

VOTING SHEET

Bill No. 856

Resolution No. _____

Question: _____

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>	✓			
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>		✓		
<u>DIERKING, Herminia D.</u>	✓			
<u>DUENAS, Edward R.</u>				✓
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>		✓		
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>	✓			
<u>TANAKA, Thomas V.C.</u>		✓		
<u>UNPINGCO, Antonio R.</u>	✓			

✓

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. 856

Resolution No. _____

Question: Article 5(A) Chapter III of Bill 856

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

19 _____ _____ 1

4

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. 856

Resolution No. _____

Question: 9(c) Chapter III of B856

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.		✓		
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.		✓		

TOTAL

15 4 _____ 1

4

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: 15 of Chapter III of B856

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.		✓		
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

17 2 0 1

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TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: 18(b) of Chapter III of BR56

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.			✓	
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.			✓	
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C. //	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

16 1 2 1

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: 28(a) of Chapter III of BR56

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

19 _____ _____ 1

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: 280th Chapter III of B856

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

19 _____ _____ 1

4

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: override Sec. 40 of Chapter III of B856

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

19 0 0 1

✓

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: 41 of Chapter III of B836

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

19 0 0 1

Veto Request

X

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: Article Sec. 20 of Chapter III of 8856

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.			✓	
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A. III			✓	
PARKINSON, Don	✓			
REIDY, Michael J.	✓			
RUTH, Martha C.			✓	
SAN AGUSTIN, Joe T.			✓	
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.		✓		

TOTAL

Failed


13 2 4 1

MAY 11 '92

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 856 (COR)

Introduced by:


Committee on Ways and Means
At the request of the Governor

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 1993 AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

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

2 Section 1. Short title, effective dates. This Act may be cited as the General
3 Appropriations Act for Fiscal Year 1993. Except as otherwise provided by this Act, the appropriations
4 made in Chapter II shall be available to pay for obligations incurred on or after October 1, 1992, but not
5 later than September 30, 1993. In the event that any portion of this Act is found contrary to Federal law,
6 all portions of the Act not so found shall remain valid.

7 Section 2. Estimated Revenues. The Legislature adopts the following as its revenue
8 forecast for Fiscal Year 1993:

9	I.	GENERAL FUND REVENUES	<u>AMOUNT</u>
10	A.	TAXES	
11		Income Taxes (Corporate and Individual)	\$396,037,954
12		Federal Income Tax Collection (Section 30 Funds)	44,500,000
13		Gross Receipts Tax	163,640,975
14		Real Property Tax	9,796,948
15		Other Taxes	6,732,188
16	B.	BUSINESS LICENSES AND OTHERS	
17		Licenses and Permits	1,239,577

1	C. FEDERAL CONTRIBUTION	3,654,616
2	D. USE OF MONEY AND PROPERTY	
3	Interest/Rental and Public Service Charges	7,287,860
4	E. OTHER LICENSES AND FEES	<u>2,457,783</u>
5	TOTAL GENERAL FUND REVENUE	\$635,347,901
6	II. SPECIAL FUND REVENUES (LOCAL)	
7	A. Abandoned Vehicle and Streetlight Fund	\$ 500,000
8	B. Guam Community College Non-Appropriated Fund	542,100
9	C. Guam Contractors License Board Fund	500,000
10	D. Hospital Operations Fund	37,433,388
11	E. Housing Revolving Fund	380,000
12	F. Land Survey Revolving Fund	675,000
13	G. Parks Fund	100,000
14	H Professional Engineers, Architects and	
15	Land Surveyors Fund	61,000
16	I. Public Transit Fund (fares)	43,200
17	J. Public Utility Agency of Guam Fund	12,988,935
18	K. Special Surplus Property Fund	12,000
19	L. Tourist Attraction Fund	<u>18,229,806</u>
20	TOTAL SPECIAL FUND REVENUE	\$ 71,465,429
21	III. FEDERAL GRANTS-IN-AID REVENUES	
22	Federal Grants-In-Aid Requiring Local Match:	
23	A. Agriculture	\$ 305,000
24	B. Guam Council on the Arts and Humanities Agency	221,000
25	C. Guam Environmental Protection Agency	1,519,301
26	D. Labor	100,419
27	E. Law	2,430,917
28	F. Library	77,776

1	G. Office of Civil Defense	129,054
2	H. Public Health and Social Services	10,705,476
3	I. University of Guam	1,357,594
4	J. Vocational Rehabilitation	<u>1,871,021</u>
5	Subtotal	\$ 18,717,558
6	Federal Grants-In-Aid Requiring In-Kind Match:	
7	A. Guam Police	\$ 195,000
8	B. Labor	<u>844,257</u>
9	Subtotal	\$ 1,039,257
10	TOTAL FEDERAL GRANTS-IN AID REVENUE	\$ 18,942,315
11	REVENUE SUMMARY:	
12	TOTAL GENERAL FUND REVENUE	\$635,347,901
13	TOTAL SPECIAL FUND REVENUE	71,465,429
14	TOTAL FEDERAL GRANTS-IN-AID REVENUE	<u>18,942,315</u>
15	GRAND TOTAL	\$725,755,645

16 NOTE: The following are continuing appropriations against the estimated
17 revenues for Fiscal Year 1993:

18	GENERAL OBLIGATION BOND (P.L. 19-41, "Section 30" funds)	\$ 6,128,502
19	ABANDONED VEHICLE & STREETLIGHT FUND	
20	(P.L. 19-26, Real Property Tax)	1,000,000
21	WATER BOND (P.L. 20-16 "Section 30" funds)	<u>4,589,165</u>
22	GRAND TOTAL	\$ 11,717,667

23 CHAPTER II

24 Section 1. There is hereby appropriated the sum of Five Hundred Seventy
25 Million Three Hundred Seventy Nine Thousand Seven Hundred Twenty Eight Dollars
26 (\$570,379,728) for the operations of the Executive Branch for the Fiscal Year
27 ending September 30, 1993. This sum is composed of Four Hundred Fifty Three
28 Million One Hundred Eighty Seven Thousand Five Hundred Sixty Dollars

1 (\$453,187,560) from the General Fund, Ninety Eight Million Four Hundred Seventy
 2 Four Thousand Six Hundred Ten Dollars (\$98,474,610) from Special Funds and Eighteen
 3 Million Seven Hundred Seventeen Thousand Five Hundred Fifty Eight Dollars
 4 (\$18,717,558) from Federal Matching Grants-in-Aid. The sums appropriated shall
 5 be expended as follows:

	General	Special	Federal	
	Fund	Fund	Fund	Total
8	I. GOVERNMENT-WIDE SUPPORT			
9	\$12,100,000	\$ 392,000 <u>1/</u>		\$12,492,000
10	B. Bureau of Budget and			
11	Management Research	1,695,712		1,695,712
12	C. Bureau of Planning			
12	1,263,649			1,263,649
13	D. Civil Service Commission			
13	1,400,000			1,400,000
14	E. Office of the Governor			
14	5,640,973			5,640,973
15	II. COMMUNITY SERVICES			
16	A. Guam Election Commission			
16	576,927			576,927
17	B. Guam Mass Transit			
18	Authority	1,897,953	43,200 <u>2/</u>	1,941,153
19	C. Mayors' Council			
19	3,385,723			3,385,723
20	III. ECONOMICS AND FINANCE			
21	A. Commerce			
21	5,200,000			5,200,000
22	B. Revenue and Taxation			
22	12,314,544			12,314,544
23	IV. NATURAL RESOURCES, RECREATION			
24	AND ARTS			
25	A. Agriculture			
25	4,200,000		\$ 305,000	4,505,000
26	B. Guam Council on the			
27	Arts and Humanities			
28	Agency			
28	686,338		221,000	907,338

1	C. Land Management	4,800,000	675,000 <u>3/</u>	5,475,000
2	D. Library	1,817,837	77,776	1,895,613
3	E. Museum	96,792		96,792
4	F. Parks and Recreation	6,543,257	759,957 <u>4/</u>	7,303,214
5	V. PUBLIC SAFETY			
6	A. Chief Medical Examiner	335,570		335,570
7	B. Corrections	15,951,827		15,951,827
8	C. Guam Fire	19,439,589		19,439,589
9	D. Guam Police	28,118,923		28,118,923
10	E. Law	7,986,004	2,430,917	10,416,921
11	F. Military Affairs	604,082		604,082
12	G. Office of Civil Defense	342,555	129,054	471,609
13	H. Youth Affairs	4,900,000		4,900,000
14	VI. HEALTH AND WELFARE			
15	A. Guam Environmental			
16	Protection Agency	2,001,430	1,519,301	3,520,731
17	B. Guam Health Planning			
18	and Development Agency	369,839		369,839
19	C. Guam Memorial Hospital			
20	Authority	0	50,808,426 <u>5/</u>	50,808,426
21	D. Labor	3,872,873	100,419	3,973,292
22	E. Mental Health and			
23	Substance Abuse	5,710,716		5,710,716
24	F. Public Health and			
25	Social Services	53,000,000	10,705,476	63,705,476
26	G. Veterans Affairs	162,787		162,787
27	H. Vocational Rehabilitation	1,200,000	1,871,021	3,071,021

1	VII. EDUCATION				
2	A. Chamorro Language				
3	Commission	157,090			157,090
4	B. Education	156,000,000			156,000,000
5	C. Guam Community College	14,058,479	3,459,202 <u>6/</u>		17,517,681
6	D. Guam Educational Tele-				
7	communication Corporation	594,002			594,002
8	E. University of Guam	29,788,211		1,357,594	31,145,805
9	VIII. UTILITIES AND INFRASTRUCTURE				
10	A. Public Utility Agency				
11	of Guam	0	42,246,825 <u>7/</u>		42,246,825
12	B. Public Works	44,973,878	90,000 <u>8/</u>		45,063,878
13	GRAND TOTAL	\$453,187,560	\$98,474,610	\$18,717,558	\$570,379,728
14	<u>1/</u> Housing Revolving Fund (\$380,000), Special Surplus Property Fund (\$12,000)				
15	<u>2/</u> Public Transit Fund (fares)				
16	<u>3/</u> Land Survey Revolving Fund				
17	<u>4/</u> Parks Fund (\$60,000), Tourist Attraction Fund (\$699,957)				
18	<u>5/</u> Hospital Operations Fund (Inclusive of \$13,375,038 appropriation from the				
19	General Fund to the Hospital Operations Fund pursuant to Section 24 of				
20	Chapter III of this Act.)				
21	<u>6/</u> Guam Community College Non-Appropriated Fund (Inclusive of \$1,679,103				
22	appropriation from the Tourist Attraction Fund to the Guam Community College				
23	Non-Appropriated Fund pursuant to Section 25 of Chapter III of this Act and				
24	\$1,237,999 from the Manpower Development Fund.)				
25	<u>7/</u> Public Utility Agency of Guam Fund (Inclusive of \$29,257,890 appropriation from				
26	the General Fund to the Public Utility Agency of Guam Fund pursuant to Section				
27	26 of Chapter III of this Act.)				
28	<u>8/</u> Abandoned Vehicle and Streetlight Fund				

1 CHAPTER III

2 MISCELLANEOUS APPROPRIATIONS

3 Section 1. The sum of Three Hundred Forty Five Thousand Two Hundred Eighty
4 Four Dollars (\$345,284) is appropriated from the Guam Contractors License Board Fund
5 to the Guam Contractors License Board for its Fiscal Year 1993 operations.

6 Section 2. The sum of Sixty One Thousand Dollars (\$61,000) is appropriated
7 from the Professional Engineers, Architects and Land Surveyors Fund to the Profes-
8 sional Engineers, Architects and Land Surveyors Board for its Fiscal Year 1993
9 operations.

10 Section 3. The sum of Seven Hundred Fifty Thousand Dollars (\$750,000) is
11 appropriated from the General Fund to the Government Claims Fund for the purpose of
12 paying eligible and approved claims.

13 Section 4. The sum of One Hundred Seventy Thousand Dollars (\$170,000) is
14 appropriated from the General Fund to the Printing Revolving Fund of the Department
15 of Law for the purposes set out in Section 1607 of Title 1, Guam Code Annotated.

16 Section 5. The sum of Four Hundred Twenty Three Thousand Dollars (\$423,000)
17 is appropriated from the General Fund to the Department of Revenue and Taxation to
18 fund the Tax Collection Task Force for the purpose of collecting outstanding delin-
19 quent taxes.

20 Section 6. The sum of Six Million Five Hundred Thousand Dollars (\$6,500,000)
21 is appropriated from the Fiscal Year 1994 revenues of the General Fund to the
22 Department of Education as an advance appropriation to procure textbooks, workbooks

23 and library books from local and off-island vendors for the School Year 1993-1994.

24 Section 7. The sum of One Million Dollars (\$1,000,000) is appropriated from
25 the General Fund to the Worker's Compensation Fund for the purposes set out in
26 Section 37042 of Title XXXIII of the Government Code to pay worker's compensation
27 for claims by employees of the Government of Guam.

1 Section 8. The sum of Two Million One Hundred Seventy Two Thousand Nine
2 Hundred Thirty Dollars (\$2,172,930) is appropriated from the General Fund to the
3 Community Development Fund under the Mayors' Council as follows: (a) the sum of
4 One Million Nine Hundred Thirty Seven Thousand Three Hundred Thirty Dollars
5 (\$1,937,330) is for the payment of salaries and benefits of four (4) maintenance
6 workers authorized for each municipality; and (b) the sum of Two Hundred Thirty
7 Five Thousand Six Hundred Dollars (\$235,600) is for the purchase of equipment and
8 supplies necessary to perform minor repairs and maintenance pursuant to Section
9 15009.5 of Chapter I, Title XVI of the Government Code of Guam.

10 Section 9. The Sum of One Million Dollars (\$1,000,000) is appropriated from
11 the General Fund to the Department of Law for Fiscal Year 1993 to meet legal fees and
12 expenses in the continuation of the Government of Guam's case challenging current
13 shipping rates in Guam.

14 Section 10. The sum of Two Million Dollars (\$2,000,000) is appropriated to
15 the Territorial Planning Council as follows: (a) the sum of Five Hundred Thousand
16 Dollars (\$500,000) is appropriated from the General Fund for the operations of the
17 Territorial Planning Council; and (b) the sum of One Million Five Hundred Thousand
18 Dollars (\$1,500,000) is appropriated from the Tourist Attraction Fund for the
19 formulation of the Guam Comprehensive Development Plan pursuant to Public Law
20 20-147. Funds appropriated under this section shall be made available until
21 expended.

22 Section 11. The sum of Twenty Seven Million One Hundred Twenty Seven Thousand
23 Three Hundred Twenty Two Dollars (\$27,127,322) is appropriated from the General Fund
24 to the Government of Guam Retirement Fund to continue the provisions of:

25 (i) the One Thousand Two Hundred Dollar (\$1,200) annuity benefits;

26 (ii) the One Thousand Five Hundred Dollar (\$1,500) supplemental
27 annuity benefits;

28 (iii) the Seven Hundred Dollar (\$700) supplemental annuity benefits;

- 1 (iv) the Eight Hundred Thirty Eight Dollar (\$838) annuity benefits;
2 (v) the Governor and Lieutenant Governor Pensions;
3 (vi) the Retiree group health, dental, and life insurance premiums;
4 (vii) the Retiree life insurance subsidy;
5 (viii) the lump sum Cost of Living Allowance to be paid to those
6 Government of Guam retired employees or survivors consisting
7 of One Thousand Eight Hundred Dollars (\$1,800) all for the
8 fiscal year ending September 30, 1993.

9 Section 12. The sum of Three Hundred Thousand Dollars (\$300,000) is appro-
10 priated from the General Fund to the Department of Administration for the purchase
11 of a computer imaging system for the department. Any remaining unexpended balances
12 for the purpose of this appropriation shall revert to the General Fund.

13 Section 13. The sum of Five Million Dollars (\$5,000,000) is appropriated from
14 the General Fund to the Department of Administration for the purpose of paying
15 contributions to the Retirement Fund for the Judicial Branch, Legislative Branch
16 and Executive Branch departments, authorities and agencies for which appropriations
17 from the General Fund are made in this Act for their operations in order to implement
18 the amendment to Section 8137 of Title 4 of the Guam Code Annotated as enacted by
19 Section 5 of Chapter IV of this Act.

20 Section 14. The sum of Five Hundred Thousand Dollars (\$500,000) is appro-
21 priated from the General Fund to the Agency for Human Resources Development to
22 supplement federal funds for its Fiscal Year 1993 operations.

23 Section 15. The sum of One Million Two Hundred Thousand Dollars (\$1,200,000)
24 is appropriated from the General Fund to the Commission on Self-Determination for its
25 Fiscal Year 1993 operations.

26 Section 16. The sum of One Hundred Fifty Six Thousand Dollars (\$156,000) is
27 is appropriated from the General Fund to the Department of Administration for the
28 tuition, fees and authorized expenses of the participants in the Dr. Pedro Sanchez
29 Scholarship program at the University of Guam for Fiscal Year 1993.

1 Section 17. The sum of One Hundred Twenty Thousand Five Hundred Thirty Five
2 Dollars (\$120,535) is appropriated from the General Fund to the Guam State Council
3 on Vocational Education to supplement federal funds and other operational
4 requirements for Fiscal Year 1993.

5 Section 18. The sum of Six Hundred Thousand Dollars (\$600,000) is appro-
6 priated from the General Fund to the Employees PCB Recovery Fund for the purposes
7 as created in Section 3 of Public Law 20-32.

8 Section 19. The sum of One Million Eight Hundred Thousand Dollars (\$1,800,000
9 is appropriated from the General Fund to the Off-island Residential Treatment Fund
10 administered by the Department of Administration for authorized expenses to send a
11 person under the jurisdiction of the Court for residential care arising from a
12 physical, mental or emotional handicap or from a severe emotional disturbance.

13 Section 20. The sum of Two Million Dollars (\$2,000,000) is appropriated from
14 the General Fund to the Guam Fire Department for the purchase of one (1) high-rise
15 fire fighting vehicle and one (1) fire pumper vehicle. Any remaining unexpended
16 balances for the purpose of this appropriation shall revert to the General Fund.

17 Section 21. The sum of Seven Million One Hundred Thousand Dollars (\$7,100,000
18 is appropriated from the General Fund for the purchase of the Pedro's Plaza Building
19 located in Agana, Guam. The Department of Administration is hereby designated to
20 effectuate the purchase of the building for the Government of Guam. Any remaining
21 unexpended balances for the purpose of this appropriation shall revert to the General
22 Fund.

23 Section 22. There is hereby appropriated such sums as are necessary from the
24 Summer School Fund established pursuant to Section 6118 of Title 17 of the Guam Code
25 Annotated, to fund the operations of the 1993 Summer School Program.

26 Section 23. The sum of Nine Million Three Hundred Four Thousand Six Hundred
27 Seventy Five Dollars (\$9,304,675) is appropriated from the Tourist Attraction Fund
28 to the Guam Visitors Bureau for its Fiscal Year 1993 operations.

1 Section 24. The sum of Thirteen Million Three Hundred Seventy Five Thousand
2 Thirty Eight Dollars (\$13,375,038) is appropriated from the General Fund to the
3 Hospital Operations Fund for the operations of the Guam Memorial Hospital Authority
4 for Fiscal Year 1993.

5 Section 25. The sum of One Million Six Hundred Seventy Nine Thousand One
6 Hundred Three Dollars (\$1,679,103) is appropriated from the Tourist Attraction
7 Fund to the Guam Community College Non-Appropriated Fund for the operations of the
8 Guam Community College for Fiscal Year 1993.

9 Section 26. The sum of Twenty Nine Million Two Hundred Fifty Seven Thousand
10 Eight Hundred Ninety Dollars (\$29,257,890) is appropriated from the General Fund to
11 the Public Utility Agency of Guam Fund to fund the operations of the Public Utility
12 Agency of Guam for Fiscal Year 1993.

13 Section 27. The sum of One Hundred Thousand Dollars (\$100,000) is appropriated
14 from the General Fund to the Bureau of Planning for the Agana Revitalization Plan.
15 Funds appropriated under this Section shall be available until expended.

16 Section 28. The sum of Sixty Seven Thousand Seven Hundred Sixty Dollars
17 (\$67,760) is appropriated from the General Fund to the Guam Energy Office for office
18 space rental in Fiscal Year 1993.

19 Section 29. The sum of Twenty Nine Thousand Five Hundred Dollars (\$29,500)
20 is appropriated from the General Fund to the Department of Revenue and Taxation for
21 the purpose of paying prior years obligations for attorney fees to the United States
22 District Court of Appeals.

23 Section 30. The sum of Twelve Million Dollars (\$12,000,000) is appropriated
24 from the General Fund to the Department of Education to fund the construction and
25 renovation of school facilities and classrooms.

26 Section 31. The sum of Thirteen Million Dollars (\$13,000,000) is appropriated
27 from the General Fund to the Guam Memorial Hospital Authority to fund the construc-
28 tion of the Skilled Nursing Facility.

1 Section 32. The sum of Eight Million Four Hundred Twenty Seven Thousand
2 Dollars (\$8,427,000) is appropriated from the General Fund to the Guam Memorial
3 Hospital Authority to fund for capital outlay, facility upgrading and capital
4 improvement projects as the Authority.

5 Section 33. The sum of Six Million Dollars (\$6,000,000) is appropriated from
6 the General Fund to the University of Guam to fund Phase II of its Physical
7 Master Plan.

8 Section 34. The sum of Seven Million Dollars (\$7,000,000) is appropriated
9 from the General Fund to the Guam Community College to fund its Campus Master Plan.

10 CHAPTER IV

11 MISCELLANEOUS PROVISIONS

12 Section 1. For the purpose of appropriations made in Fiscal Year 1992, the
13 following shall apply:

14 (a) "Encumbrances" is defined as purchase orders or other commitments for
15 goods which have not yet been provided or for services which have not yet been
16 rendered. Encumbrances become expenditures and liabilities only when, and if, goods
17 are actually provided or services actually rendered.

18 (b) All outstanding Encumbrances which remain unliquidated shall automati-
19 cally expire on the last day of the succeeding fiscal year and revert to the
20 General Fund.

21 Section 2. The Local and Federal Matching Funds for programs whose expiration
22 date extend beyond September 30, 1993, are hereby authorized to be carried over and
23 expended through the period of the grant award.

24 Section 3. Section 1103 of Chapter 1, Title 10, Guam Code Annotated is
25 repealed and reenacted to read:
26 "Section 1103. There are created Medical Referral Assistance Offices in Honolulu,
27 Hawaii and Los Angeles, California, which shall be within the responsibility of the
Office of the Governor. The Offices shall assist in coordinating appropriate

1 medical appointments, as well as coordinating temporary housing and transportation.

2 Section 4. Subsection (a) of Section 8136 of Title 4 of the Guam Code
3 Annotated is amended to read as follows:

4 (a) Each member of the Fund shall contribute the following:

5 (1) Six percent (6%) of salary earned and accruing to such member from the
6 operative date of July 1, 1973;

7 (2) Six and one-half percent (6.5%) of salary earned and accruing to such
8 member subsequent to July 1, 1973;

9 (3) Seven and one-half percent (7.5%) of the base pay earned and accruing
10 to such member subsequent to October 1, 1981;

11 (4) Eight and one-half percent (8.5%) of the base pay earned and accruing
12 to such member subsequent to October 1, 1992;

13 (5) Nine and one-half percent (9.5%) of the base pay earned and accruing
14 to such member subsequent to October 1, 1993; and

15 ~~[(4)]~~ (6) At the written election of the member prior to October 1, 1992, eight
16 and one-half percent (8.5%), from October 1, 1992, nine and one-half percent (9.5%)
17 through September 30, 1993 and ten and one-half percent (10.5%) thereafter of the
18 following non-base pay of such members: Overtime, bonuses, hazardous duty pay,
19 night differential pay, lump sum annual leave, summer school pay, extra teaching
20 assignments pay, and other salary for services rendered paid to members by the
21 government. A new member shall exercise in writing his or her option to contribute
22 for such non-base pay within sixty (60) days of joining the Fund, failing which
23 such member shall be deemed to have permanently waived the right to exercise such
24 option. All current members shall have until May 15, 1989 to exercise such option.
25 After a member exercises such option the contribution of such member shall be based
26 on such member's base and non-base pay. To complete a current member's exercise
27 of such option, such a member shall pay into the Fund such member's share, plus
28 regular interest to the date such deposit is completed, of the total contribution

1 required for such non-base pay for such period for which such member wishes to make
2 a retroactive contribution up to the effective date of this subitem, but not to
3 exceed any period prior to October 1, 1983."

4 Section 5. Section 8137 of Title 4 of the Guam Code Annotated is amended to
5 read:

6 "Section 8137. The Government shall make contributions to the Fund each year
7 on an actuarially funded basis, toward the annuities and benefits herein provided.

8 These contributions shall be equal to the sum of the following:

9 (a) Government Normal Cost. An annual amount resulting from the application
10 of a rate percent of total salaries of all members representing the present value
11 of the actuarial reserve requirement for membership service, for such year, for
12 service retirement annuity, disability retirement annuity, and annuities to widows
13 and children, and the one-year term premium for the Government's liability for death
14 benefits, after taking credit for the contributions by the members. From July 1,
15 1955 to August 30, 1972, the rate of contributions shall be seven and two hundred
16 eighty-seven thousandths percent (7.287%) of the total salaries of the members
17 participating in the Fund. From September 1, 1972, the rate of contribution shall
18 be seven and six hundred ninety-seven thousandths percent (7.697%) of the total
19 salaries of the members participating in the Fund. From July 1, 1976, the rate of
20 contribution shall be eight and six hundred ninety-seven thousandths percent
21 (8.697%) of the total salaries of the members participating in the Fund. From
22 October 1, 1981, the rate of contribution shall be ten and six hundred ninety-nine
23 thousandths percent (10.699%) of the total base pay of the members participating in
24 the Fund and ten and six hundred ninety-nine thousandths percent (10.699%) of the
25 pay for which members opted to contribute eight and one-half percent (8.5%) as
26 provided in item [(4)] (6) of Section 8136(a) of this Chapter. From October 1, 1992,
27 the rate of contribution shall be six and ten-thousandths percent (6.010%) with
28 respect to both base pay and the pay for which members opted to contribute as

1 provided in item (6) of Section 8136(a) of this Chapter. From October 1, 1993,
2 the rate of contribution with respect to both base pay and the pay for which members
3 opted to contribute as provided in item (6) of Section 8136(a) of this Chapter shall
4 be equal to the Government Normal Cost rate percent determined in the latest
5 completed actuarial valuation prepared for the Board of Trustees by the actuary
6 appointed by the Board.

7 (b) Government Unfunded Liability Amortization Cost. An amount resulting
8 from the application of a rate percent of total salaries of all members which will
9 amortize the remaining liability for prior service over the remainder of a
10 specified period, as determined by the Board upon recommendation of the actuary,
11 but not to exceed a period of forty (40) years following the operative date.
12 From July 1, 1955 to August 30, 1972 the rate of contribution shall be not less
13 than one and three hundred seventeen thousandths percent (1.317%) of the total
14 salaries of the members participating in the Fund. From September 1, 1972 the
15 rate of contributions shall be not less than one and four hundred and seven
16 thousandths percent (1.407%) of the total salaries of the members participating
17 in the Fund. From October 1, 1992, the rate of contribution shall be equal to
18 thirteen and six hundred sixty-five thousandths percent (13.665%) of the total
19 salaries of the members participating in the Fund. From October 1, 1993 the rate
20 of contribution shall be equal to the Government Unfunded Liability Amortization
21 Cost rate percent determined in the latest completed actuarial valuation prepared
22 for the Board of Trustees by the actuary appointed by the Board.

23 The amount of contributions by the Government shall be determined by
24 applying the applicable percentage rate of contributions as hereinabove prescribed
25 to the total salaries paid to the members during each payroll period, and all such
26 amounts shall be paid into the Fund following the close of each payroll period,
27 concurrently with the contributions made to the Fund by the members.

1 (c) An amount resulting from the application of a rate equal to the average
2 rate of return on the investment of retirement funds in the preceding fiscal year
3 of total delinquent payments during the period when such payments are delinquent.
4 In addition an amount equal to one percent (1%) per year of delinquent payments
5 shall be paid over the Fund as penalty for late payment. As used in this Section,
6 delinquent payments means payments due the Fund pursuant to 4 GCA Section 8136 and
7 Subsections (a) and (b) of this Section which are not paid over to the Fund within
8 ten (10) working days after issuance of payroll checks.

9 (d) In addition to all other contributions made by the government to the
10 Retirement Fund pursuant to this chapter, the government shall pay as an additional
11 contribution to the Fund one percent (1%) of the total salaries of all members,
12 effective October 1, 1988 through September 30, 1992. These payments shall be
13 first applied towards any unfunded liability of the Fund, if there be any.

14 (e) From October 1, 1992, the Government rate of contribution shall equal
15 seventy four percent (74%) of the sum of the contribution rates required under
16 Section 8137(a) and Section 8137(b). From October 1, 1993, the Government rate of
17 contribution shall equal eighty percent (80%) of the sum of the contribution rates
18 required under Section 8137(a) and Section 8137(b). From October 1, 1994, the
19 Government rate of contribution shall equal ninety percent (90%) of the sum of the
20 contribution rates required under Section 8136(a) and Section 8137(a). From October
21 1, 1995, the Government rate of contribution shall equal one hundred percent (100%)
22 of the sum of the contribution rates required under Section 8137(a) and Section
23 8137(b)."

24 Section 6. The Bureau of Budget and Management Research is authorized to
25 expend audit fees for the purpose of training, travel and staff development within
26 the Bureau.

27 Section 7. Section 13971 of the Government Code is amended to read:
28 "Section 13971. Land Survey Revolving Fund. There is hereby established a Land

1 Survey Revolving Fund within the cognizance of the Director, Department of Land
2 Management. All revenues received pursuant to Section 13971.1 of the Government
3 Code are authorized to be expended without appropriation for either of the following
4 purposes:

5 (a) To continue and finish the surveying, mapping, and registration of all
6 government-owned real properties throughout the Island; or

7 (b) To improve, upgrade, or ascertain the accuracy of the Department of Land
8 Management's systems and procedures for the recordation, registration and surveying
9 of real properties throughout the island.

10 Such revolving fund shall be maintained separate and apart from any other funds
11 of the Government of Guam, and independent records and accounts shall be maintained
12 in connection therewith as prescribed by the Director, Department of Land Manage-
13 ment."

14 Section 8. The Government of Guam Retirement Fund is hereby authorized to
15 expend the sum of Two Hundred Twelve Thousand Four Hundred Dollars (\$212,400)
16 from the supplemental appropriation made in Section 17 of Public Law 20-220 for
17 the purposes made Section 1 of Public Law 20-218 for the cost of living allowance
18 for Government of Guam retirees or their survivors.

19 CHAPTER V

20 ADMINISTRATIVE PROVISIONS

21 Section 1. Notwithstanding any other provisions of law, the Governor is
22 authorized to transfer funds appropriated by the Legislature for Fiscal Year 1993
23 to the various departments and agencies of the Government of Guam. Notice of each
24 transfer and justification shall be delivered to the Speaker of the Legislature by
25 the Governor at the end of each month.

26 Section 2. At the end of Fiscal Year 1993 any unappropriated balances from
27 the Guam Contractors License Board Fund and the Professional Engineers, Architects
28 and Land Surveyors Fund shall revert to the General Fund.

1 Section 3. Notwithstanding any other provisions of law, all unexpended and/or
2 unencumbered appropriations pursuant to Chapter II of this Act shall revert to the
3 General Fund on the last day of the Fiscal Year 1993.

4 Section 4. Notwithstanding any other provisions of law, appropriations made
5 in this Act may be expended for the payment of prior years obligations. Notice of
6 each proposed expenditure shall be delivered to the Speaker of the Legislature by
7 the Governor no less than seven (7) days before the effective date of such expen-
8 diture.

9 Section 5. Notwithstanding any other provisions of law, the Full-Time
10 Equivalency (F.T.E.) restrictions imposed by this Act shall not be applicable to
11 the University of Guam instructional positions.

12 Section 6. Notwithstanding any other provisions of law, the Full-Time
13 Equivalency (F.T.E.) restrictions imposed by this Act shall not be applicable to
14 the Guam Community College instructional positions.

15 Section 7. Notwithstanding any other provisions of law, the Full-Time Equiva-
16 lency (F.T.E.) restrictions imposed by this Act shall not be applicable to persons
17 practicing the healing arts as defined in Subsection (b) of Section 12101, Title 10
18 of the Guam Code Annotated for the Guam Memorial Hospital Authority or to certified
19 and registered ancillary services personnel in the following position in areas
20 within the Authority: Pharmacy, Physical Therapy, Medical Laboratory, Radiology,
21 Cardiopulmonary, and Dietary; and the Authority is authorized to hire personnel to
22 fill positions in such areas in Fiscal Year 1993.

23 Section 8. Notwithstanding any other provisions of law, the Department of
24 Youth Affairs is authorized to hire two (2) temporary employees for the duration
25 of the Summer Youth Employment Program in Fiscal Year 1993. The temporary employees
26 shall be funded by funds appropriated in this Act for this program.

P.L. No. 21-135

Section 13. Section 1226 of Title 12, Guam Code Annotated, is amended to read:

"§1226. Pledge and Agreement by Government. The Government hereby pledges to and agrees with the holders of any bonds issued under this Article that the Government will not:

(a) Limit or alter the rights hereby vested in the Authority to fulfill the terms of any agreements made with the bondholders,

(b) in any way impair the rights and remedies of the bondholders,

(c) acquire, operate or maintain or permit any instrumentality of the Government or any other public or private agency, entity or person to acquire, operate or maintain within the territory an airport facility competitive with the airports, or

(d) transfer any additional non-airport operating responsibilities to the Authority without providing for the payment of the costs of such additional responsibilities. The Authority is authorized to include this pledge and agreement of the Government in an agreement with the holders of bonds."

Section 14. Notwithstanding any other provision of law, the Board of Director of the Guam Visitors Bureau may utilize such unencumbered and unexpended funds from their Fiscal Year 1992 Budget Appropriation as they deem necessary to inform potential visitors that Guam has recovered from the effects of Typhoon Omar.

PUBLIC LAW NO. 21-136

Bill No. 856

Date Became Law: Sep 29, 1992

Governor's Action: Approved with exceptions and reductions noted herein.

Introduced by: Committee Ways and Means at the Request of the Governor

C.T.C. Gutierrez	H.D. Dierking
J.P. Aguon	J.T. San Agustin
J.G. Bamba	A.C. Blaz
E.P. Arriola	D. Parkinson
D.L.G. Shimizu	M.C. Ruth
M.D.A. Manibusan	E.M. Espaldon
D.F. Brooks	M.J. Reidy

AN ACT TO PROVIDE APPROPRIATIONS TO THE EXECUTIVE BRANCH, THE GUAM MASS TRANSIT AUTHORITY, GUAM MEMORIAL HOSPITAL AUTHORITY, THE GUAM VISITORS BUREAU, THE PUBLIC DEFENDER SERVICE CORPORATION, THE SUPERIOR

P.L. No. 21-136

COURT OF GUAM, THE UNIVERSITY OF
GUAM, AND THE GUAM LEGISLATURE FOR
FISCAL YEAR 1993, AND TO PROVIDE
MISCELLANEOUS APPROPRIATIONS AND
PROVISIONS AS SPECIFIED.

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- Section 2 ... Estimated revenues for 1993.
- Section 3 ... Estimated receipts for 100% federal grants-in-aid.
- Section 4 ... Continuing appropriations against FY 1993 revenues.
- Section 5 ... Definitions.
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Chapter III. Miscellaneous Appropriations to:

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- Section 2 ... DOE - 1993 Summer School Program.
- Section 3 ... Guam State Council on Vocational Educational for FY 1993.
- Section 4 ... Political Status Education Coordinating Commission for FY 1993.
- Section 5 ... (a) Agana Heights Municipal Planning Council.
(b) Tamuning Municipal Planning Council.
- Section 6 ... Dept of Public Works.
- Section 7 ... Territorial Planning Council.
- Section 8 ... Government of Guam Retirement Fund.
- Section 9 ... Guam Tax Code Commission.
- Section 10 ... Agency for Human Resources Development.
- Section 11 ... Department of Administration
- Section 12 ... Department of Agriculture
- Section 13 ... Department of Administration - Off-island Residential Treatment Fund.
- Section 14 ... Guam Energy Office.
- Section 15 ... Bureau of Planning.
- Section 16 ... University of Guam.
- Section 17 ... Department of Revenue & Taxation
- Section 18 ... Department of Revenue & Taxation
- Section 19 ... Umatac Municipal Planning Council
- Section 20 ... Western Pacific Association of the Disabled
- Section 21 ... Sanctuary Inc.
- Section 22 ... Guam Legal Services Corp.
- Section 23 ... Department of Education
- Section 24 ... Public Utility Agency of Guam
- Section 25 ... Committee on Ways and Means
- Section 26 ... (a) Public Utility Agency of Guam
(b) Guam Power Authority
(c) Department of Public Works

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Section 29 ...	Department of Education
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Section 31 ...	Guam Fire Department
Section 32 ...	University of Guam (College of Business and Public Administration)
Section 33 ...	Legislature Operations Fund
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Section 38 ...	Guam Memorial Hospital Authority
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Section 40 ...	Public Utility Agency of Guam
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- Section 18 ... Motor Vehicle
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(b) Amended 17GCA §15203(b)
(c) Amended 17GCA §15403(b)
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- Section 22 ... Guma Mami, Inc.
- Section 23 ... Department of Public Works
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- Section 25 ... (a) Legislature Intent
(b) Commission on Self Determination
- Section 26 ... Added 12GCA §6306
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- Section 28 ... Amended 4GCA §4406.1.
- Section 29 ... Agana Mayor
- Section 30 ... Guam Mass Transit Authority
- Section 31 ... R/R §33220, Chapter 33, 5GCA
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- Section 33 ... (a) Amended §7106 3GCA
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- Chapter V - Administrative Provisions
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 - Section 8 ... Territorial Agency planning for hiring vacancies
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CHAPTER III
MISCELLANEOUS APPROPRIATIONS

Section 1. Six Million Five Hundred Thousand Dollars (\$6,500,000) are appropriated from the Fiscal Year 1994 revenues of the General Fund to the Department of Education as an advance appropriation to procure textbooks, workbooks and library books from local and off-island vendors for the School Year 1993-1994.

Section 2. There are hereby appropriated such sums as are necessary from the Summer School Fund established pursuant to

P.L. No. 21-136

Section 6118 of Title 17 of the Guam Code Annotated to the Department of Education to fund the operations of the 1993 Summer School Program.

Section 3. One Hundred Twenty Thousand Five Hundred Thirty Five Dollars (\$120,535) are appropriated from the General Fund to the Guam State Council on Vocational Educational to supplement federal funds and other operational requirements for Fiscal Year 1993.

Section 4. Two Hundred Eighty-four Thousand Seven Hundred Eighteen Dollars (\$284,718) are appropriated from the General Fund to the Political Status Education Coordinating Commission for its Fiscal Year 1993 operations.

Section 5. (a) [One Hundred Twenty-six Thousand Dollars (\$126,000)] Twenty Thousand Dollars (\$20,000) is appropriated from the General Fund to the Agana Heights Municipal Planning Council for maintenance and operations of the Agana Heights Gymnasium; and

(b) [One Hundred Four Thousand Dollars (\$104,000)] Twenty Thousand Dollars (\$20,000) is appropriated from the General Fund to the Tamuning Municipal Planning Council for maintenance and operations of the Tamuning Gymnasium.

Section 6. (a) The existing basketball court in the village of Mangilao is in dire need of repair, as the existing fabric fence is badly torn in places, the boards are dilapidated, and some of the pipes are bending awkwardly.

(b) Twelve Thousand Three Hundred Eighty Dollars (\$12,380) are appropriated from the General Fund to the Department of Public Works to repair the basketball court situated on the Mangilao Mayor's Office Complex.

Section 7. Five Hundred Thousand Dollars (\$500,000) are appropriated from the General Fund for the operations of the Territorial Planning Council.

Section 8. Twenty Seven Million One Hundred Twenty Seven Thousand Three Hundred Twenty Two Dollars (\$27,127,322) are appropriated from the General Fund to the Government of Guam Retirement Fund to continue the provisions of:

(i) the One Thousand Two Hundred Dollar (\$1,200) annuity benefits;

(ii) the One Thousand Five Hundred Dollar (\$1,500) supplemental annuity benefits;

(iii) the Seven Hundred Dollar (\$700) supplemental annuity benefits;

(iv) the Eight Hundred Thirty Eight Dollar (\$838) annuity benefits;

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- (v) the Governor and Lieutenant Governor Pensions;
- (vi) the Retiree group health, dental, and life insurance premiums;
- (vii) the Retiree life insurance subsidy;
- (viii) the lump sum Cost of Living Allowance to be paid to those government of Guam retired employees or survivors consisting of One Thousand Eight Hundred Dollars (\$1,800) all for the fiscal year ending September 30, 1993.

Section 9. (a) Legislative Intent. During the course of work on the Guam Tax Code Commission, and most especially while creating and reviewing models which may be used in creating a Guam Tax Code, it has become apparent to the Guam Tax Code Commission that Guam lacks the proper income and product accounts to measure recent economic activity and forecast future economic performance. These processes go hand-in-hand with development of a Guam Tax Code, and unless they are developed and implemented will hinder finalization of the Guam Tax Code Commission's work.

The microsimulation models that have been developed for the Guam Tax Code Commission will be integral to developing income and product accounts. The models will be used to forecast the impact of alternative tax and economic policies and extended to data assessment, account building, and forecasting.

(b) Implementation. In order to complete the Guam Tax Code Commission's primary task, the Commission shall prepare or cause to be prepared income and product accounts for Guam.

(c) Appropriation. [Five Hundred Thousand Dollars (\$500,000)] Zero (-0-) are appropriated from the General Fund to the Guam Tax Code Commission to carry out the duties designated in this Section.

Section 10. Five Hundred Thousand Dollars (\$500,000) are appropriated from the General Fund to the Agency for Human Resources Development to supplement federal funds for its Fiscal Year 1993 operation.

Section 11. [Six Hundred Thousand Dollars (\$600,000)] Zero (-0-) are appropriated from the General Fund to the Department of Administration Employees PCB Recovery Fund for the purposes as created in Section 3 of Public Law 20-32, as amended in Section 49 of Chapter III of P.L. 21-42.

Section 12. One Hundred Seventeen Thousand Six Hundred Seventy Four Dollars (\$117,674) are appropriated from the General Fund to the Department of Agriculture to plant Ifit, Ahgao, and Pahong trees in order to perpetuate the Chamorro culture through the arts by wood carving, weaving and other cottage industries as contemplated by P.L. 21-54.

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Section 13. One Million Eight Hundred Thousand Dollars (\$1,800,000) are appropriated from the General Fund to the Department of Administration Off-Island Residential Treatment Fund to pay authorized expenses to send persons under the jurisdiction of the Court for residential care arising from physical, mental or emotional handicaps or from severe emotional disturbance.

Section 14. Sixty Seven Thousand Seven Hundred Sixty Dollars (\$67,760) are appropriated from the General Fund to the Guam Energy Office for office space rental in Fiscal Year 1993.

Section 15. [One Hundred Thousand Dollars (\$100,000)] Fifty Thousand Dollars (\$50,000) are appropriated from the General Fund to the Bureau of Planning for the Agana Revitalization Plan. Funds appropriated under this Section shall be available until expended.

Section 16. Four Hundred and Ninety-six Thousand Dollars (\$496,000) are appropriated from the General Fund to the University of Guam to fund the continuance of research on Guam on Lytico, Bodig, and related neurological diseases and the possible causes or risk factors, including research in conjunction with the ongoing research of the Mayo Clinic and Foundation. The following projects are part of the research funded by this appropriation:

(a) Continuation of the multi-disciplinary care and family support team and community education;

(b) Continuation of the organization and acquisition of materials for the Micronesian Medical Archives, and operation thereof;

(c) Continuation of ophthalmological studies to find the cause for Guam's unique retinopathy;

(d) Continuation of family studies of occurrence of Amyotrophic Lateral Sclerosis (ALS)/Parkinson's Disease (PD);

(e) Studies into effects of Manganese in relation to neurological disorders;

(f) Therapeutic trial to investigate aluminum poisoning and to chelate excess aluminum from Lytico and Bodig patients;

(g) pathological studies on known Lytico and Bodig patients and symptomatic persons;

(h) visiting Scientist Program for specialists, scientists and medical personnel;

(i) travel and incidental expenses for patients and accompanying caregivers to the University of British Columbia at Vancouver, Canada and to various Mayo Clinic facilities in the United States mainland for purposes related to research.

(j) The appropriation in this Section shall remain in effect until expended.

Section 17. Four Hundred Twenty-three Thousand Dollars (\$423,000) are appropriated from the General Fund to the Department of Revenue and Taxation to fund the Tax Collection Task Force for the purpose of collecting outstanding delinquent taxes.

Section 18. (a) Legislative findings and purpose. The Legislature finds that the Department of Administration, in its recent audit of the personnel files of all the employees of the Department of Revenue and Taxation, discovered that fifty (50) employees were inadvertently under compensated due to inconsistencies between the implementing memorandum and the spreadsheet brought about by the Civil Service Commission's creation of new classes of position, reassignment of pay ranges, and abolishment of existing classes of positions, dated May 7, 1985. It is the further finding of the Legislature that to correct these discrepancies and to alleviate further discrimination against these fifty (50) employees, funding is required to compensate the employees affected.

(b) Appropriation for back pay. [Three Hundred Fifty-seven Thousand Dollars (\$357,000)] Zero (-0-) are appropriated from the General fund to the Department of Revenue and Taxation to compensate these fifty (50) employees affected by the Civil Service Commission's creation of new classes of positions, reassignment of pay ranges, and abolishment of existing classes of positions, dated may 7, 1985.

Section 19. Thirty Five Thousand Dollars (\$35,000) are appropriated from the General Fund to the Umatac Municipal Planning Council for the Discovery Day Festivities. The Discovery Day Committee shall justify the expenses to the Umatac Municipal Planning Council. This appropriation may also be used to pay any prior years obligations.

Notwithstanding any other provision of law, the Governor is authorized to allow the conduct of cockfights for the three (3) day weekend period consisting of Friday, Saturday, and Sunday for every annual village fiesta, for Discovery Day, and for Fiestan Tasi, with the net proceeds of such cockfights to be given to the Municipal Planning Council of the village in which the cockfight is held.

Section 20. [Three Hundred Ninety Seven Thousand Three Hundred Forty Dollars (\$397,340)] One Hundred Five Thousand Dollars (\$105,000) are appropriated from the General Fund to the Western Pacific Association of the Disabled for its Fiscal Year 1993 operations. The recipient of this appropriation shall make a report of the expenditures of the funds in this appropriation to the Governor and the Legislature.

Section 21. Six Hundred Thousand Dollars (\$600,000) are appropriated from the General Fund to the Sanctuary Inc. for its Fiscal Year 1993 operations. The recipient of this appropriation shall make a report of the expenditures of the funds in this appropriation to the Governor and the Legislature.

Section 22. [One Hundred Seventy-five Thousand Dollars (\$175,000)] One Hundred Twenty-Five Thousand Dollars (\$125,000) are appropriated from the General Fund to the Guam Legal Services

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Corporation to provide legal services to the poor and the elderly. The recipient of this appropriation shall make a report of the expenditures of the funds in this appropriation to the Governor and the Legislature.

Section 23. (a) Legislative Intent. Due to insufficient classrooms, the Department of Education is authorized for Fiscal Year 1993 to offer over-load pay to teachers who voluntarily accept students above the class sizes agreed to in the Board of Education-Guam Federation of Teachers contract, provided that the formula used in determining the over-load pay is mutually agreed upon between the Board of Education and the Guam Federation of Teachers.

(b) Appropriation. [Two Hundred Thousand Dollars (\$200,000)] Zero (-0-) are appropriated from the General Fund to the Department of Education to fund the authorization in Subsection (a) of this Section.

(c) This Section shall expire at the end of School Year 1992-1993.

Section 24. [Nine Thousand One Hundred Thirty-four Dollars (\$9,134)] Zero (-0-) are appropriated from the General Fund to the Public Utility Agency of Guam to relocate the water lines affecting Lot Nos. 215 and 216-3, Agamham Road, Village of Maina.

Section 25. The Bureau of Budget and Management Research is authorized to expend audit fees for the purpose of training, travel, and staff development within the Bureau, and Twenty Thousand Dollars (\$20,000) are appropriated from the General Fund to the Committee on Ways and Means for the purpose of training, travel, and staff development within the Committee.

Section 26. Two Million Six Hundred Ninety-seven Thousand Two Hundred Dollars (\$2,697,200) are appropriated from the General Fund to provide the infrastructure needed at the Talofofu Subdivision, 403-R11. The funds appropriated in this section shall be allocated as follows:

(a) One Million Two Hundred Thousand Dollars (\$1,200,000) to the Public Utility Agency of Guam for water installation;

(b) One Million One Hundred Forty-seven Thousand Two Hundred Dollars (\$1,147,200) to the Guam Power Authority for power installation; and

(c) Three Hundred Fifty Thousand Dollars (\$350,000) to the Department of Public Works for road paving and improvements.

The respective agencies shall coordinate the projects authorized in this Section with the Mayor and shall submit a report to the Governor and the Speaker of the Legislature on the status of these projects within one hundred twenty (120) days after the effective date of this Section.

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Section 27. [Two Million Three Hundred Twenty-one Thousand Six Hundred Dollars (\$2,321,600)] Zero (-0-) are appropriated from the General Fund to the Department of Public Works for construction of an easement road for Lot Nos. 187-2, 187-3, 187-4, 187-5 and 187-R5, Village of Yona.

Section 28. (a) [Fifty Thousand Dollars (\$50,000)] Zero (-0-) are appropriated from the General Fund to the Merizo (Malesso) Municipal Planning Council for the removal of homes destroyed by typhoons Russ and Yuri, which project has still not been completed.

(b) [One Hundred Thirty-five Thousand Dollars (\$135,000)] Zero (-0-) are appropriated from the General Fund to the Department of Public Works to supplement the funds previously appropriated for the extension of the Mayor's Office in the Merizo Community Center and repair and extension of the Merizo Senior Citizens Center.

(c) Two Hundred Thirty-eight Thousand Dollars (\$238,000) are appropriated from the General Fund to the Department of Public Works for the completion of the work for renovation of the Merizo (Malesso) Baseball Field.

Section 29. [Thirty-seven Thousand Seven Hundred Fifty-eight Dollars (\$37,758)] Zero (-0-) are appropriated from the General Fund to the Department of Education to fund the reallocation of all LAMP positions currently classified as Community Program Aide II retroactively to August 15, 1986, pursuant to Civil Service Commission Memorandum No. 92-417 dated April 8, 1992.

Section 30. (a) [One Thousand One Hundred Fifty-seven Dollars (\$1,157)] Zero (-0-) are appropriated from the General Fund to the Dededo Mayor's Office to cover the cost of connecting utilities in the Ligan Terrace Baseball Field and the Astumbo Basketball Court.

(b) [Five Hundred Fifty-two Dollars (\$552)] Zero (-0-) are appropriated from the General Fund to the Dededo Mayor's Office to cover the utility bills for the Ligan Terrace Baseball Field and the Astumbo Basketball Court.

(c) [Thirty-five Thousand Dollars (\$35,000)] Zero (-0-) are appropriated from the General Fund to the Dededo Mayor's Office to purchase a large heavy duty tractor.

Section 31. [Three Hundred Thousand Dollars (\$300,000)] Zero (-0-) are hereby appropriated from the General Fund to the Guam Fire Department for overtime pay.

Section 32. Any funds remaining from the appropriation in Section 1 of Public Law 21-59 from the General Fund to the University of Guam College of Business and Public Administration for expenses of the 12th Island Conference on Public Administration shall be available

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for planning expenses of the 13th Island Conference on Public Administration to be held in November, 1992.

Section 33. Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000) are appropriated from the General Fund to the Legislature Operations Fund for the operations of the Guam Legislature for Fiscal Year 1993. All appropriations to the Legislature Operations Fund shall be carried over and continue in Fiscal Year 1993 for use by the Legislature.

Section 34. [Eighty-one Thousand Dollars (\$81,000)] Zero (-0-) are appropriated from the General Fund to the Department of Parks and Recreation Sports Fund for Guam Youth Football League's on-island operations for FY 1993. The recipient of this appropriation shall make a report of the expenditures from this appropriation to the Governor and to the Legislature.

Section 35. (a) Section 1 of Public Law 21-109 is repealed and reenacted to read:

"Section 1. Appropriation. Thirty-five Thousand Nine Hundred Sixty-two Dollars (\$35,962) are appropriated from the Tourist Attraction Fund to the Guam Visitors Bureau ("GVB") to make retroactive salary adjustments as recommended by the Civil Service Commission."

(b) Section 3 of Public Law 21-109 is repealed and reenacted to read:

"Section 3. GVB Accountability. GVB shall provide a detailed financial breakdown of all disbursements made pursuant to Section 1 of this Act to the Civil Service Commission and to the Committee on Tourism & Transportation of the Legislature."

Section 36. [Fifty-five Thousand Eight Hundred Fifty Dollars (\$55,850)] Zero (-0-) are appropriated from the General Fund to the Mayors' Council of Guam for the purpose of providing compensation for the Municipal Planning Council for the nineteen (19) districts retroactive to January 1, 1991 through December 31, 1991 in conformity with Public Law 21-69.

Section 37. (a) Legislative Findings. The Legislature finds that flood control should be a priority for the community. The absence of appropriate flood control measures has resulted in the loss of homes and substantial property damage, and has endangered Guam's access to federal assistance with respect to the National Flood Insurance Program ("NFIP"). The Legislature finds that previous Executive Orders called for the promulgation of Flood Damage Prevention Rules and Regulations. However, these regulations were not promulgated until 1989. Even with the adjudication of these regulations, the Federal Emergency Management Agency ("FEMA"), in repeated correspondence in 1990 1991, and 1992, to Governor Ada, noted specific deficiencies in Guam's enforcement and administration of floodplain

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management regulations. FEMA, in its correspondence with Governor Ada, further noted that these deficiencies included violations of Executive Order 88-20, Flood Damage, Prevention, Rules, and Regulations. Due to insufficient response to these deficiencies, Guam was placed on probationary status on April 6, 1992, with respect to NFIP.

It is the further finding of the Legislature that it is necessary to provide a Flood Control Plan for Guam and complete the Agana River Flood Control Project in order to lift the probationary status imposed on Guam by FEMA. In their April 8, 1992 letter to Governor Ada, FEMA stated that if the required corrective actions are not taken by April 6, 1993, FEMA will recommend to the Administrator of the Federal Insurance Administration that Guam be suspended from NFIP. The Legislature further finds that, notwithstanding FEMA, these measures should be taken in the interests of the safety and well-being of the people of Guam. Although the Governor has not requested funding for these two measures, the Legislature finds that these deficiencies cannot be permitted to continue due to the inaction and inattention of the Executive Branch. The Legislature therefore finds that both the Island-wide Flood Control Plan and the Agana River Flood Control Project should be implemented as expeditiously as possible.

(b) Appropriation for Flood Control Plan. [Seven Hundred Thousand Dollars (\$700,000)] Zero (-0-) are appropriated from the General Fund to the Department of Public Works for the preparation and administration of the Island-wide Flood Control Plan for Guam.

(c) Appropriation for Agana River Flood Control Project. [Two Million Five Hundred Thousand Dollars (\$2,500,000)] Zero (-0-) are appropriated from the General Fund to the Department of Public Works for the completion of the Agana River Flood Control Project.

Section 38. Six Hundred Seventy-four Thousand Five Dollars (\$674,005) are appropriated from the General Fund to the Guam Memorial Hospital Authority's End Stage Renal Disease (ESRD) program to be expended as follows:

Equipment:	
High flux Dialysis Machines	\$50,000
Therapy Management System Monitors	12,500
High Efficiency Dialysis Machines	182,875
Cardiac Monitoring Device	60,000
Testing/Calibration Equipment	20,000
Electronic Temperature Test Equipment	20,000
BP/Stethoscope Equipment	3,640
Waste Handling Option Dialysis Equipment (WHO)	2,750
Equipment Parts (Maintenance)	50,000
Medication:	
Renal Maintenance Medication and	

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Immunosuppressant Drugs (Cyclosporine)	173,000
Renal Diets	103,740
Nephrology Consultants	4,000
Training and Development	10,000

Section 39. (a) Legislative Findings. The Municipality of Mangilao has experienced a rapid rate of growth over the last few years. Public facilities are in need of upgrading because of use by the public and funding being diverted to more pressing needs. The power needs of the people of Mangilao, as well as the need for paved secondary roads has become critical. The baseball field has inadequate facilities to meet the needs of the community.

(b) Forty-two Thousand Dollars (\$42,000) are appropriated from the General Fund to upgrade the existing baseball field lighting fixtures and for the relocation of power poles and lighting systems for the baseball field.

(c) Thirty Thousand Dollars (\$30,000) shall be appropriated from the General Fund to provide power services to the residents of Bamba's Subdivision in Pagat, Mangilao.

(d) [Sixty-two Thousand Three Hundred Fifty Dollars (\$62,350)] Zero (-0-) are appropriated from the General Fund to the Mayors Council to pave secondary roads in Mangilao.

(e) Subsection (b) of Section 6 of Public Law 20-77 is amended to read:

"(b) Forty Seven Thousand Dollars (\$47,000) to install new fencing in the existing baseball field in Mangilao; and the resurfacing and extending the dimensions of the existing baseball field to meet the requirements of the Guam Amateur Baseball Tournaments."

Section 40. [One Million Six Hundred Thousand Twelve Dollars (\$1,612,000)] Zero (-0-) are appropriated from the General Fund to the Public Utility Agency of Guam to provide water services to Tract 212, Block 13, Malojloj, Inarajan.

Section 41. [One Million Two Hundred Thousand Dollars (\$1,200,000)] Zero (-0-) are appropriated from the General Fund to the Public Utility Agency of Guam for the architectural and engineering designs for sewer services to those areas in Inarajan that do not have sewer services.

Section 42. [Three Hundred Thousand Dollars (\$300,000)] Zero (-0-) are appropriated from the General Fund to the Guam Fire Department for the purpose of purchasing one (1) hazardous materials van and necessary personal protection equipment for personnel.

Section 43. (a) Three Million Five Hundred Thousand Dollars (\$3,500,000) are appropriated from the General Fund to the "CAHAT"

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Fund established in 4209 of Article 2, Chapter 4, Title 12, Guam Code Annotated, and Five Hundred Thousand Dollars (\$500,000) are appropriated to the "Foreclosure Protection Fund" established in 4214 of such Article 2, for the purpose of carrying out the provisions of such Article 2.

(b) One Million Dollars (\$1,000,000) are appropriated from the General fund to the "Government Loan Guarantee Fund" established in 4403 of Article 4, Chapter 4, of Title 12, Guam Code Annotated, for carrying out the provisions of said Article 4.

Section 44. Two Million Dollars (\$2,000,000) are appropriated from the General Fund to the Guam Housing Corporation Revolving Loan Fund to be used under the provisions set out in Public Law 20-210.

Section 45. [Fifty Thousand Dollars (\$50,000)] Zero (-0-) are appropriated from the General Fund to the Department of Public Works to construct a box culvert with sufficient strength over the pipelines on the road that connects Machanao Sub-division, next to the Dededo Cockpit, with Fern Terrace, GHURA Housing, across upper NCS leading to Route 3 and to pave it to allow motor vehicles to pass over it. Any funds unexpended upon the completion of this project shall revert to the General Fund.

Section 46. [One Hundred Eighty Thousand Dollars (\$180,000)] Eighty Thousand Dollars (\$80,000) are appropriated from the General Fund to the University of Guam College of Arts and Sciences to help defray the expenses to be incurred by the Federal-Territorial Relations Conference and the Telecommunications Conference for Fiscal Year 1993.

CHAPTER IV
MISCELLANEOUS PROVISIONS

Section 1. (a) Section 1 of Public Law 20-99 is amended to read:

"Section 1. Legislative Intent. There will be few events more important and critical in the history of Guam than the current efforts to establish a dynamic and viable political relationship with the United States of America and understanding the cultural history of Guam. The history and record of all that has transpired, successful or otherwise, should not be lost but rather should be made known to all on Guam. It is important for future generations, the children and the youth of Guam, to learn the benefits of past and present political successes and the cultural history of Guam in order to confront the problems which may yet be faced and resolved in the future. It is for the future of Guam, its people, and its children, that the Legislature sees a need to provide continuous educational program

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which will better prepare the people and pave the way for greater understanding of these efforts toward political growth and maturity.

The Legislature declares it to be the public policy of the government of Guam to provide leadership for and to support the development of courses of studies on Guam's political history and status development and development of course of studies on Guam's cultural history to be taught at all levels; elementary, middle, high school, and post secondary schools, including the private schools.

The Legislature finds that there are no coordinated courses of studies or textual materials available on Guam's political history or on Guam's cultural history. Such course development is needed and can best be achieved by professionals from the Department of Education, the University of Guam, and the Guam Community College with the expertise in the following subject areas: political science, history, economics, cultural anthropology, research, who should be given the responsibility to develop the courses of studies and coordinate the acquisition of the curriculum materials needed of each level."

(b) Section 5 of Public Law 20-99 is amended to read:

"Section 5. Levels of Instruction. The courses will be offered during the first through the twelfth grades and students enrolled in the public and private schools shall be required to successfully complete the courses as part of a civics or social studies unit at the high school level and as part of the social science requirement of a general education course at the postsecondary level."

Section 2. Section 1103 of Chapter 1, Title 10, Guam Code Annotated is repealed and reenacted to read:

"Section 1103. There are created Medical Referral Assistance Offices in Honolulu, Hawaii, in Los Angeles, California, and in Metro Manila, Philippines, which shall be within the responsibility of the Office of the Governor. The Offices shall assist in coordinating appropriate medical appointments, as well as coordinating temporary housing and transportation. No medical referral assistance office shall be located in a building which is under the direct or indirect control of a hospital or a physician's office."

Section 3. §16118 of Chapter 16 of Title 17, Guam Code Annotated, is amended to read:

"§16118. Legislative Appropriation. (a) On February 15, or earlier, of each year, a budget requirement for the following Fiscal Year for personnel and operating costs necessary for carrying out the mission, purposes and general activities of the University, including funds necessary for student loans, scholarships, and financial aid, may be certified by the Board and submitted to the Legislature. Following public budget hearings

before the Legislature, an appropriation shall be made available to the University in an amount to be determined by the Legislature based upon the fiscal condition of the government of Guam, to be allotted in four (4) appropriately disproportional quarterly installments which shall be remitted on the first day of each quarter of the appropriate University Year, under the full fiscal control of the Board which shall be fully accountable for the appropriate expenditure of all University funds. Such appropriation shall not include any sums collected by the University from student tuition and fees. University funds derived from student tuition and fees shall be considered non-appropriated funds of the University from student tuition and fees. University funds derived from student tuition and fees shall be considered non-appropriated funds of the University under the fiscal control of the Board. A minimum of seventy per cent (70%) of the funds derived from student tuition and fees shall be earmarked for implementation of the Physical Master Plan.

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

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

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

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

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

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

better track the expenses of the government of Guam in these categories.

(b) Creation and operation of Retirement Contributions Fund. There is created, separate and apart from any other funds of the government of Guam, and under the administration and control of the Department of Administration, the Retirement Contributions Fund. Notwithstanding any other provision of law, each fiscal year, all appropriations from the General Fund to any territorial agency for the purpose of paying retirement contributions shall be deposited in the Retirement Contributions Fund, and shall be paid out incrementally only as required by the actual expenses of the aggregate of the individual employees of the government who are currently employed at the time each payroll is prepared. A report of the status of the Retirement Contributions Fund shall be made to the Governor and to the Legislature at the end of each quarter. The funds in the Retirement Contributions Fund shall not be used for any other purpose than retirement contributions to be transmitted to the Government of Guam Retirement Fund. Within thirty (30) days after the end of each fiscal year, all funds in the Retirement Contributions Fund shall be paid over to the Government of Guam Retirement Fund to reduce the unfunded liability. A report of this transaction shall be made to the Legislature.

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

Notwithstanding any other provision in this Act, particularly the fact that appropriations for retirement, medical insurance, life insurance, and dental insurance appear as amounts which when added together make up the sums appropriated for Personnel Services, those amounts set out for retirement, medical insurance, life insurance and

dental insurance and which appear in the Digest shall be placed in the appropriate fund created in this Section.

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

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

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

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

Section 8. For convenience, the Compiler of Laws is authorized to report the General Appropriation Act of 1993 in the Twenty-First Guam Legislature Session Laws by reporting the appropriations in the same page set up as was used in Public Law 21-42, with the territorial agency's name at the top, the divisions of the territorial agency as so labelled in this Act listed at the left side, the purposes of the appropriations as so stated in this Act listed at the left side, and the amount and source of appropriations listed in columns labelled "General Fund", "Other Fund (specified)", "Federal Fund" , and "Total". The purposes of the appropriations are set out to the left of the totals in the General Appropriation Act of 1993. Totals in pages marked "Summary" are not appropriations.

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

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

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

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

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

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

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

(3) assisting in the procurement by the Department of architectural and engineering services, and construction services, through preparation of requests for proposals and scope of services documents, evaluation of designs, review of construction documents, and coordination of compliance of construction documents with all applicable laws, rules, and regulations;

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

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

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

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

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

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

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

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

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

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

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

"Chapter 10
Y Kuantan Salappe' Prinsepat
(Principal's Fund)

§10101. Legislative intent. The Legislature is aware of a growing problem that principals in our public schools have encountered over the years in reference to funding and purchasing of small miscellaneous items for the school's needs. Any item in need by the schools, for example, light bulbs, toilet

accessories, and so forth, has to be requested through the Department of Education's Procurement Office, and many times several weeks or several months pass before receipt of the item. This problem is primarily a factor of the lengthy procurement process which principals and other public school administrators have to go through in requesting necessary materials and supplies. In order to immediately address the funding of these miscellaneous items for the principals and to reduce the excessive number of requests submitted to the Department's Procurement Office, the Legislature desires to create a principal's fund, primarily for funding these year-round items which address immediate small problems.

§10102. Creation of Y Kuantan Salappe' Prinsepat (principal's fund). There is created a fund to be known as the "Y Kuantan Salappe' Prinsepat", which is an allocation to each public school in the amount of Two Thousand Five Hundred Dollars (\$2,500), placed under the control of the principal of each school. Notwithstanding any provision of the procurement law, the fund shall be used, without the need of requisition or other documentation other than that required by this Section, to purchase small miscellaneous items for direct school maintenance and repairs which do not exceed the cost of Fifty Dollars (\$50) per item.

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

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

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

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

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

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

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

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

"Section 8. Notwithstanding the provisions of Sections 1 through 7 of this Act:

(a) Legislative employees. The Pedro "Doc" Sanchez Scholarship Program is available to the employees of the Legislature as set forth in Section 3 of this Act; and

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

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

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

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

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

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

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

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

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

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

Section 19. (a) Legislative intent. The Legislature finds that students who receive student loans and professional technical awards from the University of Guam who ordinarily are able to receive "service credit" for each year they are employed on Guam after finishing their studies, are unable to receive such a "service credit" for working in the office of Guam's Delegate to Congress. It is desirable for the office of Guam's Delegate to Congress, which is Guam's representative in Washington D. C., to be able to employ qualified and

educated people. The inability to receive a "service credit" is making it financially difficult for interested candidates to work in Washington D. C..

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

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

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

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

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

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

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

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

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

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

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

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

"Section 1. The Governor of Guam is authorized to transfer title of Lot Nos. 14, 15, and 16, Block No. 3, Tract 139, Maga, Mangilao, Municipality of Barrigada, Guam, containing areas of 1,237.99 square meters, 1,242.33 square meters, and 1,247.37

square meters, respectively, as shown on Land Management Drawing No. 11-65-B405, to the Guma Mami Inc. for the construction of housing to shelter mentally retarded or physically handicapped adults. Said transfer shall provide that if, after ten (10) years of the transfer, any of the real property transferred shall not be used and maintained for the aforesaid purpose, or if any of the real property transferred shall not be used and maintained for the aforesaid purpose, or if any of the real property shall cease to be used and maintained for such purpose, or if any part shall be used for any other purpose inconsistent with providing shelter for mentally retarded or physically handicapped adults, then all rights, title and interest in and to the property and improvements thereof shall revert to and revert in the government of Guam."

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

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

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

Section 25. (a) Legislative intent. The Legislature has become aware of the DECISION AND ORDER GRANTING ENFORCEMENT OF ADMINISTRATIVE SUBPOENA dated July 24, 1992 in Miscellaneous Case No. 92-00001, UNITED STATES OF AMERICA, ex, rel. JAMES R. RICHARDS, Inspector General, U.S. Department of the Interior vs. LORENZO DE LEON GUERRERO, Governor and Custodian of Records for the Department of Finance, Commonwealth of the Northern Mariana Islands, in the United States District Court for the Northern Mariana Islands.

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

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

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

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

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

The most difficult holding of the court, and the one which directly affects Guam's quest for Commonwealth status, is the view of the court that the guarantee of self government in 103 of the CNMI Covenant provides only an "institutional right" of local self government and does not confer any substantive rights. By "institutional right" is meant that Congress may not dissolve the CNMI Legislature and judiciary and return to a system of naval government. It implies only that the U. S. Government will not exercise its full rights under the U. S. Constitution's Territorial Clause (art. IV, 3, cl. 2 of the United States Constitution). 103 of the Covenant states:

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

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

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

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

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

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

In light of the foregoing legal precedent set of the United States District Court of the Northern Mariana Islands, it is desirable for the government of Guam to enter into the appeal of this decision. The interpretation of the United States court system in this decision makes almost no distinction between the status of commonwealth and the status of territory of the United States with respect to sovereignty, local decision making authority over local matters, the applicability of federal laws to the local jurisdiction, and the applicability of the continuing effect of the Territorial Clause of the United States Constitution to non-state governmental entities within the "American family".

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

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

"§6306. Procurement of motor vehicles. The Authority is authorized to purchase directly without utilizing the General Services Agency, motor vehicles, including, but not limited to, buses, that are utilized pursuant to Article 2, Chapter 6, Title 12, Guam Code Annotated, for public transportation, together with spare parts, repair manuals, and other accessories for the vehicles. In doing so, the authority shall follow the guidelines contained in the Guam Procurement Law (Chapter 5, Title 5, Guam Code Annotated), and the procurement regulations issued

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thereunder, as far as it is able todo so. This right to procure vehicles directly applies only to the purchase of the Authority's motor vehicles, spare parts, repair manuals and other accessories. This section shall expire September 30, 1993."

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

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

"§4406.1. Attorney fees and costs of appeal. If an employee in the classified service retains an attorney to represent him or her before the Civil Service Commission or other applicable administrative body to challenge an adverse action brought against the employee, or to file a complaint of discrimination, sexual harassment or other grievance against his or her department, agency, or other instrumentality, including appeals, and the employee prevails in whole or in part before the Civil Service Commission or other applicable administrative body (i) by receiving a favorable decision from the Commission or body, or (ii) by a withdrawal of the adverse action by the department, agency, or instrumentality that brought the adverse action, or (iii) by withdrawal of a non-frivolous complaint of discrimination or of sexual harassment, including other appeals by the employee, as part of an agreement between the department, agency, and the employee, the employee shall be awarded and paid costs, if any, and reasonable attorney's fees because of such attorney representation from funds of the department, agency, or instrumentality in which the employee was employed. This Section shall apply to attorney fees and costs incurred in any appeal filed before the Civil Service Commission or other applicable administrative body on or after January 1, 1983."

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

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

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

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

"§33220. Government employees. (a) The Attorney General may commission any number of government employees to act as notaries, but notaries so empowered may perform notarial acts

only during their hours of employment with their respective government agencies. Such acts include the notarization for members of the public or for fellow employees, of any forms or statements which any government agency requires to be notarized before transmittal from or submission to such agency, or any other notarial act; provided, however, that such a government employee may charge no fees for notarial services."

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

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

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

"§7106. Sessions. Regular Sessions of the Congress shall be held each third Saturday of the year exclusive of holidays, commencing the third Saturday in November, and shall continue for one (1) calendar year. Sessions shall be held in the legislative chamber of the Guam Legislature."

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

"§7107. Elections. General election to the Youth Congress shall be held on the third Monday in October, commencing September, 1975 and each year thereafter. The election for school representatives will be conducted by the school principal of the public or private junior or senior high schools and by the President of the University of Guam at the school which the eligible electorate attend, and at which the electorate are officially enrolled, and each voter shall be entitled to vote by private ballot for the number of candidates allotted their school as is provided in §7103 of this Code. The election for village representatives will be conducted by the village Mayor for the eligible electorate residing within the village boundaries, and each voter shall be entitled to vote for the number of candidates allotted his village as is provided in §7103 of this Code. The eligible electorate may vote in both the school and village elections.

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

It shall be the responsibility of the school principal, the President of the University of Guam or the village Mayor to provide forms for petitions, ballots and tally sheets, the neces-

sary ballot boxes and personnel to supervise the election, count and tally the ballots.

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

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

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

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

Chapter V ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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Engineers, Architects and Land Surveyors Fund shall revert to the General Fund.

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

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

Section 7. Three Year Economic Plan. (a) Legislative Intent. The Legislature finds that for the last several years the territory of Guam has been experiencing an unprecedented period of rapid economic growth, fueled mainly by an increasing visitor industry, foreign investment, rising land prices and income from transfers, and a drastically expanded construction industry. It was felt by businessmen, banks, and economists that this rapid growth could be sustained for three (3) to four (4) more years, into 1994 or 1995. Economic indicators in this past year, however, have shown that new business activity, and the revenue predicted to come into the territory as a result of new activity, has fallen off unpredictably early due to recent factors beyond our control in the United States, in Japan, and other areas of the world.

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

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

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

(b) Lapsing and appropriating of funds in declining amounts for Fiscal Years 1994 and 1995. (1) For Fiscal Year 1994, each and every item of appropriation made for Fiscal Year 1993 shall lapse and be of no further force or effect on midnight of September 30, 1993. Appropriation items in Chapter II of this Act, which are not Capital Outlay, Equipment, and Miscellaneous items for stipends, are reduced by two percent (2%) from that level appropriated for Fiscal Year 1993, and these reduced items are appropriated as the Fiscal Year 1994 budget, and will be available for expenditure from October 1, 1993 to September 30, 1994. Miscellaneous items which are stipends are not reduced, and are appropriated for Fiscal Year 1994, and are available for expenditure from October 1, 1993 to September 30, 1994.

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

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

Section 8. Territorial Agency planning for hiring vacancies where less than One Hundred percent (100%) funding has been provided. In the case of a Territorial Agency which has been provided funding at less than One Hundred percent (100%) level for vacancies, the agency may first hire the most vital positions, as determined by the Director or head of the Territorial Agency, for the consideration of the health, safety, and welfare of the territory, up to the level of the funding provided for the entire Fiscal Year. The Territorial

Agency may also hire in a staggered pattern throughout the Fiscal Year as funds remain, or may hire the full compliment of FTE at the beginning of the fiscal year for as many months as the funding may provide, should that decision be the best management for the particular Territorial Agency. The decision of how to fill the vacancies shall be the prerogative of the Director, or other head of the Territorial Agency.

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

Section 10. Approved staffing patterns for Territorial Agencies for Fiscal Year 1993. From the time of the first submission of the budget requests of each Territorial Agency for funding for Fiscal Year 1993 until the time of approval of these budget requests by the Legislature, various employees have left government of Guam employment, or transferred, or have been promoted, and various other employees have been hired. A number of Territorial Agencies have submitted revised staffing patterns for their agencies, after the first submission of a staffing pattern. In those cases, the revised staffing pattern is the approved staffing pattern for the Territorial Agency for Fiscal Year 1993. Should there be a difference between the entries on the revised staffing pattern for any employee and the GG-1 of the employee, no further procedures need be required other than the preparation of a GG-1 to coincide with the entry on the staffing pattern. This Section shall expire September 30, 1993.

Section 11. Guam Visitors Bureau transfer of funds. Notwithstanding any other provision of law, the Board of Directors of the Guam Visitors Bureau may transfer funds among items which are not totals within the Contractual Services object classification and among items which are not totals within the Miscellaneous object classification in the following divisions: Japan Operations, International Marketing, Culture & Heritage, Community Development, Tourism Industry Relations & Visitor Satisfaction, and Research Department if there is a blank space in the FY 1993 TOTAL APPROVED column for the respective item. Funds may not be transferred between object classifications or divisions. All items which are not totals and which are listed under Contractual Services and Miscellaneous object classifications for which there is a blank space in the FY 1993 TOTAL APPROVED column next to that item shall be funded by the Bureau in an amount to be determined by the Board, utilizing the amount appearing in the FY 1993 FED/OTHER REQUEST column as a guide. The Bureau shall not fund items which are not totals and for which a 0 (zero) appears next to the item in the FY 1993 TOTAL APPROVED column.

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Section 12. Notes and annotations as Administrative Provisions. Any note or annotation following a division of a territorial agency's budget section are Administrative Provisions applicable to that particular division of that territorial agency where the note or annotation appears. Should a position be affected, no further action shall be necessary other than to effectuate a change of records to reflect the Administrative Provision. This Section shall expire September 30, 1993.

Section 13. Money reimbursed by the federal government shall be placed in General Fund. If the territory expends any funds which are reimbursed by the federal government, the reimbursed funds shall be placed in the General Fund upon receipt.

Section 14. Governor's Transfer Authority. The Governor is authorized to transfer up to five percent (5%) of funds within and between object classifications within the budgets of the various departments and agencies of the Government of Guam for which funds are appropriated by the Legislature for Fiscal Year 1993 which expires September 30, 1993. Notice of each transfer and justification therefor shall be delivered to the Speaker of the Legislature by the Governor no less than seven (7) days before the effective date of such transfer.

[Compiler's Note: The tables of appropriations to the individual agencies are comprised of more than 1,000 pages of spreadsheets layout. These are available from the Bureau of Budget and Management Research, and as to the individual agencies, from the agencies themselves.

P.L. 21-137, the following public law, amends this bill and must be read together with it.]

PUBLIC LAW NO. 21-137

Bill No. 923 (LS)	Introduced by:	D.L.G. Shimizu
Date Became Law: Sep. 29, 1992	J.P. Aguon	M.Z. Bordallo
Governor's Action: Approved-	C.T.C. Gutierrez	H.D. Dierking
Item Veto	E.P. Arriola	P.C. Lujan
	G. Mailloux	D. Parkinson
	J.T. San Agustin	F.R. Santos
	J.G. Bamba	A.C. Blaz
	D.F. Brooks	E.M. Espaldon
	M.D.A. Manibusan	M.J. Reidy
	M.C. Ruth	T.V.C. Tanaka
	A.R. Unpingco	

AN ACT TO AMEND SUBPARAGRAPH (b) OF
§6500.4 OF THE GOVERNMENT CODE TO