branches providing very adequate but declining levels of
17 appropriations necessary for the operations of the government for Fiscal Years 1993,
18 1994, and 1995.

19 Each item of appropriation in this Act which so specifically states that the
20 appropriation is available after the end of Fiscal Year 1993 shall not be subject to the
21 lapsing and appropriating effect of this Section.

22 **(b) Lapsing and appropriating of funds in declining amounts for Fiscal**
23 **Years 1994 and 1995.**

24 (1) For Fiscal Year 1994, each and every item
25 of appropriation made for Fiscal Year 1993 shall lapse and be of no further force
26 or effect on midnight of September 30, 1993. Appropriation items in Chapter II
27 of this Act, which are not Capital Outlay, Equipment, and Miscellaneous items
28 for stipends, are reduced by two percent (2%) from that level appropriated for
29 Fiscal Year 1993, and these reduced items are appropriated as the Fiscal Year 1994
30 budget, and will be available for expenditure from October 1, 1993 to September
31 30, 1994. Miscellaneous items which are stipends are not reduced, and are
32 appropriated for Fiscal Year 1994, and are available for expenditure from October
33 1, 1993 to September 30, 1994.

34 (2) For Fiscal Year 1995, each and every item of appropriation which is
35 appropriated pursuant to item (1) of this Subsection for the Fiscal Year 1994
36 budget shall lapse and be of no further force or effect on midnight of
September 30, 1994. Appropriation items in Chapter II of this Act, which

1 are not Capital Outlay, Equipment, and Miscellaneous items for stipends,
2 and which were appropriated pursuant to item (1) of this Subsection for
3 Fiscal Year 1994, are reduced by two percent (2%) from that level
4 appropriated as the Fiscal Year 1994 budget, and these reduced items are
5 appropriated as the Fiscal Year 1995 budget, and will be available for
6 expenditure from October 1, 1994 to September 30, 1995. Miscellaneous
7 items which are stipends are not reduced, and are appropriated for Fiscal
8 Year 1995, and are available for expenditure from October 1, 1994 to
9 September 30, 1995.

10 **(c) Provision for the effect of the enactment of subsequent legislation.**

11 Notwithstanding any provision of Subsection (a) of this Section indicating the
12 lapsing and enactment of certain sums appropriated in this Act for Fiscal Years 1994
13 and 1995, if there is enacted, between October 1, 1992 and September 30, 1995, any
14 subsequent General Appropriation Act, Supplemental Budget Act, or amendment,
15 repeal, or reenactment of all or a portion of this Act, the latest authorized total
16 expenditures for any entire fiscal year shall be that version of the law which lapses,
17 is reduced, and appropriated on the dates so specified for this to occur in this Section.

18 **Section 8. Territorial Agency planning for hiring vacancies where less than**
19 **One Hundred percent (100%) funding has been provided.** In the case of a Territorial
20 Agency which has been provided funding at less than One Hundred percent (100%)
21 level for vacancies, the agency may first hire the most vital positions, as determined
22 by the Director or head of the Territorial Agency, for the consideration of the health,
23 safety, and welfare of the territory, up to the level of the funding provided for the
24 entire Fiscal Year. The Territorial Agency may also hire in a staggered pattern
25 throughout the Fiscal Year as funds remain, or may hire the full compliment of FTE
26 at the beginning of the fiscal year for as many months as the funding may provide,
27 should that decision be the best management for the particular Territorial Agency.
28 The decision of how to fill the vacancies shall be the prerogative of the Director, or
29 other head of the Territorial Agency.

30 **Section 9. Brand names of products and prices of a particular brand name of**
31 **a product.** Should any brand name of any product, or any price of a product which
32 is particular to a certain brand name, appear in this document, the brand name shall
33 mean and be read as the generic term for the product, and the price shall mean and
34 be read to apply to any brand name of that generic term.

35 **Section 10. Approved staffing patterns for Territorial Agencies for Fiscal Year**
36 **1993.** From the time of the first submission of the budget requests of each Territorial