

ATTACHMENT "A"

FISCAL YEAR 1995 DEPARTMENTAL BUDGET

DEPARTMENT	FY'95	FY'95 SUBTOTAL	FY'94
ADMINISTRATION	\$ 10,953,118		11,409,498
AGRICULTURE	3,906,497	1	4,069,268
BUREAU OF BUDGET	1,454,654		1,515,265
BUREAU OF PLANNING	1,113,584		1,159,983
CHAMRO LANGUAGE COMM	145,171		151,220
CHIEF MEDICAL EXAMINER	308,734		321,598
CIVIL DEFENSE	288,972		301,012
CIVIL SERVICE COMMISSION	1,134,367		1,181,632
COMM ON SELF DETERMINATION	960,341		1,000,355
COMMERCE	4,594,606		4,786,048
CORRECTIONS	13,566,198		14,131,456
GUAM ED TEL COMM (KGTED)	547,432		570,242
GUAM COMM COLLEGE	11,481,123		11,959,503
GUAM COUNCIL ON ARTS	767,297		799,268
GUAM ELECTION COMM	534,876		557,162
GUAM ENVIRONMENTAL PROTECTION	1,760,508		1,833,863
GUAM FIRE	17,499,795		18,228,953

DEPARTMENT

FY'95

FY'95 SUBTOTAL

FY'94

GUAM HEALTH PLANNING	340,843	355,045
GUAM POLICE	24,528,569	25,550,593
DEPARTMENT OF LABOR	4,283,163	4,461,628
LAND MANAGEMENT	4,426,501	4,610,939
DEPARTMENT OF LAW	8,312,607	8,658,966
GUAM LIBRARY	1,373,790	1,431,031
MAYORS COUNCIL	3,894,813	4,057,097
MAYORS COUNCIL (CDF)	2,790,454	2,906,723
MENTAL HEALTH	5,214,277	5,431,539
MILITARY AFFAIRS	502,425	523,359
MUSEUM	89,203	92,920
OFFICE OF THE GOVERNOR	5,148,052	5,362,554
PARKS & RECREATION	5,628,684	5,863,212
PUBLIC HEALTH	47,331,695	49,303,849
PUBLIC WORKS	31,530,902	32,844,690
REVENUE & TAXATION	11,125,803	11,589,378
VETERANS AFFAIRS	151,661	157,980
VOCATIONAL REHABILITATION	1,100,289	1,146,836
EDUCATION	132,831,870	138,366,531

DEPARTMENT

FY'95

FY'95 SUBTOTAL

FY'94

GUAM MASS TRANSIT

1,809,430

1,884,823

GUAM TEACHERS CORP

1,626,161

1,693,918

UNIVERSITY OF GUAM

28,938,338

393,996,803 *
(4% ROLLOVER)

30,144,102

SUPERIOR COURT

14,929,760

15,551,433

PUBLIC DEFENDER

2,257,406

17,187,166*
(4% ROLLOVER) (TOTAL 4% ROLLOVER)

2,351,465

PUBLIC UTILITY AGENCY

20,731,454

27,366,007

HOSPITAL

7,675,748

10,774,171

YOUTH AFFAIRS

3,497,089

31,904,291*****

4,753,836

LEGISLATURE

17,452,511

17,452,511*****

18,970,121

STUDENT SCHOLARSHIPS

5,804,398

5,804,398

DOC SANCHEZ SCHOLARSHIP

427,751

427,751

TEACHER CORPS SUPPLE

1,893,107

600,000

POLITICAL STATUS EDUCATION

284,000

284,000

CIAMRO LANG & CULTURE INSTITUTE

184,944

165,300

ST. COUNCIL ON VOC ED (SCOVE)

106,642

115,714

OFF-ISLAND RESIDENTIAL TREATMENT 1,592,525

1,728,000

TAX COLLECTION TASK FORCE

374,294

406,080

AIRD SUPPLEMENTAL

442,368

480,000

MARY CLARE HOME

345,600

375,000

LIBRARY BOOKS

156,098

169,377

DEPARTMENT

FY'95

FY'94

TERRITORIAL PLANNING COUNCIL 442,368 480,000

MUSEUM POSITIONS 223,793 223,793

RETIREMENT FUND 33,159,180 29,659,180

VETERANS AFFAIRS SUPPLEMEN 57,000

ELECTION COMMISSION SUPPLEMEN 72,000

PUBLIC HEALTH (MIP, ETC.) 10,580,000

CIAMRO LANGAGE COMM SUPPLE 110,592 120,000

CIAMORRO LAND TRUST COMMISSION 432,000 500,000

DEPCOR (YOUTH CORRECTIONAL FACI) 960,000

AGANA HIGTS. & TAMUNING GYM 230,000 230,000

SANCTUARY, INC. 500,000 588,000

LIGUAN TERRACE BASEBALL FIELD 5,000

DEDEDO MIDDLE SCHOOL LIBRARY 345,000

PUBLIC AUDITOR 450,000 50,000

WATER LINE, MURPHY STREET 75,000

RESPIRE CARE PROGRAM 75,000

CUSTOMS & QUARANTINE TRANSITION 250,000

SEVENTH JUDGE 100,000 59,678,660*****

ADVANCED TEXTBOOKS (PL. 22-41) 9,247,000 9,247,000*****

SUMMARY:

\$393,996,803
+ 17,187,166
 \$411,183,969
- 16,447,359
 394,736,610
 31,904,291
 17,452,511
 59,678,660
 9,247,000
+ 12,946,022
 525,965,094

\$540,164,800
- 525,965,094
 \$14,199,706

EXECUTIVE BRANCH ROLLOVER *
 JUDICIAL BRANCH ROLLOVER *
 TOTAL EXECUTIVE & JUDICIAL ROLLOVER **
 EXECUTIVE & JUDICIAL ADDITIONAL 4% CUT
 SUBTOTAL
 PUAG, GMIIA, DYA ADDITIONAL 4% CUT ****
 LEGISLATIVE BUDGET 8% CUT *****
 MISCELLANEOUS ADDITIONAL 8% CUT *****
 ADVANCED TEXTBOOKS, P. L. 22-41 *****
 DEBT SERVICE
 GRAND TOTAL FROM GENERAL FUND (BILL NO. 1097)

ESTIMATED GENERAL FUND REVENUE
 GRAND TOTAL FROM GENERAL FUND (BILL NO. 1097)
 BALANCE

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

Date: 9/29/94

VOTING SHEET (AS REVISED)

Bill No. 1097

Resolution No. _____

Question: shall the bill be enacted into law notwithstanding the Governor's objection?

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George		✓		
BLAZ, Anthony C.		✓		
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.		✓		
CAMACHO, Felix P.		✓		
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.		✓		

TOTAL 15 6 _____



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
U'FSINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

Recd by 1st Deputy
3:30 pm
9/24/94

SEP 23 1994

The Honorable Joe T. San Agustin
Speaker, Twenty-second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed herewith is Substitute Bill No. 1097 which I have vetoed in its entirety.

This is probably the most important law that the Legislature passes each year, and as such, is worthy of careful deliberation prior to passage.

I am concerned that this was not the case for this measure. The budget makes significant cuts in many areas, which is not in of itself a bad thing. I believe that no one would argue the value of spending restraint, indeed I have called for this on many occasions.

However, how one cuts spending is clearly important, and I am not convinced that the Legislature had the full opportunity to consider the impact of its actions, especially in the area of education.

According to DOE's review, your budget calls for about \$138.8 million. DOE says that its requirements for personnel alone will hit \$138 million. It is obvious that our school system cannot possibly function well with only \$800,000 for supplies, utilities, equipment and all the other non-personnel requirements of the system. The Legislature must recall also that DOE is opening almost 120 new classrooms this year to relieve overcrowding. This increases demand for many things, not the least of which is new teachers.



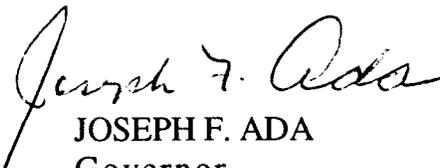
Commonwealth Now!

Budget Veto
Page 2

The budget passed by your body will cause tremendous grief to what is in my opinion the priority area in our government -- our schools. I can't believe this is your intention. I do not believe that our people will stand for seeing their children suffer further

There are other provisions in this bill that will cause unnecessary problems, indeed, real suffering on the part of the people of Guam. For example, the manner in which this bill has been drafted will make cashflow problems worse, not better, but rather than list them all, let me end by simply saying that this measure needs to be deliberated in greater degree. Give all the Senators a full opportunity to review this measure. A public hearing on this specific bill is -- I believe -- in order. Let us, against all odds, forget that there is an election coming up, and strive to remove partisan considerations from this matter and honestly work together to accomplish this. The alternative will only add to the frustration that our people understandably feel with respect to the process of Legislation.

Sincerely,



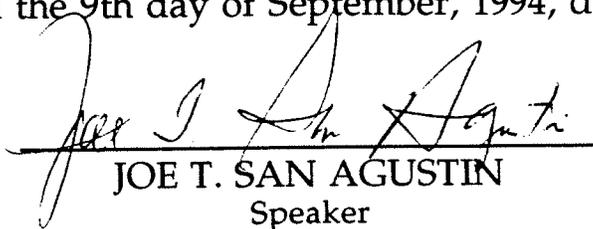
JOSEPH F. ADA
Governor

220839

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

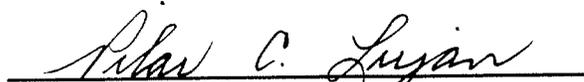
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 1097 (LS), "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 COURT OF GUAM, THE UNIVERSITY OF GUAM, AND THE GUAM LEGISLATURE FOR FISCAL YEAR 1995, AND TO PROVIDE MISCELLANEOUS APPROPRIATIONS AND PROVISIONS AS SPECIFIED," was on the 9th day of September, 1994, duly and regularly passed.



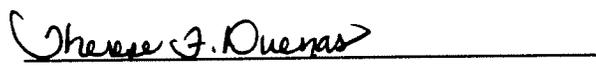
JOE T. SAN AGUSTIN
Speaker

Attested:



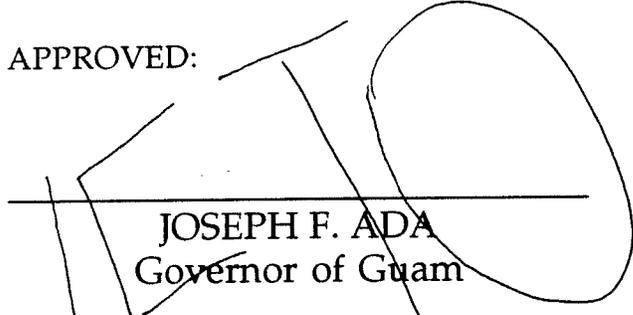
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 13th day of September, 1994, at
1:16 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: _____

Public Law No. _____

1 reenacted and, with a change in the dates where appropriate, are applicable to Fiscal
2 Year 1995.

3 **Section 2. Estimated Revenues.** The Legislature adopts the following
4 revenue forecast, which was submitted to the Legislature from the Governor, as the
5 revenue forecast for Fiscal Year 1995:

6	I. GENERAL FUND REVENUES	<u>AMOUNT</u>
7	A. TAXES	
8	Income Tax (corporate, individual, withholding,	
9	interest & penalties; minus \$46,200,000 for refunds)	\$ 319,328,100
10	Gross Receipts Tax	155,367,450
11	Real Property Tax (\$11,248,125, pledged to Education Bonds)	- 0 -
12	Other Taxes	<u>6,426,000</u>
13	TOTAL TAXES	\$ 481,121, 550
14	B. BUSINESS LICENSES AND OTHERS	
15	Licenses, Fees, and Permits	9,296,750
16	C. FEDERAL CONTRIBUTION	39,857,700
17	D. USE OF MONEY & PROPERTY	
18	Interest/Rental & Public Service Charges	1,414,350
19	E. OTHERS LICENSES AND FEES	<u>8,474,450</u>
20	TOTAL LICENSES, FEES & OTHERS	\$ 59,043,250
21	TOTAL GENERAL FUND REVENUE	\$ 540,164,800
22	II. SPECIAL FUND REVENUES (LOCAL)	
23	A. Abandoned Vehicle and Streetlight Fund	\$ 670,000
24	B. Guam Community College Non-Appropriated Fund	542,100
25	C. Guam Contractors License Board Fund	500,000
26	D. Hospital Operations Fund	53,966,941

1	E.	Housing Revolving Fund	388,000
2	F.	Land Survey Revolving Fund	450,000
3	G.	Parks Fund	119,000
4	H.	Professional Engineers, Architect and Licensing Surveyors Fund	37,000
5	I.	Public Transit Fund (fares)	250,000
6	J.	Public Utility Agency of Guam	14,700,000
7	K.	Special Surplus Property Fund	103,000
8	L.	Tourist Attraction Fund	<u>15,400,000</u>
9		TOTAL SPECIAL FUND REVENUE	\$ 87,126,041

10 REVENUE SUMMARY:

11	TOTAL GENERAL FUND REVENUE	\$ 540,164,800
12	TOTAL SPECIAL FUND REVENUE	87,126,041
13	GRAND TOTAL	\$ 627,290,841

14 **Section 3. Continuing appropriations for bond debt service. The**

15 following are continuing appropriations against FY 1995 revenues:

16	1.	BOND DEBT SERVICE FROM GENERAL FUND-----	\$ 10,357,594
17	2.	INCOME TAX REFUND BOND - P. L. 22- 138 -----	\$ 2,588,428
18		GRAND TOTAL-----	\$ 12,946,022

1
2
3
4

CHAPTER II
APPROPRIATIONS
FOR

TERRITORIAL AGENCY OPERATIONS

5 **Section 1. Three Year Economic Plan appropriations for Fiscal Year 1995.**

6 **(a) Background.** The Three Year Economic Plan, first enacted in the General
7 Appropriation Act of 1993, Public Law 21-136, mandates a declining budget for
8 three years. Fiscal Year 1995 is the third and final year of this plan. The automatic
9 rollover appropriation level for Fiscal Year 1995 is Four Percent (4%) less than
10 the appropriation level for Fiscal Year 1994. Subsections c) of this Section
11 contains the totals of appropriations which would automatically rollover, per
12 territorial agency, for Fiscal Year 1995.

13 **(b) Additional Four Percent (4%) reduction in appropriation level for**
14 **operations of territorial agencies for Fiscal Year 1995.**

15 **1) Rollover amounts.** Appropriations for operations of
16 territorial agencies for Fiscal Year 1995 are contained in Item (2) of
17 Subsection (b) of Section 7 of Chapter V of Public Law 21-136, as repealed
18 and reenacted in Section 5 of Public Law 22-41. This Section of Public Law
19 22-41 automatically reduces the appropriation items for each object
20 category for Fiscal Year 1995 by Four Percent (4%) from the level of
21 appropriations for Fiscal Year 1994. In addition to the Four Percent (4%)
22 reduction contained within the rollover provision of Public Law 22-41, the
23 three branches of government shall make an additional reduction of
24 expenditures within their respective branches of an additional Four
25 Percent (4%) of the Fiscal Year 1994 budget amounts, as provided for in
26 Items 2), 3), and 4) of Subsection b) of this Section, below.

1 **2) Executive Branch; additional Four Percent (4%) reduction of**
2 **expenditures.** The Governor shall determine, for the Executive Branch, a
3 reduction amount equal to Four Percent (4%) of the total aggregate
4 amount of the items that rollover pursuant to the Three Year Economic
5 Plan, and shall determine which territorial agencies and which object
6 categories shall be reduced, and to what extent, in order to reduce the total
7 expenditures of the Executive Branch for FY 1995 by an additional Four
8 Percent (4%) of the total amount of appropriations for the Executive
9 Branch for FY 1994.

10 For the Executive Branch, the Governor shall submit to the
11 Legislature a report of where the additional Four Percent (4%) reduction
12 for Fiscal Year 1995 shall take place by December 31, 1994.

13 The total aggregate amount of the items that rollover pursuant to
14 the Three Year Economic Plan for the Executive Branch is Three Hundred
15 Ninety-three Million Nine Hundred Ninety-six Thousand Eight Hundred
16 Three Dollars (\$393,996,803).

17 **3) Legislative Branch; Eight Percent (8%) reduction of**
18 **expenditures.** The Committee on Rules shall determine, for the
19 Legislative Branch, a reduction amount equal to Eight Percent (8%) of the
20 appropriation of Eighteen Million Nine Hundred Seventy Thousand
21 Dollars (\$18,970,000) contained in Section 31 of Public Law 22-41 that rolls
22 over, and shall reduce the Legislature by that amount, so that the
23 Legislature' appropriation for operations in Fiscal Year 1995 is Seventeen
24 Million Four Hundred Fifty-two Thousand Five Hundred Eleven Dollars
25 (\$17,452,511).

1 **4) Judicial Branch, including Superior Court of Guam and**
2 **Public Defender Service Corporation; additional Four Percent (4%)**
3 **reduction of expenditures. (a) Superior Court of Guam.** The Presiding
4 Judge shall determine, for the Superior Court of Guam, a reduction
5 amount equal to Four Percent (4%) of the total aggregate amount of the
6 items that rollover pursuant to the Three Year Economic Plan, and shall
7 determine which Divisions and which object categories shall be reduced,
8 and to what extent, in order to reduce the total expenditures of the
9 Superior Court of Guam for FY 1995 by an additional Four Percent (4%) of
10 the total appropriations for the Judicial Branch for FY 1994.

11 For the Superior Court of Guam, the Presiding Judge shall submit to
12 the Legislature a report of where the additional Four Percent (4%)
13 reduction for Fiscal Year 1995 shall take place by December 31, 1994.

14 The total aggregate of the amounts that rollover pursuant to the
15 Three Year Economic Plan for the Superior Court of Guam is Fourteen
16 Million Nine Hundred Twenty-nine Thousand Seven Hundred Sixty
17 Dollars (\$14,929,760).

18 **(b) Public Defender Service Corporation.** The Board of Trustees
19 shall determine, for the Public Defender Service Corporation, a reduction
20 amount equal to Four Percent (4%) of the total aggregate amount of the
21 items that rollover pursuant to the Three Year Economic Plan, and shall
22 determine which Divisions and which object categories shall be reduced,
23 and to what extent, in order to reduce the total expenditures of the Public
24 Defender Service Corporation for FY 1995 by an additional Four Percent
25 (4%) of the total appropriations for the Public Defender Service
26 Corporation for FY 1994.

1 For the Public Defender Service Corporation, the Board of Trustees
2 shall submit to the Legislature a report of where the additional Four
3 Percent (4%) reduction for Fiscal Year 1995 shall take place by December 31,
4 1994.

5 The total aggregate amount of the items that rollover pursuant to
6 the Three Year Economic Plan for the Public Defender Service Corporation
7 is Two Million Two Hundred Fifty-seven Thousand Four Hundred Six
8 Dollars (\$2,257,406).

9 The total aggregate amount of the items that rollover pursuant to
10 the Three Year Economic Plan for the Judicial Branch, including Superior
11 Court of Guam and Public Defender Service Corporation, is Seventeen
12 Million One Hundred Eighty-seven Thousand One Hundred Sixty-six
13 Dollars (\$17,187,166).

14 **Section 2. Rollover amounts, per territorial agency, pursuant to the**
15 **Three Year Economic Plan; Miscellaneous appropriations contained in Chapter**
16 **III of this Act; Previous appropriation from FY 1995 revenues for textbooks;**
17 **Continuing appropriations for bond debt service payments.** The following
18 information is provided in Attachment "A" to this Act:

- 19 1) Rollover amounts, per territorial agency, pursuant to the Three
20 Year Economic Plan;
- 21 2) Miscellaneous Appropriations contained in Chapter III of this Act;
- 22 3) Advance texbook appropriation from FY 1995 revenues (P.L. 22-41);
- 23 4) Continuing appropriations for bond debt service.

1 appropriated from the General Fund to the University of Guam, which shall
2 disburse the funds pursuant to the directives and policies of the Teacher Training
3 Council, for stipends for the Guam Teacher Corps and for the administration of the
4 Teacher Training Council, in accordance with the provisions of Public Law 21-88.

5 **(d) Political Status Education Coordinating Commission.** Two Hundred
6 Eighty-four Thousand Dollars (\$284,000) are appropriated from the General Fund to
7 the University of Guam for the Political Status Education Coordinating
8 Commission's operations. This appropriation shall continue until expended for the
9 operations and purposes of the Commission.

10 **(e) Chamorro Language and Culture Institute.** One Hundred Eighty-four
11 Thousand Nine Hundred Forty-four Dollars (\$184,944) are appropriated from the
12 General Fund to the Chamorro Language and Culture Institute of the University of
13 Guam for operations of this Institute. This appropriation shall continue until
14 expended for the operations and purposes of the Institute.

15 **(f) Not subject to transfer.** No appropriation made in this Subsections
16 (a), (b), (c), (d), and (e) of this Section shall be subject to any transfer authority which
17 may be effective during the life of the appropriation.

18 **(g) Availability of appropriations.** Unless otherwise provided, the
19 appropriations made in this Section shall be available upon enactment and until
20 September 30, 1995.

21 **Section 2. Advance appropriation to Department of Education for School**
22 **Year 1995-1996 textbooks.** Six Million Five Hundred Thousand Dollars (\$6,500,000)
23 are appropriated from the Fiscal Year 1996 revenues of the General Fund to the
24 Department of Education (the Department) as an advance appropriation to procure
25 textbooks, workbooks and library books from local and off-island vendors for the
26 School Year 1995-1996. This appropriation is not subject to any transfer authority of

1 the Governor. These funds shall be made available and be released to the
2 Department no later than December 31, 1994.

3 **Section 3. Reappropriation of miscellaneous appropriation items**
4 **contained within Public Law 22-41, reduced by Eight Percent (8%).** The following
5 items of appropriation contained within Public Law 22-41, and requested to be
6 repealed by the Governor in Bill No. 1097, are repealed and reenacted for Fiscal Year
7 1995, at an amount Eight Percent (8%) less than that appropriated for Fiscal year 1994:
8 Section numbers 23, 27, 28, 36, 37, 39 and 50.

9 **Section 4. Reappropriation of miscellaneous appropriation item**
10 **concerning Guam Museum positions contained within Public Law 22-41.** Section 40
11 of Public Law 22-41 is repealed and reenacted for Fiscal Year 1995.

12 **Section 5. Such sums as are necessary for 1995 Summer School Program.**
13 There are hereby appropriated such sums as are necessary from the Summer School
14 Fund established pursuant to Section 6118 of Title 17 of the Guam Code Annotated
15 to the Department of Education to fund the operations of the 1995 Summer School
16 Program.

17 **Section 6. Thirty-three Million One Hundred Fifty-nine Thousand One**
18 **Hundred Eighty Dollars (\$33,159,180) to Government of Guam Retirement Fund for**
19 **supplemental annuity benefits.** Thirty-three Million One Hundred Fifty-nine
20 Thousand One Hundred Eighty Dollars (\$33,159,180) are appropriated from the
21 General Fund to the Government of Guam Retirement Fund for the benefits of
22 Four Thousand Three Hundred Thirty-five (4,335) retirees, consisting of the
23 continuing provisions of items (i) through (vii) below, and for the Fiscal Year 1995
24 COLA as provided in item (viii) below, and for the cost of medicare premiums of
25 those retirees and their survivors who are eligible to receive social security income
26 benefits as provided in item (ix) below:

- 1 (i) the One Thousand Two Hundred Dollar (\$1,200) annuity benefits
2 (to continue existing programs currently contained in the semi-
3 monthly payments);
- 4 (ii) the One Thousand Five Hundred Dollar (\$1,500) supplemental
5 annuity benefits (to continue existing programs currently contained
6 in the semi-monthly payments);
- 7 (iii) the Seven Hundred Dollar (\$700) supplemental annuity benefits (to
8 continue existing programs currently contained in the semi-
9 monthly payments);
- 10 (iv) the Eight Hundred Thirty Eight Dollar (\$838) annuity benefits (to
11 continue existing programs currently contained in the semi-
12 monthly payments);
- 13 (v) the Governor and Lieutenant Governor Pensions (to continue
14 existing programs currently contained in the semi-monthly
15 payments));
- 16 (vi) the Retiree group health, dental, and life insurance premiums (to
17 continue existing programs currently contained in the semi-
18 monthly payments);
- 19 (vii) the Retiree life insurance subsidy (to continue existing programs
20 currently contained in the semi-monthly payments);
- 21 (viii) the lump sum Cost of Living Allowance to be paid to those
22 government of Guam retired employees or survivors consisting of
23 One Thousand Eight Hundred Dollars (\$1,800) all for the fiscal year
24 ending September 30, 1995. As to those eligible retirees and
25 survivors as of October 1, 1994, the lump sum payment shall be paid
26 no later than November 1, 1994.

1 (ix) to defray the cost of medicare premiums for government of Guam
2 retirees and their survivors who are eligible to receive social
3 security income benefits and are required under the government of
4 Guam group health insurance programs to pay such premiums to
5 continue to participate in such health insurance programs, failing
6 which they are excluded therefrom.

7 This appropriation is not subject to any transfer authority of the Governor.

8 **Section 7. Fifty-seven Thousand Dollars (\$57,000) for the Office of Veterans**
9 **Affairs.** Fifty-seven Thousand Dollars (\$57,000) is appropriated from the
10 General Fund to the Office of Veterans Affairs to supplement operations in Fiscal
11 Year 1995.

12 **Section 8. Seventy-two Thousand Dollars (\$72,000) for the Guam Election**
13 **Commission.** Seventy-two Thousand Dollars (\$72,000) is appropriated from
14 the General Fund to the Guam Election Commission to supplement operations in
15 Fiscal Year 1995.

16 **Section 9. Ten Million Five Hundred Eighty Thousand Dollars**
17 **(\$10,580,000) for Department of Public Health and Social Services for Medically**
18 **Indigent Program, Public Assistance Program, and Senior Citizens Service Providers**
19 **Contractual Obligations.** Ten Million Five Hundred Eighty Thousand Dollars
20 (\$10,580,000) are appropriated from the General Fund to the Department of Public
21 Health and Social Services to supplement Fiscal Year 1995 funding requirements for
22 the following programs:

23	(a) Medically Indigent Program Payments	\$4,140,000
24	(b) Public Assistance Program Payments	\$5,060,000
25	(c) Division of Senior Citizens Service	
26	Providers Contractual Obligations	\$1,380,000

1 **Section 10. One Hundred Ten Thousand Five Hundred Ninety-two**
2 **Hundred Dollars (\$110,592) to the Chamorro Language Commission.** One Hundred
3 Ten Thousand Five Hundred Ninety-two Dollars (\$110,592) are appropriated from
4 the General Fund to the Chamorro Language Commission to continue the
5 operations of the Institute of Chamorro Language and Culture Program enacted in
6 Public Law's 21-121 and 22-59 for Fiscal Year 1995.

7 **Section 11. Four Hundred Thirty-two Thousand Dollars (\$432,000) to the**
8 **Chamorro Land Trust Commission, and authorization to expend funds for surveys**
9 **and topographic surveys.** Four Hundred Thirty-two Thousand Dollars (\$432,000) are
10 appropriated from the General Fund to the Chamorro Land Trust Commission for
11 its Fiscal Year 1995 operations. Notwithstanding any other provision of law, the
12 Chamorro Land Trust Commission may expend any money in any of its funds to
13 complete surveys and topographic surveys of all lands under the Commission's
14 jurisdiction.

15 **Section 12. Nine Hundred Sixty Thousand Dollars (\$960,000) to the**
16 **Department of Corrections for the Youth Correctional Facility.** Nine Hundred Sixty
17 Thousand Dollars (\$960,000) are appropriated from the General Fund to the
18 Department of Corrections for the operations of the Youth Correctional Facility in
19 Fiscal Year 1995.

20 **Section 13. Statement of Estimated Revenues and General Fund Subsidy for**
21 **the Public Utility Agency of Guam.** Chapter II of the General Appropriation Act,
22 Public Law 21-136, as amended in Section 44 of Public Law 22-41 relative to
23 appropriations for the operations of the Public Utility Agency of Guam, is amended
24 for Fiscal Year 1995 to include the following:

25 "Section 1. (a) Estimated Revenues of the Public Utility Agency of Guam for
26 Fiscal Year 1995 are as follows:

1	PUAG Revenues	\$14,700,000
2	General Fund Subsidy	20,731,454
3	Total	\$35,431,454

4 (b) Twenty Million Seven Hundred Thirty-one Thousand Four Hundred
5 Fifty-four Dollars (\$20,731,454) are appropriated from the General Fund to the
6 Public Utility Agency of Guam Fund for the Fiscal Year 1995 operations of the
7 Public Utility Agency of Guam."

8 **Section 14. Statement of Estimated Revenues and General Fund Subsidy for**
9 **the Guam Memorial Hospital Authority.** Chapter II of the General Appropriation
10 Act, Public Law 21-136, as amended by Section 48 of Public Law 22-41, relative to
11 appropriations for the operations of the Guam Memorial Hospital Authority is
12 amended for Fiscal year 1995 to read:

13 "Section 1. (a) Estimated Revenues of the Guam Memorial Hospital
14 Authority for FY 1995 are as follows:

15	Net Patient Revenues	\$ 46,093,360
16	Collection on Prior Years Patient	
17	Accounts Receivables	\$ 7,286,889
18	Other Operating Revenues	\$ 586,692
19	Non-Operating Revenues	-0-
20	General Fund Subsidy	\$ 7,675,748
21	Total	\$ 61,642,689

22 (b) Seven Million Six Hundred Seventy-five Thousand Seven Hundred
23 Forty-eight Dollars (\$7,675,748) are appropriated from the General Fund to the
24 Hospital Operations Fund for Fiscal Year 1995 operations of the Guam
25 Memorial Hospital Authority as approximately designated in Section 2 below.

1 Section 2. Sixty-one Million Six Hundred Forty-two Thousand Six
2 Hundred Eighty-nine Dollars (\$61,642,689) are appropriated from the Hospital
3 Operations Fund for the Fiscal Year 1995 operations of the Guam Memorial
4 Hospital Authority."

5 **Section 15. Three Million Four Hundred Ninety-seven Thousand Eighty-**
6 **nine Dollars (\$3,497,089) to the Department of Youth Affairs and repealing the**
7 **appropriations which would otherwise be re-appropriated for Fiscal Year 1995.**
8 Three Million Four Hundred Ninety-seven Thousand Eighty-nine Dollars
9 (\$3,497,089) are appropriated from the General Fund to the Department of Youth
10 Affairs for its Fiscal Year 1995 operations. Chapter II of the General Appropriation
11 Act, Public Law 21-136, relative to General Fund appropriations for the operations of
12 the Department of Youth Affairs is repealed.

13 **Section 16. Two Hundred Thirty Thousand Dollars (\$230,000) for**
14 **maintenance of Agana Heights and Tamuning Gymnasiums.** (a) One Hundred
15 Twenty-six Thousand Dollars (\$126,000) are appropriated from the General Fund
16 to the Agana Heights Municipal Planning Council for maintenance and
17 operations of the Agana Heights Gymnasium; and

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

21 **Section 17. Five Hundred Thousand Dollars (\$500,000) for Sanctuary, Inc.**
22 Five Hundred Thousand Dollars (\$500,000) are appropriated from the General Fund
23 to the Department of Youth Affairs for Sanctuary Inc. for its Fiscal Year 1995
24 operations. The recipient of this appropriation shall make a report of the
25 expenditures of the funds in this appropriation to the Governor and the Legislature.

1 **Section 18. Five Thousand Dollars (\$5,000) for Ligan Terrace Baseball**
2 **Field.** Five Thousand Dollars (\$5,000) are appropriated from the Fiscal Year 1995
3 Revenues of the General Fund to the Dededo Mayor's Office for the purpose of
4 paying for power, water, and maintenance expenses for the Ligan Terrace Baseball
5 Field.

6 **Section 19. Three Hundred Forty-five Thousand Dollars (\$345,000) for the**
7 **Dededo Middle School Library Facility.** a) **Legislative intent.** The Guam
8 Legislature finds that the Dededo Middle School library facility has been
9 experiencing tremendous problems over the past few years with the lack of building
10 space to adequately address the library needs of the school, particularly the 1,867
11 students presently attending the middle school. Presently, the library has very little
12 or no storage space for library supplies and equipment, requiring that such
13 equipment and supplies be placed along the bookshelf isles. In addition to much
14 needed storage space for library supplies and equipment, the library is also in need of
15 additional space for bookshelves, a library personnel workroom, and computer
16 room, and an audio/visual room. This major problem has made it very difficult for
17 the Dededo Middle School library personnel to provide the necessary informational
18 and educational services such as library books/materials/supplies/equipment for
19 the school's ever-increasing student population, thus the present library facility is in
20 dire need of expansion.

21 b) **Appropriation.** Three Hundred Forty-five Thousand Dollars
22 (\$345,000) are appropriated from the General Fund to the Department of Education
23 for the purpose of expanding the Dededo Middle School Library facility, to be
24 allocated as follows:

25 Building for Library	\$250,000
26 Electrical and Mechanical	\$ 50,000

1 15% Design and Construction Administration \$ 45,000

2 **Section 20. Guam Visitors Bureau FY 1995 budget. a) Appropriation to**
3 **Guam Visitors Bureau for FY 1995 Budget.** For Fiscal Year 1995, the Guam Visitors
4 Bureau (GVB) shall be funded at the Fiscal Year 1994 level with the following
5 exceptions (the total of the FY 1994 level, including the exceptions listed below, is
6 Eleven Million Two Hundred Twenty-six Thousand Two Hundred Nineteen
7 Dollars (\$11,266,219):

8 1) The following Object Classifications are reduced by Eight Percent
9 (8%) from 1994 levels, as shown below:

- 10 i) Travel and Transportation-----\$ 14,476
- 11 ii) Supplies and Materials-----13,800
- 12 iii) Miscellaneous-----962,905
- 13 iv) Research Department, and-----291,024
- 14 v) Contractual Services excluding
15 International Marketing-----100,408

16 2) The following Object Classification
17 is reduced to zero from 1994 levels, as shown below:

- 18 (i) Office Space Rental and Beach Cleaning -----0

19 The GVB Board of Directors (the "Board") may transfer funds among items
20 within Japan Operations and International Marketing categories as required to best
21 suit established marketing objectives. The Board may transfer funds between Object
22 Classifications and Divisions as necessary to meet the needs of the Bureau.

23 **b) Five Hundred Sixty-four Thousand Four Hundred Dollar (\$564,400)**
24 **appropriation to the Guam Visitors Bureau for beach cleaning and landscaping and**
25 **maintenance of Guam Visitor Bureau office grounds.** Five Hundred Sixty-four
26 Thousand Four Hundred Dollars (\$564,400) are appropriated from the unreserved

1 fund balance of the Tourist Attraction Fund to the Guam Visitors Bureau to be
2 allocated as follows:

3	\$550,000	beach cleaning
4	\$ 14,400	landscaping and maintenance of
5		Guam Visitor Bureau office
6		grounds.

7 **Section 21. Office of Public Auditor; continuation of previous appropriation**
8 **and Four Hundred Fifty Thousand Dollar Appropriation for FY 1995.** The Office of
9 Public Auditor is authorized to carryover the appropriation of Fifty Thousand
10 Dollars (\$50,000) previously made for the establishment of the office in Public Law
11 22-137, and Four Hundred Fifty Thousand Dollars (\$450,000) is appropriated from
12 the General Fund to the Office of Public Auditor for Fiscal Year 1995. The Public
13 Auditor shall submit a detailed budget request and organizational plan to the
14 Legislature by April 8, 1995, at the same time as required for submittal of territorial
15 agency budgets to the Legislature. If the Public Auditor has not taken office by
16 October 14, 1994, this appropriation shall lapse on October 14, 1994.

17 **Section 22. Budget for the Department of Education.** The Legislature
18 finds that the annual budget for the operation of the Department of Education as
19 submitted by the Board of Education on August 1, 1994, with the claim that the same
20 was submitted pursuant to paragraph (i) of §3102, Title 17, Guam Code Annotated, as
21 amended by Public Law 22-42 (Elected School Board Act) is a nullity because the
22 members of the current Board of Education have not been elected and thus
23 paragraph (i) is not in effect. Nevertheless, in order to avoid any controversy as to
24 which budget for the Department of Education is controlling for Fiscal Year 1995, the
25 budget so submitted by letter of Dr. Kasperbauer dated July 30, 1994 and received at
26 the Legislature on August 1, 1994 is hereby disapproved in its entirety. The Fiscal

1 Year 1995 budget for the Department of Education is covered in Subsection (b) of
2 Section 1 of Chapter II of this Act.

3 **Section 23. Replenishment of funds for off-island medical referrals, and**
4 **amendment of last sentence of Section 60 of Public Law 22-41.** The Governor is
5 hereby authorized to immediately exercise his transfer authority up to the level of
6 One Hundred Fifty Thousand Dollars (\$150,000) to replenish the funds appropriated
7 in Section 60 of Public Law 22-41 to the Off-Island Medical Referral Program
8 established in Section 110 of Public Law 20-221. The replenishment mandated in this
9 Section is not subject to any further use of the Governor's transfer authority
10 thereafter. The last sentence of Section 60 of Public Law 22-41 is amended to read as
11 follows:

12 "All patients, and one (1) authorized escort referred off-island since the date
13 of enactment of this amendment shall submit to the Director of Administration
14 supporting documents to justify their travel and per diem expenses."

15 **Section 24. Seventy-five Thousand Dollar (\$75,000) appropriation for**
16 **waterline upgrade on Chalan Pale Leon Murphy Street.** Seventy-five Thousand
17 Dollars (\$75,000) are appropriated from the General Fund to the Public Utility
18 Agency of Guam (PUAG) for the purpose of upgrading the distribution waterline on
19 Chalan Pale Leon Murphy Street, Tamuning.

20 **Section 25. Authorization to utilize funds from the Department of Land**
21 **Management's Land Survey Revolving Fund to hire surveyors for mapping of**
22 **Chamorro Land Trust land.** In order to survey and map government land to be
23 made available for leasing to eligible applicants by the Chamorro Land Trust
24 Commission (the "Commission"), the Department of Land Management (the
25 "Department") may expend Two Hundred Fifty Thousand Dollars (\$250,000) from
26 the Land Survey Revolving Fund to employ four (4) Surveying Technicians and

1 one (1) Supervisory Cartographer, to purchase necessary surveying and mapping
2 equipment, including one (1) vehicle, and to make other needed purchases to carry
3 out such survey and mapping. Such personnel and equipment shall be used only
4 on programs directly connected with the needs of the Commission. The
5 Commission shall advise the Department as to priorities in surveying and mapping,
6 the various sizes for the surveyed and mapped lots, and other information as may
7 be required by the Department in undertaking such surveying and mapping.

8 **Section 26. Seventy-five Thousand Dollars (\$75,000) for family care givers**
9 **under the Respite Care Program.** Seventy-five Thousand Dollars (\$75,000) are
10 appropriated from the General Fund to the Department of Public Health and Social
11 Services for Fiscal Year 1995 to subsidize family caregivers by making available
12 service providers under the Respite Care Program established in Public Law 22-01.

13 **Section 27. Amendment of Subsection (b) of Section 12 of Public Law 22-59**
14 **to extend the deadline for the use of funding for the Department of Park's and**
15 **Recreation's Sports Fund for off-island travel.** Subsection (b) of Section 12 of
16 Public Law 22-59 is amended to read:

17 "(b) Reappropriation. Two Hundred Thousand Dollars (\$200,000) are
18 reappropriated from the appropriation previously made for the northern and
19 southern high school in Section 33 of Public Law 22-220 to the Department of Parks
20 and Recreation's Sports Fund for Off-Island Travel. This appropriation is not subject
21 to the Governor's transfer authority and shall continue until it is exhausted."

22 **Section 28. Two Hundred Fifty Thousand Dollars (\$250,000) to the new**
23 **Department of Customs and Quarantine for transition purposes, and transfer of**
24 **funds for new Department of Customs and Quarantine.** Two Hundred Fifty
25 Thousand Dollars (\$250,000) are appropriated from the General Fund to the
26 Department of Customs and Quarantine for transition purposes. Notwithstanding

1 any other provision of law, for Fiscal Year 1995, those funds specified for use of the
2 Customs and Quarantine Division of the Department of Commerce are instead
3 appropriated to the Department of Customs and Quarantine created in Public law
4 22-112.

5 **Section 29. One Hundred Thousand Dollars (\$100,000) for the Superior**
6 **Court of Guam for the addition of a seventh judge.** One Hundred Thousand Dollars
7 (\$100,000) are appropriated from the General Fund to the Superior Court of Guam to
8 provide for the seventh judge, recently added to the court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CHAPTER IV

MISCELLANEOUS PROVISIONS

Section 1. Amendment of Section 2 of Public Law 20-20, amended in Section 4 of Public Law 22-89, is further amended to include design and construction of sewer lines relative to property of Andrew Toves, Agana Heights, to take care of recent raw sewage overflow onto their property.

a) **Legislative intent.** The Legislature has been informed that the sewer line adjacent to the property to Mr. Andrew Toves, Agana Heights, has become inadequate due to the recent construction of apartments in the area, to the point where raw sewage is overflowing on the Toves' property, resulting in an unhealthy situation. In order to rectify this situation, the Legislature intends that the remaining balance in the previous appropriation first made in Section 2 of Public Law 20-20 be utilized by the Public Utility Agency of Guam to rectify this raw sewage problem.

(b) **Amendment.** Section 2 of Public Law 20-20, previously amended by Section 4 of Public Law 22-89, contains an appropriation for design and construction of sewer lines on specific named streets in the village of Agana Heights. There is a balance remaining of this previous appropriation. Garrido Street, near the home of Andrew Toves, is hereby added to the list of streets contained in Public Law 22-89, as a new number 18 to Subsection b of Section 4 of that public law.

Section 2. Creation of Income Tax Refund Reserve Fund. a) **Legislative findings.** The Legislature finds that the Executive Branch is invariably inclined to delay the issuance of refunds due taxpayers as a consequence of the government's ongoing cash difficulties. The Legislature further finds that such delays, as a matter of policy, are not acceptable inasmuch as these refunds are not money of the government of Guam but are, in fact, funds that rightfully belong to the taxpayers. It

1 is therefore the conclusion of the Legislature that measures must be taken to ensure
2 that such delays in issuing rightful refunds do not occur in the future.

3 **b) Adding a new Chapter 50 to Title 11, Guam Code Annotated to create**
4 **the Income Tax Refund Reserve Fund.** A new Chapter 50 is added to Title 11, Guam
5 Code Annotated, to read:

6 "Chapter 50

7 Income Tax Refund Reserve Fund

8 §50001. Short title. This Chapter shall be known and may be cited as the
9 'Income Tax Refund Reserve Fund Law.'

10 §50002. Creation of Income Tax Refund Reserve Fund; no commingling.
11 There is hereby created, separate and apart from other funds of the government of
12 Guam, a reserve fund known as the Income Tax Refund Reserve Fund (the 'Fund').
13 The Fund shall not be commingled with the General Fund or any other funds of the
14 government of Guam, and it shall be maintained in a separate bank account as
15 required under this Chapter.

16 §50003. Formula for reserving funds for income tax refunds. Each year, the
17 Director of Revenue and Taxation, in consultation with the Director of
18 Administration and the Director of the Bureau of Budget and Management
19 Research, shall establish a formula for reserving income tax receipts to pay income
20 tax refunds. Such formula shall be derived from the statistical average of income tax
21 refunds issued in the previous three (3) years, and shall further provide for
22 reserving income tax receipts, on a percentage basis, in order to accumulate
23 sufficient cash reserves to pay projected income tax refunds in a timely manner.

24 §50004. Deposit of General Fund revenues reserved for income tax refunds.
25 In accordance with the formula provided for in §50003 of this Chapter, the Director

1 of Administration shall deposit in the Fund all money reserved for income tax
2 refunds from income tax receipts.

3 §50005. Expenditures from the Fund. Any and all expenditures from the
4 Fund shall be for the payment of income tax refunds and for no other purpose. The
5 fund is not subject to the provisions of §6120, Government Code (Public Law 17-4),
6 which provisions could otherwise permit the Governor to pledge the Fund.

7 §50006. No Transfer Authority. The money placed in the Income Tax
8 Refund Reserve Fund is not subject to any transfer authority of the Governor.

9 §50007. Monthly reports. The Director of Administration shall make
10 monthly reports to the Legislature on all expenditures from and deposits into the
11 Fund."

12 **c) Effective date of the creation of Income Tax Refund Reserve Fund.**
13 This Section is effective October 1, 1994.

14 **Section 3. Repeal and reenactment of §7105, amendment of §§7106 and**
15 **7107 and addition of §71-7.1, all of Title 2, Guam Code Annotated, relative to the**
16 **Guam Youth Congress. a) Vacancies. §7105 of Title 2, Guam Code**
17 **Annotated, is repealed and reenacted to read:**

18 "§7105. Vacancies. In case of a vacancy occurring one (1) year prior to the next
19 general election because a member can no longer qualify to represent the entity from
20 which the member is elected, the school principal of the public or private junior or
21 senior high schools or the President of the University of Guam at which the student
22 member attends, or the municipal mayor of the municipality in which the member
23 resides, shall call for a special election to be held on the third Monday in October
24 preceding the next general election for Youth Congress."

25 **b) Sessions. §7106 of Title 2, Guam Code Annotated, is amended to read:**

1 "§7106. Sessions. Regular sessions of the Congress shall be held each third
2 Saturday of the year exclusive of holidays, commencing the third Saturday in
3 November, and shall continue for Two (2) calendar years. Sessions shall be held in
4 the legislative chamber of the Guam Legislature."

5 **c) Elections.** §7107 of Title 2, Guam Code Annotated, is amended to
6 read:

7 "§7107. Elections. General election to the Youth Congress shall be held on the
8 third Monday in October commencing October, 1994 and every two (2) years
9 thereafter. The election for school representatives will be conducted by the school
10 principal of the public or private junior or senior high schools and by the President
11 of the University of Guam at the school which the eligible electorate attends, and at
12 which the electorate are officially enrolled, and each voter shall be entitled to vote
13 by private ballot for the number of candidates allotted their school as is provided in
14 §7103 of this Code. The election for village representatives will be conducted by the
15 village mayor for the eligible electorate residing within the village boundaries, and
16 each voter shall be entitled to vote for the number of candidates allotted his village
17 as is provided in §7103 of this Code. The eligible electorate may vote in both, the
18 school and village elections.

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

23 It shall be the responsibility of the school principal, the President of the
24 University of Guam, or the village Mayor, to provide forms for petitions, ballots and
25 tally sheets, the necessary ballot boxes and personnel to supervise the election, count
26 and tally the ballots.

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

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

7 **d) Term of office.** A new §7107.1 is added to Chapter 3 of Title 2,
8 Guam Code Annotated, to read:

9 "§7107.1 Term of Office. Members of the Youth Congress shall be elected for a
10 term of two (2) years with the exception of a member who is elected on special
11 election, the term of which will expire on the next general election for the Youth
12 Congress."

13 **Section 4. Provision for Limited-Term Teacher Educational Development.**

14 **(a) Legislative findings.** The Guam Legislature finds that there are presently a
15 significant number of limited term teachers with educational degrees within the
16 Department of Education who are working towards acquiring the necessary
17 educational training for teacher certification. Due to the extreme need for certified
18 and qualified teachers within our island's public schools, positive efforts, including
19 financial assistance, must be made to assist these prospective teachers in acquiring
20 their certification so they may eventually render their expertise and services toward
21 the education of the children of Guam. Due to an existing provision of law, the
22 Department is presently unable to render any tuition assistance to these limited
23 term teachers. Therefore, this provision would accordingly provide for such an
24 amendment to the existing mandate.

25 **(b) Amendment of restriction on expenditures for limited term**
26 **teacher educational development.** Subsection (m) of Section 6 of Chapter I of Public

1 Law 21-136, reenacted in Section 4 of Public Law 22-41 and in Section 1 of Chapter 1
2 of this Act, is amended to read:

3 “(m) Notwithstanding any other provision of law, it is prohibited to expend
4 General, Other, or Federal Funds for in-service training or other professional
5 development training, excluding seminars, to persons occupying unclassified or
6 temporary positions within the Executive Branch, except attorneys, physicians, and
7 limited term teachers of the Department of Education seeking certification.

8 The Guam Territorial Board of Education shall establish and promulgate
9 rules and regulations for the proper disposition of such funds for limited term
10 teachers, as provided for in this Subsection. These rules and regulations shall
11 include, but shall not be limited to the following:

- 12 i) establishing qualification requirements for financial assistance; and
13 ii) employment service requirements for each year of financial
14 assistance rendered to limited term teachers seeking certification.

15 **Section 5. Amendment of Subsection (b) of Section 1 of Public Law 22-10**
16 **regarding voluntary transfer of sick leave.** Subparagraph (b) of §4109.1, Title 4,
17 Guam Code Annotated, is hereby amended to read:

18 “(b) **Voluntary transfer of sick leave or annual leave.** Whenever a
19 government of Guam employee desires to transfer a number of hours of earned sick
20 leave or annual leave to another employee in any department or agency of the
21 government, a formal written request shall be made by the donor employee to his
22 payroll supervisor, stating the name of the recipient, the number of hours of leave
23 to be transferred and the type of leave. No transfer may be made by any employee to
24 his or her supervisor or to any person above him or her in the supervisory chain, or
25 to a member of the supervisor's or such supervisory person's immediate family.

1 If the donor has sufficient hours of leave accrued to cover the donation, the payroll
2 supervisor shall notify the Payroll Division to transfer the approved number of
3 hours to the recipient. Upon receipt of the notice of transfer, the receiving
4 employee may then submit a leave request for the number of hours of leave, sick or
5 annual, that the employee needs and the department head shall then approve the
6 leave request. Leave may not be transferred to another employee if as recipient he
7 or she intends to use it for credit towards retirement or accumulated leave. This
8 transfer of leave shall be strictly on a voluntary basis. Leave transferred shall be
9 used as leave by the person to whom it is transferred and if it is not used in its
10 entirety it may be re-transferred to the person who originally earned it. In no event
11 shall transferred leave be converted to cash or retirement credit by the person to
12 whom it is transferred."

13 **Section 6. Occupational Therapy; definition; regulation and licensing of**
14 **occupational therapy and occupational therapists (a) Legislative statement.**
15 The Guam Legislature finds that the need for occupational therapy and occupational
16 therapists is rapidly increasing and becoming more evident because of the increase
17 in Guam's population, the increase in stress and tensions in the daily lives of the
18 individuals in the community, and the mounting evidence that occupational
19 therapy is an effective way of dealing with the problems of individuals with the
20 special health needs. It has been shown that occupational therapy is an effective
21 way of assisting individuals attain functional independence and productivity after
22 some form of illness or trauma. The Legislature further notes that forty-nine states
23 of the U.S. regulate or control the practice of occupational therapy to one degree or
24 another. Because the practice of occupational therapy directly affects the health and
25 welfare of individuals in the community, the Legislature finds it necessary to legally

1 define occupational therapy and its practice and to authorize the regulation and
2 licensure therefor.

3 The intent of this legislation is to require that any person representing
4 himself or herself as an occupational therapist or occupational therapy assistant
5 meet certain specified qualifications. The legislation provides for the eventual
6 licensure and regulation of occupational therapy and therapists through the
7 establishment of rules and regulations, under the guidance and auspices of the
8 Guam Board of Allied Health Examiners, regulating the practice of occupational
9 therapy and the issuance of occupational therapists and occupational therapist
10 assistant licenses.

11 **(b) Definition of occupational therapy.** A new Subsection (t) is
12 added to §12101 of Chapter 12 of Title 10 Guam Code Annotated to read:

13 “(t) (1) The practice of occupational therapy means the treatment
14 provided to people whose lives have been disrupted by physical injury or
15 illness, developmental problems, the aging process or psychosocial difficulties
16 in order to assist each individual to achieve and/or return to an independent
17 and productive life by teaching the individual techniques to prevent
18 disability, by assisting the individual in recovery from illness or accident, and
19 by promoting the development of functions which have been impaired or
20 delayed. The treatment provided may include, but shall not be limited to,
21 the adaptation of the environment and selection, design and fabrication or
22 assistive and orthotic devices and other technology to facilitate development
23 and promote the acquisition of functional skills.”

24 **(c) Occupational Therapists and Occupational Therapist Assistants.**

25 A new Article 7 is added to Chapter 12 of Title 10, Guam Code Annotated, to read:

26 “Article 7

1 §12700. Establishment of Rules and Regulations. The Guam Board of Allied
2 Health Examiners, with the assistance of the Office of Attorney General, shall, upon
3 enactment hereof and in accordance with the Administrative Adjudication Law,
4 cause to be prepared such rules and regulations as are required for:

5 (a) the regulation of the practice of occupational therapy; and

6 (b) the licensure of occupational therapists and occupational therapy
7 assistants in accordance with the provisions of §12701 of this Article.

8 §12701. Requirements for Occupational Therapists and Occupational Therapy
9 Assistants. (a) Occupational Therapists. In addition to qualifications established by
10 the Guam Board of Allied Health Examiners pursuant to §12700 of this Article, any
11 person representing himself or herself as an occupational therapist shall meet all of
12 the following requirements:

13 1) be a graduate of an occupational therapy curriculum that is
14 accredited by the American Occupational Therapy Association, the World
15 Federation of Occupational Therapy, or another nationally recognized
16 accrediting agency; and

17 2) meet the following requirement:

18 (i) be certified, or eligible for certification, by the American
19 Occupational Therapy Certification Board.

20 (b) Occupational Therapy Assistant. Any person representing himself
21 or herself as an occupational therapy assistant shall be a person who is certified, or
22 eligible for certification, by the American Occupational Therapy Certification Board
23 as a certified occupational therapy assistant, and shall meet the qualifications for
24 occupational therapy assistants prescribed by regulations pursuant to §12700 of this
25 Article.

1 (c) Misdemeanor for unauthorized representation as occupational
2 therapist or occupational therapy assistant. It is unlawful and constitutes a
3 misdemeanor for any person not meeting the criteria established under (a) or (b) of
4 this Section to use, in connection with his or her name or place of business, the
5 words "occupational therapist", "occupational therapy assistant", "certified
6 occupational therapist", "certified occupational therapy assistant", "occupational
7 therapist registered", or the letters "OT", "OTA", "COT", "COTA", OR "OTR", or any
8 other words, letters, abbreviations, or insignia indicating or implying that he or she
9 is an occupational therapist or to represent, in any way, orally, in writing, in print or
10 by sign, directly or by implication, that he or she is an occupational therapist or
11 occupational therapy assistant, or claim to be providing occupational therapy
12 services."

13 **Section 7. Repeal and Reenactment of portions of Safe Streets Act to**
14 **provide for fines collected pursuant to Safe Streets Act to be used for Department of**
15 **Corrections expenses in incarcerating those convicted under the Safe Streets Act.**

16 Subsections (c) and (d) of §18125 of Title 16, Guam Code Annotated, are
17 repealed and reenacted to read:

18 "(c) So much of the Fund as is required is appropriated to the Department
19 of Corrections to be used to compensate staff and provide supplies or facilities to
20 house incarcerated persons convicted of misdemeanors and persons convicted of
21 acts made unlawful in Article 1, Chapter 18 of Title 16, Guam Code Annotated.

22 (d) The Director of Corrections may expend not more than Eight
23 Thousand Dollars (\$8,000) per month from the fund for the purpose outlined in
24 Subsection (c) of this Section, which the Administrative Director of the Courts shall
25 pay over to the Director of Corrections on a regular basis. Any funds in excess of the
26 monthly payment to the Director of Corrections and all funds accumulated shall be

1 disbursed in accordance with Subsection (c) of §9211 of Title 7, Guam Code
2 Annotated."

3 **Section 8. Authorization for Guam Council on the Arts and Humanities to**
4 **accept grant application.** Notwithstanding the provisions of Public Law 22-60, the
5 Guam Council on the Arts and Humanities Agency is authorized to accept a grant
6 application from John F. Kenneky High School Stage Band for the remaining
7 balance of Seven Thousand Seven Hundred Dollars (\$7,700). Once the application is
8 received, it shall be reviewed in accordance to the policy established for the
9 administration of the Off-island Training and Cultural Enhancement Fund.

10 **Section 9. Rezoning of Lot No. 5172-3-3-1-1, containing an area of 1,216.20**
11 **square meters, Tamuning, owned by Pacific Medical Imaging Corporation, and**
12 **granting of conditional use.** (a) **Legislative intent.** The Legislature has been asked
13 by the lessee of a certain parcel of land along **Camp Watkins Road** in Tamuning to
14 rezone the property in order that it may be utilized for a medical clinic specializing
15 in magnetic resonance imaging ("MRI"). The Legislature notes that MRI is the latest
16 in technological advances for determining effects on or damage to soft body tissue as
17 a result of disease or trauma, and is capable of more effectively determining damage
18 to soft tissue which would not otherwise be picked up by standard x-rays, by CAT
19 scans, or by ultra-sound procedures. The property was leased because of its
20 proximity to the Guam Memorial Hospital ("GMH"), thereby making MRI
21 immediately accessible to GMH, its doctors and patients, in times of emergencies.
22 The Legislature finds that doctors have been sending their patients to off-island
23 facilities in order to have MRI check-ups because such check-ups are more effective
24 as a diagnostic tool than what is available locally. Likewise, the Legislature notes
25 that the hospitals in Hawaii and the mainland all have access to MRI services. The
26 Legislature finds that the parcel to be rezoned is adjacent to the large commercial

1 zones along **Camp Watkins Road and Farenholt Avenue**, that all infrastructure
2 required to service the facility is in place, that there is a residential structure
3 presently existing on the property which will be used as the clinic and facility to
4 house the equipment, and that the proposed use for the property is compatible with
5 the uses of surrounding properties.

6 Because the property to be rezoned is being leased by the owners of Pacific
7 Magnetic Imaging Center ("PMIC"), the Legislature is of the consensus that rather
8 than granting a rezoning to Commercial ("C") under which the opening of the MRI
9 Clinic would be a permitted use, granting a conditional use permit under an Multi-
10 family Residential ("R-2") zone would permit utilization of the lot for the stated
11 purpose while not making said rezoning permanent. At such time as the lease of
12 the property expires or PMIC moves to another location, the conditional use permit
13 would expire and the lot would retain a zoning limited to Multi-family Residential
14 ("R-2"). The Legislature is of the consensus that this would be an acceptable method
15 of retaining the residential nature of the lot as the property is only being leased by
16 PMIC.

17 (b) **Lot rezoned with conditional use authorization granted.** Lot No. 5172-3-
18 3-1-1, said to contain an area of 1,216.20 square meters, situated along **Camp Watkins**
19 **Road** in the Municipality of Tamuning, as delineated on L.M. Check No. 2-FY70,
20 and leased to Pacific Medical Imaging Corporation, is hereby rezoned from Single
21 Family Residential ("R-1") to Multi-family Residential ("R-2"). The conditional use
22 of the property is hereby granted to Pacific Medical Imaging Corporation to establish
23 and operate a health service clinic with outpatient laboratory for magnetic
24 resonance imaging, CAT scans, and other related diagnostic systems, tools and
25 technologies.

1 **Section 10. Rezoning of Lot No. 1097-1-2-R1, Barrigada, containing an area of**
2 **4,263.35 square meters and owned by the First Church of God,**
3 **Incorporated. (a) Legislative statement.** The First Church of God was incorporated
4 on Guam in 1958. At the present time, it is occupying land that is zoned Single
5 Family Residential ("R-1"), which permits the use of the land as a church as one of
6 the conditional uses permitted. The First Church of God has requested a zoning
7 change to Multi-family Residential ("R-2") in order to permit the building of an
8 educational center which would be utilized as a pre-school day care on the same lot
9 as the church and a single family residence are now located. This zone change is
10 required because of a ruling by the Attorney General that a day care facility falls
11 under the definition of "institution", a permitted use under the Multi-family
12 Residential Zone ("R-2"), and does not fall under the definition of "school", a
13 conditional use under the Single Family Residential Zone ("R-1").

14 **(b) Rezoning.** Lot No. 1097-1-2-R1, Barrigada, Guam, Estate No. 11504,
15 Suburban, containing an area of 4,263.35 square meters, as described in Certificate of
16 Title No. 14532, recorded at the office of the Recorder, Guam under Instrument No.
17 54527, is rezoned from Single Family Residential ("R-1") to Multi-family Residential
18 ("R-2").

19 **Section 11. Conditional use for Lot No. R5, Tract 1416, Dededo, and Lot No.**
20 **5152-4, Dededo, owned by the Guam Christian Charismatic Church. (a) Legislative**
21 **statement.** The economy of Guam continues to experience growth in the utilization
22 of real estate by developers, investors, businesses, homeowners, and non-profit
23 organizations. To plan for and complement this growth, governmental policies and
24 regulations have been enacted over the years. Chapter 61 of Title 21, Guam Code
25 Annotated, provides for conditional uses for Rural ("A") zones and for other uses
26 for Commercial ("C") zones which are customarily accessory or are similar to the

1 permitted uses for these zones. The **Guam Christian Charismatic Church** owns Lot
2 No. R5, Tract 1416, and Lot No. 5152-4, both situated in the Municipality of Dededo,
3 and intends to build a church facility which would also be utilized for educational,
4 community, youth and sports programs and services.

5 (b) **Grant of conditional use.** Lots Nos. R5 of Tract 1416 and 5152-4, situated in
6 the Municipality of Dededo, as shown on Retracement Survey Map No. MS-91038,
7 recorded at the Department of Land Management under Instrument No. 479194,
8 currently zoned Commercial ("C") and Rural ("A") respectively, are hereby granted
9 conditional uses for non-profit church, educational, community, youth, and sports
10 facilities.

11 **Section 12. Lot No. 1, Tract 1812, Mangilao, containing an area of 4,000 square**
12 **meters, and owned by Mr. and Mrs. Roke Angoco, granted a conditional use.** A
13 conditional use to construct a learning center (K-12), to be entitled the **Chief Gadao**
14 **Academy of Arts and Science and Chamoru Cultures**, is hereby granted for Lot No.
15 1, Tract 1812, in the Municipality of Mangilao, containing an area of 4,000 square
16 meters, owned by Mr. and Mrs. Roke Angoco.

17 **Section 13. Lot No. 223-3-3, Asan, containing an area of 6,154± square meters,**
18 **and owned by the Archdiocese of Agaña, granted a conditional use.** A conditional
19 use to renovate an existing structure for pastoral residence and to construct and
20 operate a new house of worship is hereby granted for Lot No. 223-3-1, in the
21 Municipality of Asan, containing an area of 6,154± square meters, owned by the
22 Archdiocese of Agaña, and leased by Saint Andrew's Catholic Church.

23 **Section 14. Lot No. 5302-2-1, Dededo, containing an area of 10,800 square**
24 **feet, and leased by Val Santos to Jubilee Freedom in Christ, Inc., granted a**
25 **conditional use. (a) Legislative intent.** Jubilee Freedom in Christ, Inc., (the
26 lessee) of Lot No. 5302-2-1 in the Municipality of Dededo, with the concurrence of

1 Val Santos, (the Lessor), has requested the Legislature to grant a conditional use to
2 utilize the property for a church office, a church meeting place, and a private school.
3 The granting of this request for a conditional use can materially contribute to the
4 community as well as be of social benefit to all of the residents in the surrounding
5 area. As evidence of this, the owner of Lot No. 5302-2-1 is in agreement with the
6 proposed use of the property by **Jubilee Freedom in Christ, Inc.** and has no objections
7 to the request for a conditional use.

8 (b) **Conditional use granted.** The conditional use of Lot No. 5302-2-1 in
9 the Municipality of Dededo, containing an area of 10,800 square feet of warehouse
10 space, leased by **Jubilee Freedom in Christ, Inc.**, for a church office, church meeting
11 place, and private school, is hereby granted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAPTER V

ADMINISTRATIVE PROVISIONS

Section 1. Stipends for Civil Service Commission. 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, 1994, 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 2. University of Guam. (a) University of Guam FTE exemption. Notwithstanding any other provision of law, for Fiscal Year 1995, the Full-Time Equivalency (FTE) restrictions imposed by the Three Year Economic Plan shall not be applicable to the University of Guam instructional positions; provided, that the expenditures do not exceed the total appropriation for personnel services.

(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 1995.

Section 3. Guam Community College; FTE exemption. Notwithstanding any other provision of law, for Fiscal Year 1995, the Full-Time Equivalency (FTE) restrictions imposed by the Three Year Economic Plan shall not be applicable to the Guam Community College instructional positions;

1 provided, that the expenditures do not exceed the total appropriation for
2 personnel services.

3 **Section 4. Guam Memorial Hospital Authority. (a) Guam Memorial**
4 **Hospital Authority FTE exemption for persons practicing the healing arts and**
5 **certified and registered ancillary services personnel.** Notwithstanding any other
6 provision of law, for Fiscal Year 1995, the FTE restrictions imposed by the Three
7 Year Economic Plan shall not be applicable to persons practicing the healing arts
8 as defined in Subsection (b) of §12101 of Title 10, Guam Code Annotated, for the
9 Guam Memorial Hospital Authority or to certified and registered ancillary
10 services personnel in the following position areas within the Authority:
11 Pharmacy, Physical Therapy, Medical Laboratory, Radiology, Cardiopulmonary,
12 and Dietary, and the Authority is authorized to hire personnel to fill positions in
13 such areas in Fiscal Years 1994 and 1995, provided that expenditures do not
14 exceed the total appropriation authorized for personnel services.

15 **(b) Guam Memorial Hospital Authority FTE exemption for employees**
16 **in direct patient care.** Notwithstanding any other provision of law, for Fiscal
17 Year 1995, part-time employment for non-licensed, non-certified, and non-
18 registered personnel in direct patient care areas including Nursing Services,
19 Ancillary Services, or the Administrative Services of Housekeeping, Laundry,
20 Medical Records, and Security Services is allowed provided that no more than
21 four (4) persons shall share a single FTE, and the total compensation will not
22 exceed the total funds provided for the salary appropriated for the utilization of
23 one (1) FTE.

24 **(c) Guam Memorial Hospital transfer authority.** For Fiscal Year 1995,
25 the Board of Trustees of the Guam Memorial Hospital Authority may approve
26 transfers of appropriations from the Guam Memorial Hospital Operations Fund

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

9 **Section 5. Appropriations from Guam Contractors License Board Fund**
10 **and Professional Engineers, Architects and Land Surveyors Fund to revert to the**
11 **General Fund for Fiscal Years 1994 and 1995.** At the end of Fiscal Year 1995, any
12 unappropriated balances from the Guam Contractors License Board Fund and
13 the Professional Engineers, Architects and Land Surveyors Fund shall revert to
14 the General Fund.

15 **Section 6. Except those specified, at the end of Fiscal Year 1995, excess**
16 **General Fund appropriations revert to the General Fund, and excess Tourist**
17 **Attraction Fund appropriations revert to the Tourist Attraction Fund.**

18 Notwithstanding any other provision of law, unless otherwise specified in
19 this Act or subsequent legislation:

20 (a) **General Fund, reversion.** All unexpended and/or unencumbered
21 appropriations made from the General Fund pursuant to the Three Year
22 Economic Plan for Fiscal Year 1995 shall revert to the General Fund on the last
23 day of that fiscal year.

24 (b) **Tourist Attraction Fund, reversion.** All unexpended and/or
25 unencumbered appropriations made pursuant to the Three Year Economic Plan

1 for Fiscal Year 1995 from the Tourist Attraction Fund shall revert to the Tourist
2 Attraction Fund on the last day of that fiscal year.

3 **Section 7. Carryover of Local and Federal Matching Funds for grants.**

4 The Local and Federal Matching Funds for programs whose expiration dates
5 extend beyond September 30, 1995 are authorized to be carried over and expended
6 through the period of the grant award.

7 **Section 8. Brand names of products and prices of a particular brand**
8 **name of a product.** Should any brand name of any product, or any price of a
9 product which is particular to a certain brand name, appear in Public Law 21-136,
10 as applicable to the rollover provisions of the Three Year Economic Plan, the
11 brand name shall mean and be read as the generic term for the product, and the
12 price shall mean and be read to apply to any brand name of that generic term.

13 **Section 9. Money reimbursed by the federal government shall be placed**
14 **in General Fund.** Except as provided by the provisions of Public Law 22-24, if
15 the territory expends any funds which are reimbursed by the federal
16 government, the reimbursed funds shall be placed in the General Fund upon
17 receipt.

18 **Section 10. Unless specifically provided for in this Act, General**
19 **Provisions, Appropriations for Territorial Agencies, Miscellaneous**
20 **Appropriations, Miscellaneous Provisions, and Administrative Provisions of**
21 **Public Laws 21-136, the provisions of 21-137, and the provisions of Public Law 22-**
22 **41, are not effective for Fiscal Year 1995.** Unless specifically provided for in
23 this Act, the provisions of Chapters I, II, III, IV, and V of Public Law 21-136, the
24 provisions of Public Law 21-137 which are not specifically repeated in this Act,
25 and the provisions of Public Law 22-41, shall not carryover and be effective for
26 Fiscal Year 1995.

1 appropriated from the Tourist Attraction Fund to the Guam Community College
2 Non-Appropriated Fund.

3 **Section 15. Prior Years Obligations.** Notwithstanding any other provision
4 of law, appropriations made in this Act and in appropriations made pursuant
5 Section 7 of Chapter V of Public Law 21-136, and as applicable to the Three Year
6 Economic Plan, may be expended for the payment of prior years' obligations. Notice
7 of each proposed expenditure shall be delivered to the Speaker of the Legislature by
8 the Governor no less than Seven (7) days before the effective date of the
9 expenditure.

10 **Section 16. Two Percent (2%) transfer authority.** Notwithstanding any other
11 provision of law, for Fiscal Year 1995 the Governor is authorized to transfer from
12 one appropriation of the Executive Branch to another appropriation of the
13 Executive Branch; provided, that not more than Two Percent (2%) of the funds of
14 any department or agency shall be transferred out of the department or agency;
15 provided, further, that notice of each transfer and justification therefor are delivered
16 by the end of the month in which the transfer takes place to the Speaker of the
17 Legislature.

18 **Section 17. Repeal of provision for subsequent legislation.** Since the Three
19 Year Economic Plan expires at the end of Fiscal Year 1995, provision for subsequent
20 legislation is no longer necessary. Subsection (c) of Section 7 of Chapter V
21 (Administrative Provisions of Public Law 21-136), as amended by Section 6 of Public
22 Law 22-41, is repealed.

23 **Section 18. Authorization for departments to expend appropriated funds for**
24 **matching requirements for new federal programs.** Notwithstanding any other
25 provision of law, Departments are authorized to expend funds appropriated,

1 pursuant to the Three Year Economic Plan, and this Act, for matching requirements
2 of new federal programs.

3 **Section 19. Judiciary Branch Transfer Authority.** §22405 of Title 5,
4 Guam Code Annotated, as amended in Section 19 of Public Law 22-41, is further
5 amended to read:

6 "§22405. Transfer authority: Judiciary. Notwithstanding any other
7 provision of law, the Presiding Judge is hereby authorized to transfer up to Two
8 Percent (2%) of funds appropriated by the Legislature to various divisions or
9 categories within the Judicial Branch; provided, that notice of each transfer and
10 justification therefor are delivered by the end of the month in which the transfer
11 takes place to the Speaker of the Legislature; and provided, further, that no
12 transfer shall take place to fund new positions, whether classified, unclassified,
13 contractual, part-time, or temporary. Unexpended funds of the Judicial Branch
14 shall be maintained in a continuing budget appropriation for use in succeeding
15 budget cycles, except that the funds cut from the budget of the Judicial Branch as a
16 result of the Eight Percent (8%) and Four Percent (4%) reductions in budget set
17 out in Public Laws 22-08 and 21-136 in Section 5 of Public Law 22-41, and in
18 Section 1 of Chapter II of the General Appropriation Act of 1995, are not available
19 for such use."

20 **Section 20. Transfer of funds for Division of Public Health within the**
21 **Department of Public Health and Social Services.** Notwithstanding any other
22 provision of law, for Fiscal Year 1995 the Governor is authorized to transfer such
23 sums as are necessary to fund the Division of Public Health from within the budgets
24 of the former divisions of the Department of Public Health and Social Services that
25 were consolidated into such new Division of Public Health created in Public Law 22-
26 130.

1 **Section 21. Guam Visitors Bureau. Carryover provision for 1994**
2 **appropriations to FY 1995.** Notwithstanding any other provision of law,
3 unencumbered and unexpended funds from the Guam Visitors Bureau's (GVB's)
4 Fiscal Year 1994 budget appropriations are carried over and shall be available for
5 expenditure during Fiscal Year 1995 as approved by the GVB Board of Directors, as
6 they deem necessary to carry out marketing activities.

7 **Section 22. Attrition of government positions (a) Legislative findings and**
8 **intent.** The Legislature finds that thousands of positions have been added to the
9 government of Guam payroll in the last five or six years. With government of
10 Guam revenues rapidly falling, the hiring of new government employees must be
11 cut now, before government workers are once again faced with pay-less paydays.
12 The Legislature further finds that the budget of the Legislature itself has been cut by
13 more than five percent (5%), going from \$20,112,135 for fiscal year 1993 to \$19,052,511
14 for fiscal year 1995. Accordingly, the Legislature, of necessity, is imposing its own
15 hiring freeze and employee reduction program.

16 **(b) Immediate freeze on hiring.** Notwithstanding any other provision of law,
17 the following austerity measures shall be implemented immediately and will carry
18 over into Fiscal Year 1995, by all government of Guam departments, bureaus and
19 agencies, including autonomous agencies and other instrumentalities of the
20 executive and judicial branches of the government of Guam (collectively called,
21 "Agencies"):

22 (i) All vacant positions that are not federally funded and which are
23 vacant on the effective date of this Act and which have been vacant for
24 one hundred twenty (120) or more days prior to the effective date of this
25 Act shall thereupon be deleted and all Agencies must within ten (10) days
26 of the effective date of this Act report to the chairperson of the

1 Legislature's Committee on Ways and Means what positions have thereby
2 been deleted. After the effective date of this Act, any position which
3 remains vacant for one hundred twenty (120) or more days will be deleted.
4 As to the remaining vacant positions, the Governor (for the Executive
5 Branch) and the Judicial Council (for the Judicial Branch) may fill them on
6 the following terms, subject to the following conditions:

7 (1) The appointing authority certifies that the position is
8 essential for the continued operation of the government; and

9 (2) Not more than fifty percent (50%) of the numerical
10 number of existing vacancies in the Agency concerned that have
11 not been deleted are filled; and

12 (3) Not more than fifty percent (50%) of the total existing
13 vacancies in the Agency concerned which have not been deleted are
14 filled, based on the salaries of the positions filled compared to the
15 salaries of the vacant positions.

16 (ii) The only exceptions to the hiring restrictions of this section are
17 judges, judges pro-tem, referees, elected officials, directors, deputy
18 directors, attorneys in the prosecutor's office, police officers, firemen,
19 emergency technicians (non-administrative), the non-administrative
20 personnel of the Department of Youth Affairs, uniformed prison guards at
21 the Department of Corrections, uniformed personnel of the Department of
22 Customs and Quarantine, and doctors, nurses, dentists and licensed
23 medical or mental health professionals, teachers, and teaching assistants.
24 The number of these positions will be frozen at their current levels as
25 authorized, whether or not vacant, and vacancies therein shall not be
26 transferred between Agencies nor included as vacancies in computing

1 available vacancies or funding in computing how many other vacant
2 positions may be filled.

3 (iii) No new positions may be added to any Agency **without** consent
4 and approval by law subsequent to the effective date of this Act and prior
5 to the creation of the position.

6 (iv) From the effective date of this Act and until September 30, 1995,
7 No part-time or temporary workers may be hired in any Agency **without**
8 specific legislative approval enacted **subsequent** to this Act. Individuals
9 currently on temporary hire by the government of Guam shall not be
10 affected by the prohibitions of this subsection and may have their
11 employment renewed in the same position at the same salary, **subject** to
12 the foregoing prohibition on hiring temporary workers.

13 (v) No unclassified position in any Agency which is vacant may be
14 filled **unless** such position is specifically authorized by statute or the
15 position has existed for more than three (3) years **before** the effective date
16 of this Act.

17 (vi) The hiring freeze required by this Section shall be uniform
18 within the Agencies and shall be based on positions in the entire executive
19 and judicial branches, respectively.

20 (vii) The Governor and Judicial Council shall, on the first day of
21 the second month following the effective date of this Act, report to the
22 Speaker of the Legislature as to all positions in their respective branches
23 the following: (i) All positions which have been deleted, (ii) all vacant
24 positions, (iii) all positions filled, including those filled during the
25 preceding month, with the specific identification of each position within
26 the Agency concerned, and the salary therefor, with a similar report

1 following on the tenth working day of every month thereafter. Each such
2 report shall also set out the total number of employees and the total
3 payroll costs broken down by salary and benefits for each Agency for the
4 first pay period of the month preceding the date of the report.

5 (viii) No contract entered into for services by a consultant or other
6 person licensed to perform services shall be paid from appropriations for
7 personnel services and no such contract shall contain provisions entitling
8 contractors to standard employee benefits. No such contract shall be
9 entered into unless the contractor is licensed to do business and is current
10 in tax payments. The government of Guam shall not pay social security
11 taxes for the contractor. It is the purpose of this provision to stop irregular
12 recruitment and to preclude the further payment of contracts from
13 appropriations intended by the Legislature for positions authorized in the
14 budget. This subparagraph does not apply to contracts for services of
15 licensed health care professionals.

16 (c) **Personal Services Lapse Fund.** For the purposes of controlling and
17 appropriating for personal services lapses accrued during fiscal years 1995 and 1996,
18 there is hereby established within the government of Guam a special fund to be
19 known as the "Personal Services Lapse Fund" (the "Fund"). The Fund shall be
20 under the administration of the Director of Administration, but no monies shall be
21 expended therefrom except by appropriation of the Legislature, and the Governor
22 may not use his transfer authority to transfer money therefrom. Within ten (10)
23 days after each pay day period the Director of Administration and the heads of the
24 various Agencies within the government of Guam are hereby directed to calculate
25 wage, salary and benefit lapses caused by vacant positions for which the present
26 compensation is less than the maximum authorized by the Budget and the Director

1 of Administration shall cause to be transferred to the Fund such amounts as
2 represent vacant positions and positions for which the present compensation is less
3 than the maximum authorized by the Budget. The Director of Administration will
4 submit a report to the Speaker of the Legislature on the status of the Fund. The
5 report will reach the Speaker's Office on the second working day of the month after
6 the month being reported.

7 (d) **Two year plan.** A two (2) year plan for addressing the efficiency and cost-
8 saving measures of the government (the "Plan") shall be prepared by the Governor
9 and the Judicial Council, and shall be submitted to the Speaker of the Legislature
10 within sixty (60) days after the effective date of this Act. The Plan shall include, but
11 not be limited to the following:

12 (a) Reorganization or consolidation of similar services provided
13 by Agencies into a service pool, in order to eliminate duplication of
14 services; and

15 (b) A complete review of the staffing levels of all government of
16 Guam Agencies which include autonomous Agencies or other
17 instrumentalities of the Executive Branch for the purpose of complying
18 with other provisions of this Act and this Section.

19 (e) **No transfer authority.** The Governor may not use his transfer authority
20 to transfer funds appropriated for personnel accounts, **except** to other personnel
21 accounts.

22 (f) **Applicability.** This Section shall be applicable to all positions funded by
23 the government of Guam in fiscal years 1994, 1995 and 1996.

24 (g) **No termination.** No employee of the government of Guam or any
25 Agency thereof employed as of the effective date of this Act may be terminated as a
26 result of this Section.

1 **Section 23. Severability.** If any provision of this Act or its application to any
2 person or circumstances is held invalid, the invalidity does not affect other
3 provisions or applications of this Act which can be given effect without the invalid
4 provision or application, and to this end the provisions of this Act are severable.