

Refer to  
Legislative Secretary



OFFICE OF THE GOVERNOR  
GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 6-30-99  
Time: 1540  
Rec'd by: [Signature]  
Print Name: Chadene  
OSLS/99-0197

JUN 30 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACCOUNTABILITY ACT OF 1999	
Received By	<u>[Signature]</u>
Time	<u>10:49 am</u>
Date	<u>7-1-99</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 68 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 9 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE FISCAL ACCOUNTABILITY ACT OF 1999", which I have signed into law today as Public Law No. 25-49.

This legislation states that the role of the committees at i Liheslatura, the Legislature, is changed. It prevents a committee from reporting out a bill unless there is a fiscal note, and the fiscal note indicates that there is funding for the appropriation.

This legislation does not prevent the passage of bills on the session floor, however, that have no funding source. Although local legislation of this type cannot bind the actions of the legislature, a good intent is there, and it is a step in the right direction.

Very truly yours,

[Signature]  
Madeleine Z. Bordallo  
I Maga'lahaen Guåhan, Akto  
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

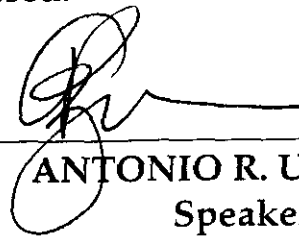
cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

00326

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN


This is to certify that Bill No. 68 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 9 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE FISCAL ACCOUNTABILITY ACT OF 1999," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker


Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 18<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P.M.

  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
MADELEINE Z. BORDALLO  
Akto I Maga'lahaen Guahan  
Acting Governor of Guam

Date: 6/30/99

Public Law No. 25-49

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 68 (COR)**  
As amended by the Author.

Introduced by:

K. S. Moylan  
A. R. Unpingco  
J. C. Salas  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
V. C. Pangelinan  
S. A. Sanchez, II

**AN ACT TO REPEAL AND REENACT CHAPTER 9  
OF TITLE 2 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO ESTABLISHING THE FISCAL  
ACCOUNTABILITY ACT OF 1999.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that General Fund actual revenues realized in FY 1998 decreased by  
4 2.3% over FY 1997 (\$515,600,000 in FY 1997 to \$503,700,000 in FY 1998). And  
5 based on the revenue forecast for FY 1999 of Four Hundred Fifty-two Million

1 Dollars (\$452,900,000), General Fund revenues could potentially show a  
2 decrease over FY 1998 by over Fifty Million Dollars (\$50,000,000) or 11.2%.

3 *I Liheslaturan Guåhan* further finds that in spite of this consistent decline  
4 in General Fund revenues over at least the past three (3) fiscal years, a  
5 majority of proposed legislation continue to identify the General Fund as a  
6 primary funding source which has resulted in the attendant increase of the  
7 General Fund deficit, now at Ninety-four Million Four Hundred Thousand  
8 Dollars (\$94,400,000) as of the end of FY 1998.

9 Reprieve from the effects brought on by the Asian economic crisis is *not*  
10 expected any time soon. It is, therefore, incumbent upon all public officials to  
11 exercise every measure of fiscal responsibility and accountability in the  
12 formulation and subsequent consideration of legislation that have an effect  
13 upon the revenues or the expenditures of the government of Guam. The  
14 perfunctory due process of unfunded appropriation measures in the past  
15 must be curtailed, without delay, if we are to ameliorate this government's  
16 growing fiscal crisis.

17 It is, therefore, the intent of *I Liheslaturan Guåhan* to strengthen  
18 accountability of government officials in the delivery of timely and accurate  
19 financial reports upon which policymakers rely for status on specific funding  
20 sources which support appropriation measures. Furthermore, it is *I*  
21 *Liheslaturan Guåhan's* intent to respond to the rising General Fund deficit now  
22 at over Ninety Million Dollars (\$90,000,000) by discouraging the continuation  
23 of "Phantom," unfunded appropriation bills, which every fiscal year  
24 contribute to this number.



1 be reported out of the Standing Committee for Legislative Session,  
2 *unless* one (1), or a combination, of the following are met:

3 1. the bill identifies a specific *alternate* funding source for  
4 which funds are available, and for which a fiscal note has been prepared  
5 which indicates that funds are available;

6 2. de-appropriates from a previous appropriation for which  
7 funds are available, and for which a fiscal note has been prepared which  
8 indicates that funds are available; *or*

9 3. a written certification is provided by the Chairperson of the  
10 Standing Committee that a situation exists which threatens the safety,  
11 health and welfare of the community.

12 **Section 9102. Requirement of Fiscal Note.** *Except* as  
13 provided in §9106 of this Chapter, a bill shall *not* be reported out by a  
14 Standing Committee of *I Liheslaturan Guåhan* or placed on a legislative  
15 session, *unless* it is accompanied by a fiscal note, or waiver thereof,  
16 prepared by the Bureau of Budget and Management Research ('BBMR'),  
17 in coordination with the affected department, agency or appropriate  
18 government instrumentality, and has complied with the other  
19 requirements of this Chapter. The fiscal note shall be required for all  
20 bills that have an effect upon the revenues or the expenditure of any  
21 funds of the government of Guam. The waiver of fiscal note shall be  
22 required for all bills that do *not* have an effect upon the revenues or the  
23 expenditure of any funds of the government of Guam.

24 Failure to provide the fiscal note, or waiver thereof, pursuant to  
25 §9105 of this Chapter shall *not* preclude the Standing Committee from

1 reporting out to Legislative Session any bill as provided in §9106 of this  
2 Chapter.

3 **Section 9103. Preparation of Fiscal Note, or Waiver Thereof.**

4 The fiscal note, or waiver thereof, shall be prepared by the Director of  
5 BBMR, in coordination with the Director of the department, agency or  
6 appropriate government instrumentality, affected by the bill.

7 **Section 9104. Contents of Fiscal Note.** (a) *For*

8 *appropriation bills*, a fiscal note shall contain the best estimate of the  
9 fiscal impact of a bill for the fiscal year in which it would become  
10 effective, *if* enacted, and for the next four (4) succeeding fiscal  
11 years. *If* the fiscal impact of the bill is *not* expected to occur within  
12 the operating fiscal year, the estimate shall be for the first fiscal  
13 year in which it is expected to be fully effective, and for the next  
14 four (4) succeeding fiscal years.

15 (b) For non-appropriation bills, a fiscal note shall include,  
16 at least, but not limited to the following information:

17 (1) the cost of the proposed legislation to the  
18 government for the fiscal year in which it would become  
19 effective, *if* enacted, and for the next four (4) succeeding  
20 fiscal years. *If* the fiscal impact of the bill is *not* expected to  
21 occur within the operating fiscal year, the estimate shall be  
22 for the first fiscal year in which it is expected to be fully  
23 effective, and for the next four (4) succeeding fiscal years;

1                   (2) whether or not the proposed legislation will  
2                   establish a program or agency that will duplicate the  
3                   function of an existing program or agency;

4                   (3) whether or not there is a Federal mandate for the  
5                   program or agency; *and*

6                   (4) whether or not any new physical facilities will be  
7                   required.

8           **Section 9105. Timely Response for Submission of Fiscal Note.** The  
9           fiscal note shall be provided, to the Standing Committee requesting a fiscal  
10          note on a bill, no later than fourteen (14) days from receipt of the request for  
11          the fiscal note, or waiver thereof.

12          BBMR may request, in writing with justification, to the Chairperson of  
13          the Standing Committee, *prior to* the fourteen (14) day original deadline, an  
14          extension for up to ten (10) additional days on a fiscal note, or waiver thereof.  
15          The Chairperson of the Standing Committee shall have the final approval or  
16          disapproval of the request for extension. Should BBMR fail to meet the  
17          deadlines imposed in this Section, the requirement for a fiscal note is waived.

18          **Section 9106. Waiver of Fiscal Note.** The requirement of  
19          a fiscal note, or waiver thereof, may be waived by the written  
20          certification of the Chairperson of the Standing Committee, or a  
21          majority vote of the members of the Standing Committee, that a  
22          situation exists which threatens the safety, health and welfare of the  
23          community.

24          **Section 9107. Attachments to Committee Report on Bill.**



1 The requirements of §§9101 or 9106 of this Chapter shall be made a part  
2 of the Committee Report of the Standing Committee reporting the bill  
3 out to the Legislative Session, and shall accompany the bill throughout  
4 its course of passage.

5 **Section 9108. Revision of Fiscal Note.** In the event that a  
6 bill is amended or substituted while in Committee for which a fiscal  
7 note, or waiver thereof, had been previously obtained, and for which  
8 the change will have a fiscal impact, or additional fiscal impact, from  
9 that reported on the previously obtained fiscal note, or waiver thereof,  
10 the Standing Committee shall obtain a *revised* fiscal note following the  
11 same process outlined in this Chapter. The time limit set forth in §9105  
12 of this Chapter shall apply to this Section.

13 **Section 9109. Legislative Research and Bill Introduction.**  
14 Nothing in this Section shall prevent or limit the preparation of the  
15 analysis of any bill by *I Liheslaturan Guåhan*. The attachment of a fiscal  
16 note, or waiver thereof, shall *not* be a condition or prerequisite for the  
17 introduction of a bill by any member of *I Liheslaturan Guåhan*."



COPY

**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

June 18, 1999

*[Handwritten signature]* 6/18/99

The Honorable Carl T.C. Gutierrez  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 68 (COR) and 132 (COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 15, 1999.

Sincerely,

*[Handwritten signature of Joanne M.S. Brown]*

JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosure (2)

6

**I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**1999 (FIRST) Regular Session**

Date: 6/15/99

**VOTING SHEET**

Bill No. 68 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V					✓
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13    0    \_\_\_\_\_    0    2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 68 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 9 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE FISCAL ACCOUNTABILITY ACT OF 1999," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.



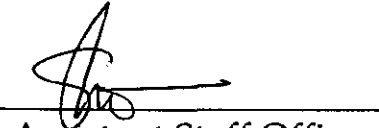
ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 18<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P..M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

MINA/BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

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\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:

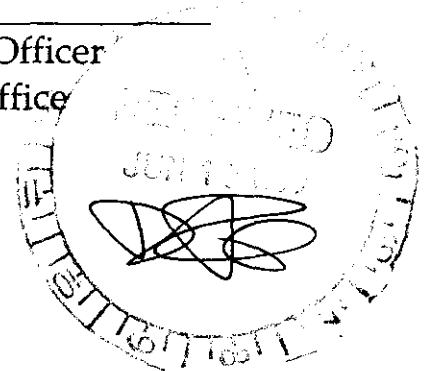
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*



Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 6/18/99

Time: 1:10pm

Rec'd by: BAR

Print Name: Lawrie

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 68 (COR)**

As amended by the Author.

Introduced by:

K. S. Moylan  
A. R. Unpingco  
J. C. Salas  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
V. C. Pangelinan  
S. A. Sanchez, II

**AN ACT TO REPEAL AND REENACT CHAPTER 9  
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RELATIVE TO ESTABLISHING THE FISCAL  
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2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
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6 primary funding source which has resulted in the attendant increase of the  
7 General Fund deficit, now at Ninety-four Million Four Hundred Thousand  
8 Dollars (\$94,400,000) as of the end of FY 1998.

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11 exercise every measure of fiscal responsibility and accountability in the  
12 formulation and subsequent consideration of legislation that have an effect  
13 upon the revenues or the expenditures of the government of Guam. The  
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15 must be curtailed, without delay, if we are to ameliorate this government's  
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19 financial reports upon which policymakers rely for status on specific funding  
20 sources which support appropriation measures. Furthermore, it is *I*  
21 *Liheslaturan Guåhan's* intent to respond to the rising General Fund deficit now  
22 at over Ninety Million Dollars (\$90,000,000) by discouraging the continuation  
23 of "Phantom," unfunded appropriation bills, which every fiscal year  
24 contribute to this number.





1 be reported out of the Standing Committee for Legislative Session,  
2 *unless* one (1), or a combination, of the following are met:

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5 which indicates that funds are available;

6 2. de-appropriates from a previous appropriation for which  
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9 3. a written certification is provided by the Chairperson of the  
10 Standing Committee that a situation exists which threatens the safety,  
11 health and welfare of the community.

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13 provided in §9106 of this Chapter, a bill shall *not* be reported out by a  
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18 government instrumentality, and has complied with the other  
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20 bills that have an effect upon the revenues or the expenditure of any  
21 funds of the government of Guam. The waiver of fiscal note shall be  
22 required for all bills that do *not* have an effect upon the revenues or the  
23 expenditure of any funds of the government of Guam.

24 Failure to provide the fiscal note, or waiver thereof, pursuant to  
25 §9105 of this Chapter shall *not* preclude the Standing Committee from

1 reporting out to Legislative Session any bill as provided in §9106 of this  
2 Chapter.

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13 year in which it is expected to be fully effective, and for the next  
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15 (b) For non-appropriation bills, a fiscal note shall include,  
16 at least, but not limited to the following information:

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18 government for the fiscal year in which it would become  
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23 effective, and for the next four (4) succeeding fiscal years;

1                   (2) whether or not the proposed legislation will  
2                   establish a program or agency that will duplicate the  
3                   function of an existing program or agency;

4                   (3) whether or not there is a Federal mandate for the  
5                   program or agency; *and*

6                   (4) whether or not any new physical facilities will be  
7                   required.

8                   **Section 9105. Timely Response for Submission of Fiscal Note.** The  
9                   fiscal note shall be provided, to the Standing Committee requesting a fiscal  
10                  note on a bill, no later than fourteen (14) days from receipt of the request for  
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13                  the Standing Committee, *prior to* the fourteen (14) day original deadline, an  
14                  extension for up to ten (10) additional days on a fiscal note, or waiver thereof.  
15                  The Chairperson of the Standing Committee shall have the final approval or  
16                  disapproval of the request for extension. Should BBMR fail to meet the  
17                  deadlines imposed in this Section, the requirement for a fiscal note is waived.

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19                  a fiscal note, or waiver thereof, may be waived by the written  
20                  certification of the Chairperson of the Standing Committee, or a  
21                  majority vote of the members of the Standing Committee, that a  
22                  situation exists which threatens the safety, health and welfare of the  
23                  community.

24                  **Section 9107. Attachments to Committee Report on Bill.**

1 The requirements of §§9101 or 9106 of this Chapter shall be made a part  
2 of the Committee Report of the Standing Committee reporting the bill  
3 out to the Legislative Session, and shall accompany the bill throughout  
4 its course of passage.

5 **Section 9108. Revision of Fiscal Note.** In the event that a  
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13 **Section 9109. Legislative Research and Bill Introduction.**  
14 Nothing in this Section shall prevent or limit the preparation of the  
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17 introduction of a bill by any member of *I Liheslaturan Guåhan*."



**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

**FILE**

June 11, 1999

( DATE )

Memorandum

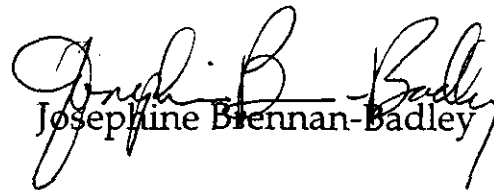
To: Senator KALEO S. MOYLAN

From: Clerk of the Legislature

Subject: Report on Bill No. 68 (COR)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 68 (COR) for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

  
Josephine Brennan-Badley

Attachment

RECEIVED  
R... ..  
H: 3.0.1 ✓  
6-16-99



**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayuråt*

**JUN 11 1999**

Speaker Antonio R. Unpingco  
I Mina' Bente Singko Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 68, as amended was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 68, as amended** "An act to repeal and reenact Chapter 9 of Title 2 of the Guam Code Annotated, relative to prohibiting "phantom," unfunded government appropriation."

The voting record is as follows:

<b>TO PASS</b>	<u>9</u>
<b>NOT TO PASS</b>	<u>Ø</u>
<b>ABSTAIN</b>	<u>Ø</u>
<b>TO PLACE IN INACTIVE FILE</b>	<u>Ø</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

  
**MARK FORBES**

Attachments



**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayuråt*

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman *[Signature]*

**SUBJECT:** Committee Report- Bill No. 68 as amended "An act to repeal and reenact Chapter 9 of Title 2 of the Guam Code Annotated, relative to prohibiting "phantom," unfunded government appropriation."

Transmitted herewith for your information and action is the report on Bill No. 68 as amended from the Committee on Rules, Government Reform, Reorganization and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 68 as amended
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

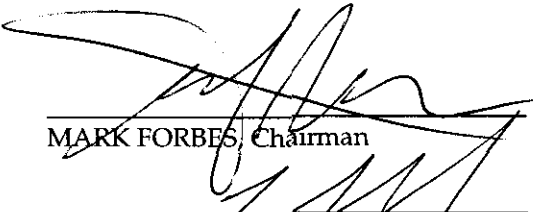

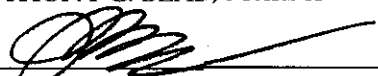


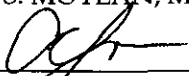
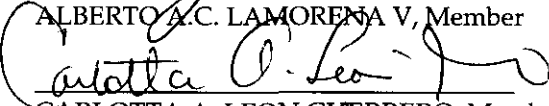
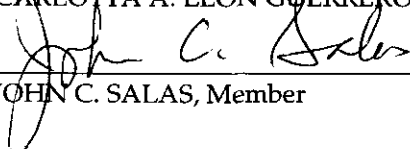

**MARK FORBES**

Attachments

**Committee on Rules, Government Reform, Reorganization and Federal Affairs**  
**I Mina' Bente Singko Na Liheslaturan Guåhan**

**Voting Record**

Bill No. 68 as amended "An act to repeal and reenact Chapter 9 of Title 2 of the Guam Code Annotated, relative to prohibiting "phantom," unfunded government appropriation."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
 EDDIE B. CALVO, Vice-Chairman	✓			
ANTHONY C. BLAZ, Member				
 JOANNE M. S. BROWN, Member	✓			
 MARCEL G. CAMACHO, Member	✓			
 LAWRENCE F. KASPERBAUER, Member	✗			
KALEO S. MOYLAN, Member				
 ALBERTO A.C. LAMORENA V, Member	✓			
 CARLOTTA A. LEON GUERRERO, Member	✓			
 JOHN C. SALAS, Member	✓			
SIMON A SANCHEZ, II, Member				
 ANTONIO R. UNPINGCO, Member	✓			
FRANK B. AGUON, JR., Member				
ELOY G. BERMUDEZ, Member				
VICENTE C. PANGELINAN, Member				



**I MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**

**COMMITTEE ON RULES, GOVERNMENT REFORM,  
REORGANIZATION & FEDERAL AFFAIRS**

**SENATOR MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT**

**ON**

**BILL NO. 68**

**"AN ACT TO REPEAL AND REENACT CHAPTER 9 OF TITLE 2  
OF THE GUAM CODE ANNOTATED, RELATIVE TO  
PROHIBITING "PHANTOM," UNFUNDED GOVERNMENT  
APPROPRIATION."**

## **I. OVERVIEW**

The Committee on Rules, Government Reform, Reorganization and Federal Affairs held a public hearing on Wednesday, February 24, 1999 at 10:00 a.m. at the Conference Room, Office of Senator Mark Forbes, I Liheslaturan Guahan. Public notice of the hearing was announced in the February 22, 23, and 24, 1999 issues of the Pacific Daily News.

Senators present were:

- Senator Mark Forbes, Chairman
- Senator Eddie Calvo, Vice Chairman
- Senator Kaleo Moylan, Member
- Senator Simon A. Sanchez II, Member
- Senator Vicente Pangelinan, Member
- Senator Frank Aguon, Jr., Member
- Senator Eloy Bermudes, Member

Submitting written testimony on the bill:

Mr. Robert G. P. Cruz, Public Auditor (attached)

## **II. SUMMARY OF TESTIMONY**

Mr. Robert Cruz, Public Auditor, submitted written testimony on Bill No. 68. In his testimony, Mr. Cruz stated that the time period to respond to the request for fiscal notes may not be sufficient to conduct the necessary research, particularly since criminal penalties are to be imposed if a fraudulent statement is made on the availability/non-availability of funds. However, Mr. Cruz noted that the intent of the legislation to verify the impact of a bill and to determine the availability of funds is "laudable."

There were no individuals appearing before the Committee to present oral testimony on the bill.

## **III. FINDINGS AND RECOMMENDATION**

The Committee on Rules, Government Reform, Reorganization and Federal Affairs finds that Bill No. 68 as amended, affects the procedure of fiscal notes prepared by the Bureau of Budget and Management Research. The Committee finds that this measure requires that a fiscal note or waiver thereof, must be accompanied by a separate written statement from the comptroller of the govGuam agency or entity which the bill impacts, either concurring with the Bureau's determination or dissenting and explaining its opposition to the Bureau's findings.

The Committee further finds that the measure maintains the timeline by which the Bureau must reply to the Standing Committee's request for a fiscal note. Should the Bureau intentionally fail to respond to the request for fiscal note, or makes a fraudulent statement in whether government funds are available or not available, by the Director of BBMR or the comptroller of the government agency requested to provide input, this offense shall be a misdemeanor, punishable by a fine and imprisonment.

Furthermore, the measure requires that in the event that a bill is amended or substituted while in committee, for which the change affects revenues or expenditures, or contains an appropriation, the Standing Committee must obtain a revised fiscal note or waiver thereof.

Accordingly, the Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 68 was referred does hereby submit its findings and recommendations to I Mina' Bente Singko Na Liheslaturan Guahan **TO DO PASS BILL NO. 68 as amended** "An act to repeal and reenact Chapter 9 of Title 2 of the Guam Code Annotated, relative to prohibiting "phantom," unfunded government appropriation."



**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat**  
*Senator Mark Forbes, Chairman*

**FEB 10 1999**

**MEMORANDUM**

**TO:** Chairman  
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

**FROM:** Chairman ~~XXXX~~  
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

**SUBJECT:** Principal Referral – Bill No. 68

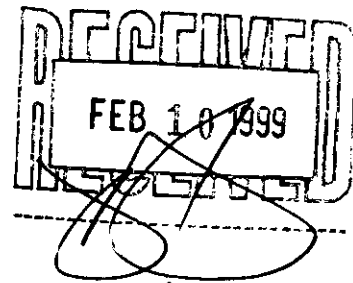
The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

**Attachment**

**Cc: Comm. On Housing, General Government  
Services and Foreign Affairs**



FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 08 (COR)  
Amendatory Bill: No

Date Received: February 22, 1999  
Date Reviewed: February 22, 1999

Department/Agency Affected: Bureau of Budget and Management Research  
Department/Agency Head: Joseph E. Rivera, Acting Director  
Total FY Appropriation to Date: \$760,000 (through 03/31/99)

Bill Title (preamble): AN ACT TO REPEAL AND REENACT CHAPTER 9 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING "PHANTOM," UNFUNDED GOVERNMENT APPROPRIATION.

Change in Law: Repeals and reenacts Chapter 9 of Title 2, GCA, as amended by P.L. 24-162

Bill's Impact on Present Program Funding:  
Increase \_\_\_\_\_ Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change XXX

Bill is for:  
Operations XXX Capital Improvement \_\_\_\_\_ Other \_\_\_\_\_

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
	<u>1/</u>		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	<u>1/</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A - IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>N/A</u>					
OTHER						
TOTAL						

ANALYST [Signature] DATE \_\_\_\_\_ DIRECTOR Joseph E. Rivera, Acting DATE APR 13 1999

FOOTNOTES: see attachment

### Comments on Bill No. 68 (COR)

Bill No. 68 (COR) imposes a penalty for failure to provide fiscal notes and fraud in its preparation not to exceed \$500 and one year imprisonment. This section, which targets the Bureau of Budget & Management Research Director and "comptrollers of the government agencies, appears to imply that the financial condition of the government of Guam was caused primarily because fiscal notes were not provided. It should be noted that fiscal notes have been prepared and transmitted as prescribed by law. The Bureau has done what it can to provide such information in a timely manner. However, on many occasions bills are received from the Legislature for fiscal notes and then are followed up with calls for immediate preparation of fiscal notes as hearings were to be conducted the following day. Also, there are numerous times in which bills are received in batches thus precluding adequate research and review for a one-day turnaround time as requested. Information required from departments are not always readily available and require time for the department to compile. The Bureau is subject to the timeliness that departmental information is received and more importantly on the timeliness of the Legislature's transmittal of bills requiring fiscal notes.

There is a serious injustice in the imposition of fines and penalty of imprisonment on the BBMR Director and Comptrollers of the government agencies (note: only DOA and autonomous agencies employ comptrollers). Elected officials should be the ones who should be made personally liable, as it is they who have appropriated funds in excess of revenues and who have seemingly ignored the fiscal notes that had been transmitted in the past. It should be noted that the Legislature, in P.L. 24-162, removed the requirement for a fiscal note if one was not received prior to the bill being placed in the Third Reading File.





**OFFICE OF THE PUBLIC AUDITOR**  
**UFISINAN I ADITOT PUPBLEKO**  
**GOVERNMENT OF GUAM**  
**P.O. BOX 23667, GMF, Barrigada, Guam 96921**  
**(1208 East Sunset Boulevard, Tiyan)**  
**(671) 475-0393/0394/0395 - FAX: (671) 472-7951**

**ROBERT G.P. CRUZ**  
PUBLIC AUDITOR

February 23, 1999

Honorable Mark Forbes  
Chairman, Committee on Rules,  
Government Reform, and  
Federal Affairs  
Mina' Bente Singko Na  
Lisheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

Re: Bill No. 68

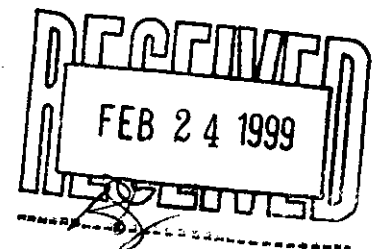
Dear Mr. Chairman:

I submit testimony concerning Bill No. 68, which attempts to avoid phantom, unfunded appropriations. The measure requires agency controllers to attest to the availability of funds for various appropriation measures. Through the fiscal note process, the Bureau of Budget and Management Research and other agencies would be required to submit a verified statement of the availability or nonavailability of funds from a particular source.

In general, most fiscal notes will probably indicate no funds available from the General Fund. As long as we have a deficit, how can a fiscal note indicate funds being available for appropriation? There are other situations which require funds which will impact upon the availability of funds to appropriate. Legal judgments against the Government Claims Fund are one example. Funds held in trust by the Government of Guam (such as the Child Support money) that have been embezzled must be repaid.

Every year, our agency completes the Single Audit required to receive federal grants. Every year, our contractor (Deloitte & Touche in past years) has found violations of grant conditions that result in questioned costs. As of the end of last year, that amounted to \$771,484. After administrative appeals, that amount plus interest may have to be repaid from the General Fund, or possibly be set off against future grants, resulting in reductions from existing, or potential levels.

The time period for fiscal notes may not be sufficient time to do the research necessary, especially criminal penalties are to be imposed for inaccurate information.

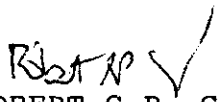




In closing, the proposed legislation to verify the impact of a bill, and to determine and certify the availability of funds is laudable. It is the first time, to my knowledge, that any such attempt has been made to certify funding availability before appropriation.

However, the above facts need to be taken into consideration as to the information that will actually be given when fiscal notes are prepared, especially those involving the General Fund.

Sincerely,

  
ROBERT G.P. CRUZ

cc: Governor's Legal Counsel  
Attorney General

### MANUFACTURER'S SERVICE REPRESENTATIVE (SERVICE MANAGER)

Supervise and manage installation, service and repair of air-conditioning, ventilation, and building automation controls equipment and systems in residential and commercial projects utilizing knowledge of refrigeration, air conditioning, and micro-electronic controls following blueprints and engineering specifications. Supervise commissioning and start-up of commercial chillers and package units using appropriate tools and devices. Interface with architects, mechanical designers, plant engineers and building owners regarding HVAC equipment and systems using load calculation program and systems analyzer. Design and coordinate activities of service technician team. Interpret specifications, blueprints, and job orders to technicians and assign duties. Establish work procedures and estimate worker-hour requirements for timely completion of job assignments. Estimate, requisition, and inspect direct project materials and approve procurement of tools. Confer with company sales engineers to coordinate sales and service functions. Facilitate warranty claims. Develop technician training program. Prepare service department operating budget.

Bachelor's degree in mechanical or electrical engineering plus five years experience in installation, sales or service of HVAC systems and components. One year experience in supervisory position. Experience with alternative refrigerant systems. Ability to monitor and control remote HVAC installations. 30% travel within Micronesia area. References: \$36,576 per year. 40 hours per week.

Apply immediately at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Cristostomo St. Suite 101 (Sunny Plaza) Tamuning, Guam 96911. REF. #980809.

BENEFITS: One Way Airfare from point of origin.

The Department of Labor is currently seeking for individuals w/2 yrs exp. to fill the following positions:

**10-CARPENTERS .....\$11.25/Hr.**  
Constructs, erects, installs and repairs structures and fixtures of wood, plywood and wall board. Studies blueprints, sketches or building plans for information pertaining to type of materials required. Selects specified number of other materials. Assembles, cuts and shapes materials. Erects scaffolds and frameworks. Uses carpenter's hand tools and power tools.

**5-CEMENT MASON .....\$10.83/Hr.**  
Lays concrete block, mixed cement using hand tools and power tools. Smooths and finishes surface to poured concrete floors, walls, sidewalks or curbs to specified textures using hand tools or power tools including floats, trowels and screeds; spreads concrete to specified depth and workable consistency using float to bring water to surface and produce soft topping levels, smooth and shapes surfaces of freshly poured concrete using straightedge, float or power screed; finishes concrete using power trowel or wets and rubs concrete with abrasive stone to impart finish, removes rough or defective spot and patches with fresh concrete, mixes cement.

**14-PLASTERERS .....\$9.57/Hr.**  
Applies coats of plaster to interior walls, ceilings and partitions of buildings, to produce finished surface according to blueprints, architect's drawings or oral instructions. Uses hand tools or portable power tools. Spreads plaster over lath or masonry base using trowel and smooth plaster with darby and float to attain uniform thickness.

**18-REINFORCING METAL WORKER ....\$9.92/Hr.**  
Positions and secures steel bars in concrete form to reinforce concrete. Determines numbers, sizes, shapes and locations of reinforcing rods from blueprints, sketches or oral instructions. Select and places rods in forms, spacing and fastening them together.

Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Cristostomo St., Suite 101 Tamuning, Guam 96911 (Sunny Plaza) (Ref. No. 990114)

### TEMPORARY JOB OPENINGS w/ 2 YRS. EXPERIENCE

**3 PLASTERERS..... \$9.57/hr**  
Duties: Apply coats of plaster to interior walls, ceilings, and building to produce finished surfaces according to blueprints, architect's drawing or oral instructions. Direct workers to mix plaster to desired consistency and to erect scaffolds. Spread plaster, over lath or masonry board, using trowel and smooths plaster with darby and float to attain uniform thickness.

**1 CEMENT MASON..... \$10.83/hr**  
Duties: Lays concrete blocks, mixes cement using shovel, hand tools and mixing machine. Smooths finished or poured concrete floors, sidewalks, or curbs to specified textures, using hand and power tools including floats, screeds to specified depth and workable consistency. Studies blueprints & plans pertaining to type of materials.

**1 CARPENTER .....\$11.25/hr**  
Duties: Construct, erect, install and repair structures and fixtures of wood, plywood and wallboard. Studies blueprints sketches or bldg. plans for info. pertaining to type of materials req. Select specified lumber or other materials. Assembles, cuts, and shapes materials. Erect scaffolds and framework. Uses carpenters hand and power tools.

Interested applicants, please apply at Guam Employment Service at one Stop Career Center, 125 Tun Jesus Cristostomo Suite 101, (Sunny Plaza), Tamuning, Guam 96911. Ref. # 990214



**FLETCHER PACIFIC**  
Micronesia

### SEMI-TRACTOR TRAILER OPERATOR

Fletcher Pacific Construction Co., Ltd. (Guam) is seeking a semi-tractor trailer operator for its Guam Equipment Center division located in Harmon, Guam. Prospective candidate must have a minimum of 5 years' experience in operating heavy vehicles, ability to troubleshoot mechanical problems, hold a valid Guam driver's license with A, B & C classification, and meet D.O.T. medical requirements.

Applicants must submit a resume demonstrating a successful work history. Salary commensurate with experience and benefits package. Successful candidate must submit to drug & alcohol testing. Please provide police clearance report when submitting resume or application.

An EEO/AA EMPLOYER

All resumes and applications will be treated in strictest confidence and should be directed to the Administration Manager

FLETCHER PACIFIC CONSTRUCTION CO., LTD. (GUAM)  
P.O. Box 23068-GMFF  
Barrigada, Guam 96921  
FAX: 671-647-5600

## PROJECT ADMINISTRATOR

A-D Sanford & Co. is looking for a reliable individual who meets the following requirements:

- Organized, self-motivated and goal oriented
- Proficient with MS Project and MS Office Pro 97
- Efficient office management and accounting skills
- Excellent communication skills
- Capable of working with minimal supervision

Apply in person.

Located in the Agaña Shopping Center,  
2nd floor, next to Microage.  
Monday - Friday • 9am - 4pm



Suite 118A Agaña Shopping Center, Agaña, Guam 96910  
Fax: (671) 472-2893 • Tel: (671) 472-6165/2894



## Notice of Public Hearing

Senator Mark Forbes, Chairman

Committee on Rules, Government Reform, Reorganization & Federal Affairs

Wednesday, February 24, 1999 at 10:00AM

*The Committee will be conducting a second Public Hearing on the following bills:*

Bill No. 3 "An act to add a new §1510 to Article 5, Chapter 1, Division 1, Part 1 of Title 5 GCA, relative to requiring the Governor of Guam to receive bills from the Guam Legislature at all times."

Bill No. 32 "An act to repeal §20101 et seq., Chapter 20, Division 3, Title 17 GCA and Chapter 19, Title 1 GCA and add a new Chapter 12, Title 2 GCA relative to creating the "Independent Budget Review Office" and consolidating the Office of the Public Auditor into the IBRO within I Liheslaturan Guåhan."

Bill No. 33 "An act to amend Article 3, Chapter 1, Division 1 of 5 GCA to rename "Bureau of Budget & Management Research" to "Department of Program Budgeting, Financial Management and Research" and repeal Chapter 4, Division 1 of 11 GCA and Chapter 4, Division 1 of Title 5 GCA to transfer and consolidate the duties, responsibilities and authorities of the Guam Finance Commission and Program Budgeting and Financial Management and into the Department of Program Budgeting, Financial Management and Research by adding sub-article 3.1 and 3.2 to Article 3, Chapter 1, Division 1, 5 GCA."

Bill No. 38 "An act to repeal Chapter 85, Division 8, of Title 5 GCA; Chapter 76, Division 2 of Title 21 GCA; Chapter 83, Division 8 of Title 5 GCA; Chapter 80, Division 8 of Title 5 GCA; Chapter 77, Division 2 of Title 21 GCA; Chapter 9, Division 1 of Title 12 GCA and Article 4, Chapter 70, Division 7 of Title 5 GCA and reenact as Articles 2,3,4,5,6,7, and 8 of "new" Chapter 9, Division 1 of Title 12, GCA to transfer, consolidate and integrate the duties, responsibilities and authorities conferred by statutes on the Council on the Arts and Humanities, Historical Objects and Sites, Guam Museum, Guam Public Library, Department of Parks and Recreation, Guam Visitors Bureau, and the Public Market into and create a new autonomous entity to be called "Guam Heritage and Tourism Authority" a public corporation by adding a "new" chapter 9 to Division 1 of Title 12 GCA."

Bill No. 44 "An act to amend §2104 of Title 2 GCA, relative to imposing greater accountability in legislative appropriations and government spending."

Bill No. 48 "An act to add a new §420 to Chapter 4, Title 1 GCA, designating "Guam, U.S.A., Where America's New Millennium Begins" as the new slogan for Guam for the next five years until December 31, 2003."

Bill No. 52 "An act to repeal PL No. 42-288, temporarily establish the Office of the Public Prosecutor and permanently establish the Office of the Elected Attorney General."

Bill No. 56 "An act to create the "Dipattementon 1 Chamorro" or "Chamorro Heritage Institute."

Bill No. 67 "An act to repeal and reenact §2103 of Chapter 2 of Title 2 GCA, relative to clarifying the language making public hearings mandatory."

Bill No. 68 "An act to repeal and reenact Chapter 9 of Title 2 GCA relative to prohibiting "phantom" unfunded government appropriations."

Bill No. 69 "An act to add §822 to Article 1 of Title 1 GCA relative to renaming the Retirement Fund Building as the "Senator Jesus R. Quinene Retirement Fund Building."

Bill No. 73 "An act to rename a section of University Drive to J.U. Torres Drive in honor of Jesus U. Torres' contribution to the University of Guam as a fifteen term chairman of the Board of Regents and his numerous contributions to the community as a legislator, judge, and civic leader."

Bill No. 78 "An act to add §§10102(d) and 10103.1; and to repeal and reenact §§10103, 10104, 10105, 10106, 10107, 10108(b) and 10110 of Article 1, Chapter 8 of Title 5GCA, relative to providing greater disclosure and accountability within the government of Guam."

Bill No. 80 "An act to add a new §2108 to Title 2 GCA, relative to expanding the scope of information provided to the public by publishing a list of all bills introduced by members of I Liheslaturan Guåhan."

*The Committee will also be conducting a first Public Hearing on the following bills:*

Bill No. 53 "An act to reform the Sunshine Act of Guam to expedite public information requests and allow electronic requests for information, to be known as "The Sunshine Reform Act of 1999."

Bill No. 92 "An act to amend Public Law 24-327."

Bill No. 93 "An act to amend Public Law 24-219."

Hearing will take place in the Conference Room

Office of Senator Mark Forbes, I Liheslaturan Guåhan, Hagåtña, Guam

The Public is Invited to Participate

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Sen. Forbes at 472-312.

**GOVERNMENT MEETINGS**

**DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES' WIC PROGRAM:** Meeting on island nutritionists' licensure legislation room-1 p.m., Feb. 23, WIC conference room, Building 15-6100 Mariner Drive, Tyran. Interested nutritionists welcome. For more information call Charles Morris, 4785-0290.

**MASS TRANSIT AUTHORITY BOARD OF DIRECTORS:** 6 p.m., Feb. 23, center's conference room, Hagåtña. Those with disabilities who need special accommodations, etc., should call Perez at 475-4682 or TDD 475-4601.

**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m., Feb. 23, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Grievance appeal of Bruce C. Garrido vs. DepCor; general business; executive session. For more information call 475-1300/01.

**COMMISSION ON DECOLONIZATION'S INDEPENDENCE TASK FORCE:** 6:30 p.m., Feb. 23, 623 E. Sunset Blvd., Tyran. For more information call 475-9222.

**SOUTHERN GUAM SOIL & WATER CONSERVATION DISTRICT:** Regular monthly meeting 6:30 p.m., Feb. 23, Southern Comfort Ranch, Merizo. All interested people welcome.

**BOARD OF REGISTRATION FOR**

**PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS:** Special meeting 8:30 a.m., Feb. 23, board office. All members asked to attend. For more information call 646-3115.

**COMMITTEE ON NATURAL RESOURCES:** Oversight hearings 9:45 a.m., Feb. 23, 1 Liheslaturan Guahan public hearing room, Hagåtña. 9 a.m., Division of Aquatic and Wildlife, Department of Agriculture. 9:45 a.m., GEPA. For more information call the office of Sen. Joanne Brown, 472-3450/1.

**CHAMORRO REGISTRY ADVISORY BOARD:** Feb. 24 meeting postponed until further notice. For more information call Teresa Taitano, 475-4259.

**ALCOHOLIC BEVERAGE CONTROL BOARD:** 5 p.m., Feb. 24, Department of Revenue & Taxation director's conference room, 2nd floor, 13-1 Mariner Ave., Tyran. Those with disabilities who need special accommodations, etc., should call 475-1790.

**BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS:** Special meeting 8:30 a.m., Feb. 24, board office. All members asked to attend. For more information call 646-

3115.  
**HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS:** 5 p.m., Feb. 24, Building 6-5000 E. Sunset Blvd., Tyran. Agenda copies available upon request. For more information call 475-4927.

**PLANNING COUNCIL:** 2 p.m., Feb. 24, Governor's Cabinet conference room, RUB complex, Adelup. Those with disabilities who need special accommodations, etc., should call 472-9770/1 or fax 472-9772.

**GMHA BOARD OF TRUSTEES:** 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

**GHURA BOARD OF COMMISSIONERS:** 5 p.m., Feb. 24, GHURA conference room. Those with disabilities who need special accommodations, etc., should call Michael Duenos, 477-9851/4 or TTY/TDD 472-3701.

**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m., Feb. 24, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; new business;

general business; executive session. For more information call 475-1300/01.

**COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION AND FEDERAL AFFAIRS:** Second public hearing 10 a.m., Feb. 24, Sen. Mark Forbes' conference room, 155 Hessler St., Hagåtña. Bills 3, 32, 33, 38, 44, 48, 52, 56, 67, 68, 69, 73, 78, 80. Also first public hearing on Bills 53, 92, 93.

**'99 SOUTH PACIFIC GAMES COMMISSION:** Special meeting 9 a.m., Feb. 24, 109 A St., Tyran. Agenda copies available at commission's office.

**COMMISSION ON LICENSURE:** Noon, Feb. 24, Health Professional Licensing office, 1302 E. Sunset Blvd., Tyran. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

**COMMITTEE ON HOUSING, GOVERNMENT SERVICES AND FOREIGN AFFAIRS:** Public hearing 9 a.m., Feb. 24, 1 Liheslaturan Guahan public hearing room, Hagåtña. Bills 4(LS) and 8(LS), 36 (LS), 82 (cor). For more information call office of Sen. Moylan, 472-3342/3.

**COMMITTEE ON NATURAL RESOURCES:** Public meeting 7 p.m., Feb. 24, 1 Liheslaturan Guahan public hearing room, Hagåtña. For more

information call the office of Sen. Joanne Brown, 472-3450/1.

**GMHA BOARD OF DIRECTORS:** 5 p.m., Feb. 24, GMHA board room, first floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

**GEDA BOARD OF DIRECTORS:** Special meeting 10 a.m., Feb. 24, Suite 511, 5th floor, ITC Building, Tamuning. Those with disabilities who need special accommodations, etc., should call Bernard Punzalan, 647-4332.

**GIA BOARD OF DIRECTORS:** 6 p.m., Feb. 25, GIA conference room, administration building, Tamun. For accommodations call 479-8607.

**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m., Feb. 25, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; request for approval of DOE personnel rules and regulations; pay policy for physicians and dentists, pursuant to 4 CCA, Section 6209; general business; executive session. For more information call 475-1300/01.

**POLICE BLOTTER**

Arrests:

Monday

▲ Pete Raymond Guzman, 42, of Maina was arrested on a warrant of arrest. He was booked and confined.

▲ Philip Mejia Pamintuan, 32, of Yigo was arrested on a warrant of arrest. He was booked and confined.

▲ Douglas Pak, 27, of Yigo was arrested on charges of family violence, unauthorized use of a motor vehicle and a warrant of arrest. He was booked and confined.

▲ Michael James Richardson, 21, of Yigo was arrested on a charge of family violence. He was booked and confined.

▲ Lawrence Albert Richardson, 24, of Yigo was arrested on a charge of family violence. He was booked and confined.

Sunday

▲ Aries Angeles Manzano, 19, of Dededo was arrested on charges of reckless endangerment, disorderly conduct, obstruction of a public road-

way, illegal parking, criminal facilitation and drag racing without a permit. He was booked and released.

▲ Norma Jean Santos Hoag, 29, of Dededo was arrested on a charge of possession of a controlled substance. She was booked and released.

▲ Clarence Lawrence Quintanilla, 30, of Agat was arrested on charges of violation of probation and public intoxication. He was booked and confined.

▲ Linda Lov Hunt, 44, of Tamuning was arrested on charges of assault and disorderly conduct. She was booked and released.

▲ Sutenai Ichin, 22, of Agaña Heights was arrested on a charge of criminal mischief. He was booked and released.

Names as spelled in the blotter are provided by the Tactical Operations Command of the Guam Police Department.

**GOVERNMENT MEETINGS**

Pacific Daily News, Wednesday, February 24, 1999

**PROBATION REGISTRY ADVISORY BOARD:** Feb. 24 meeting postponed until further notice. For more information call Teresa Taitano, 475-4259.

**ALCOHOLIC BEVERAGE CONTROL BOARD:** 5 p.m., Feb. 24, Department of Revenue & Taxation director's conference room, 2nd floor, 13-1 Mariner Ave., Tiyon. Those with disabilities who need special accommodations, etc., should call 475-1790.

**BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS:** Special meeting 8:30 a.m., Feb. 24, board office. All members asked to attend. For more information call 646-3115.

**HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS:** 5 p.m., Feb. 24, Building 6-5000 E. Sunset Blvd., Tiyon. Agenda copies available upon request. For more information call 475-4927.

**PLANNING COUNCIL:** 2 p.m., Feb. 24, Governor's Cabinet conference room, RB complex, Adelup, P.I. 24-171: assess risks/costs, develop incentives for nonconforming structures, reclassify lots to IDs 3 and 8; other matters. Those with disabilities who need special accommodations, etc., should call 472-9770/1 or fax 472-9772.

**GMHA BOARD OF TRUSTEES:** 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

**GHURA BOARD OF COMMISSIONERS:** 5 p.m., Feb. 24, GHURA conference room. Those with disabilities who need special accommodations, etc., should call Michael Duenas, 477-9851/4 or TTY/TDD 472-3701.

**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m., Feb. 24, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; new business; general business; executive session. For more information call 475-1300/01.

**COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION AND FEDERAL AFFAIRS:** Second public hearing 10 a.m., Feb. 24, Sen. Mark Forbes' conference room, 155 Hessler St., Hagåtña. Bills 3, 32, 33, 38, 44, 48, 52, 56, 67, 68, 69, 73, 78, 80. Also first public hearing on Bills 53, 92, 93.

**'99 SOUTH PACIFIC GAMES COMMISSION:** Special meeting 9 a.m., Feb. 24, 109 A St., Tiyon. Agenda copies available at commission's office.

**COMMISSION ON LICENSURE:** Noon, Feb. 24, Health Professional Licensing Office, 1302 E. Sunset Blvd., Tiyon. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

**COMMITTEE ON HOUSING, GOVERNMENT SERVICES AND FOREIGN AFFAIRS:** Public hearing Feb. 24 postponed. For more information call office of Sen. Moylan, 472-3342/3.

**COMMITTEE ON NATURAL RESOURCES:** Public meeting 7 p.m., Feb. 24, 1 Liheslatuan Guahan public hearing room, Hagåtña. For more information call the office of Sen. Joanne Brown, 472-3450/1.

**GMHA BOARD OF DIRECTORS:** 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

**GEDA BOARD OF DIRECTORS:** Special meeting 10 a.m., Feb. 24, Suite 511, 5th floor, ITC Building, Tamuning. Those with disabilities who need special accommodations, etc., should call Bernard Purzalan, 647-

4332.  
**GTA BOARD OF DIRECTORS:** 6 p.m., Feb. 25, GTA conference room, administration building, Tiyon. For accommodations call 479-8607.

**CIVIL SERVICE COMMISSION BOARD:** 5:30 p.m., Feb. 25, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; request for approval of DOE personnel rules and regulations; pay policy for physicians

and dentists, pursuant to 4 GCA, Section 6209; general business; executive session. For more information call 475-1300/01.

**GVB BOARD OF DIRECTORS:** 4 p.m., Feb. 25, GVB main conference room, Tiyon. Those with disabilities who need special accommodations, etc., should call 646-5278/9.

**COMMISSION ON DECOLONIZATION'S FREE ASSOCIATION TASK FORCE:** 6:30 p.m., Feb. 25, 623 E. Sunset Blvd., Tiyon. For more information call 475-9222.

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**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2930, Agaña, Guam 96910

**CARL T.C. GUTIERREZ**  
GOVERNOR

**MARILENE Z. BORDALLO**  
LT. GOVERNOR

**JOSEPH E. RIVERA**  
DIRECTOR

**FRANCIS J. BALAJADIA**  
DEPUTY DIRECTOR

**JUN 11 1996**

Senator Kaleo S. Moylan  
Chairperson  
Committee on Housing, General Government  
Services and Foreign Affairs  
Twenty-Fifth Guam Legislature  
Sinajana Shopping Mall  
Phase II, Suite 16B, Route 4  
Sinajana, Guam 96926

**TESTIMONY ON BILL NO. 68**

I am writing in support of the provisions enumerated in Bill No. 68.

In the past, there have been many Bills enacted that were designed to reduce the deficit by limiting governmental expenditures. Bill No. 68 proposes a slightly different approach to the deficit dilemma by prohibiting the Legislature from considering appropriation measures absent an identifiable and realistic revenue source that has been verified by a fiscal note.

Over the last several years, the Bureau of Budget and Management Research has provided hundreds of fiscal notes to the Legislature attempting to delineate the fiscal impact of proposed legislation. While the process of preparing fiscal notes has not been without problems, the Bureau had previously incorporated a summary status report on the revenues as part of the fiscal note. This was intended to alert the Legislature when inadequate revenues were available to support the intent of a particular legislation. However, absent any enforcement provision, the fiscal note was often set aside when the revenue status was disadvantageous to the proposed legislation. Enactment of Bill No. 68 into law would place restrictions on the Legislature from entertaining Bills with unfunded appropriations, thus providing for greater fiscal accountability and responsibility.

By the very nature of the duties and functions of this office, any measure designed to either promote fiscal responsibility and/or mandate financial accountability would be automatically supported. This proposed legislation certainly qualifies as such a measure and the Bureau of Budget and Management Research supports Bill No. 68 in its present form.

Sincerely,

*Joseph E. Rivera*  
**JOSEPH E. RIVERA**  
Acting Director

Enclosures



**COMMONWEALTH NOW!**

**FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

Bill No. 68 (COR) Date Received June 11, 1999  
 Amendatory Bill YES X NO      Date Reviewed June 11, 1999

Department/Agency Affected: All Government Agencies  
 Department/Agency Head: Governor Carl T.C. Gutierrez  
 Total FY Appropriation to Date: \$452.9 Million

Bill Title (Preamble): An Act to Repeal and Reenact Chapter 9 of Title 2 of the Guam Code Annotated, Relative to Establishing the Fiscal Accountability Act of 1999.

Change in Law: Yes  
 Bill's Impact on Present Program Funding:  
     Increase      X Decrease      Reallocation      No Change  
 Bill is for:      Operations      Capital Improvement      X Other

**FINANCIAL/PROGRAM IMPACT**

**ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)**

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
GovGuam Executive Budget			N/A

**ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)**

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						N/A
OTHER						N/A
TOTAL						N/A

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? IF NO, ADD'L AMOUNT REQUIRED N/A  
 AGENCY/PERSON/DATE CONTACTED: N/A

**ESTIMATED POTENTIAL MULTI-YEAR REVENUES**

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					N/A
OTHER						N/A
TOTAL						N/A

ANALYST Joseph Certoza DATE 6/11/99 DIRECTOR Joseph E. Rivera DATE JUN 11 1999  
6/11/99 Acting Director

Footnotes: See Comments

**Bureau of Budget and Management Research  
Fiscal Note Comments to Bill 68 (COR)  
June 11, 1999**

The intent of Bill 68 is to repeal and reenact GCA Title 2, Chapter 9, Sections 9101 through 9109 relative to fiscal notes on bills for the standing committee of the legislature. This bill provides measures to ensure funding availability and accountability with any bill brought before the legislature that affects the revenues and expenditures of any funds of the Government of Guam.

The overall fiscal impact of this Bill is significant in terms of effectively managing and controlling GovGuam's financial obligations and/or spending. The end result is the gradual reduction of our current government deficit. Having the authors of bills to identify revenue generating sources and to ensure the availability of the fund sources for proposed appropriation is an outstanding measure in preventing over appropriation of program funds. Identifying alternate funding sources and deappropriating from previous appropriations will help provide for better assessment of our financial condition which will, in turn, allow our leaders to prioritize and make sound decisions that will benefit the needs of the people of Guam.

Based on the limited information provided, the fiscal impact cannot be determined at this time.

JAN 26 1999

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

Bill No. 68 (COR)

Introduced by:

K. S. Moylan *K*  
A. R. Unpingco  
J. C. Salas *Salas*

AN ACT TO REPEAL AND REENACT CHAPTER 9  
OF TITLE 2 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO PROHIBITING "PHANTOM,"  
UNFUNDED GOVERNMENT APPROPRIATION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*  
3 finds that the economic Asian crisis has adversely impacted the financial  
4 condition of the government of Guam. Revenues enjoyed in the past are no  
5 longer available for easy consumption and that government downsizing and  
6 "belt tightening" are required if the government is to remain financially  
7 stable.

8 In order to effectuate *I Liheslaturan Guåhan's* intent to reduce  
9 government spending, unfunded, "phantom" appropriations must stop and  
10 government officials must become more accountable for their fiscal actions,  
11 including each member of *I Liheslaturan Guåhan* in crafting and passing  
12 legislation for which there is no money. In order to understand the financial  
13 condition of the government, the Executive Branch agencies and officials



1 which are responsible for the accounting of government funds must timely  
2 and accurately report to *I Liheslaturan Guåhan* of what money is available.

3 **Section 2.** Chapter 9 of Title 2 of the Guam Code Annotated, as  
4 amended by Public Law Number 24-162, is hereby *repealed* and *reenacted* to  
5 read as follows:

6 **"CHAPTER 9.**

7 **PROHIBITION AGAINST UN-FUNDED APPROPRIATIONS.**

8 **Section 9101. Requirement of Fiscal Note.**

9 **Section 9102. Restrictions Against Un-funded**  
10 **Appropriations.**

11 **Section 9103. Timely Response of Bureau.**

12 **Section 9104. Penalty for Failure to Provide Fiscal Notes**  
13 **and Fraud in Preparation.**

14 **Section 9105. Contents of Fiscal Note.**

15 **Section 9106. Preparation of Fiscal Note or Waiver.**

16 **Section 9107. Attachment of Fiscal Note to Bill and**  
17 **Committee Report.**

18 **Section 9108. Waiver of Fiscal Note.**

19 **Section 9109. Changes to Bill.**

20 **Section 9110. Legislative Research Bureau.**

21 **Section 9111. Exemption for Legislative Members.**

22  
23 **Section 9101. Requirement of Fiscal Note.** A bill shall *not*  
24 be considered by a Standing Committee *of I Liheslaturan Guåhan*  
25 ('Standing Committee') or during legislative session *unless* it is

1 accompanied by a fiscal note, or waiver thereof, prepared by the  
2 Director of the Bureau of Budget and Management Research ('Bureau'),  
3 and has complied with the other requirements of this Chapter. The  
4 fiscal note, or waiver thereof, shall be required for all bills that have an  
5 effect upon the revenues or the expenditures of the government of  
6 Guam from any of its funds.

7 The fiscal note, or waiver thereof, by the Bureau of shall be  
8 accompanied by a separate, written statement from the comptroller or  
9 controller of the department, line agency, autonomous agency or other  
10 entity of the government which the bill impacts, either concurring with  
11 the Bureau's determination, or dissenting and setting forth the grounds  
12 for the comptroller's or controller's dissent in detail. The Bureau shall  
13 be responsible for coordinating the response by the other government  
14 entities to its fiscal note, or waiver thereof, within the fourteen (14) day  
15 time limit set forth in this Chapter *and* responding to the requesting  
16 Standing Committee. The Standing Committee shall also provide a  
17 copy of the request for fiscal note, or waiver thereof, to the comptroller  
18 or controller of the government entity which the bill impacts for its  
19 advance notification and evaluation.

20 **Section 9102. Restriction Against Un-funded Appropriations.**

21 Any bill for which a fiscal note indicates that no funds, or  
22 insufficient funds, are available shall *not* be reported out of the Standing  
23 Committee for Legislative Session, *unless* all of the following criteria are  
24 satisfied:

1           (a) the bill clearly identified an *alternate* funding source  
2 which actually has funds available for it, *or* deappropriates monies  
3 previously appropriated from a source for which funds are still  
4 available and for which a fiscal note indicated that monies were  
5 available; and

6           (b) the bill receives a unanimous vote of the Members of  
7 the Standing Committee in favor of its reporting out to Legislative  
8 Session.

9           Any rules of procedure for any Standing Committee, or  
10 subcommittee thereof, shall be amended to comply with the  
11 requirements of this Chapter.

12           In the event that no fiscal note, or waiver thereof, is received  
13 within fourteen (14) days of receipt by the Bureau, the Standing  
14 Committee may report out the bill to Legislative Session pursuant to its  
15 adopted rules of procedure.

16           **Section 9103. Timely Response of Bureau.**       The Bureau  
17 shall, within fourteen (14) days of receipt of a request for a fiscal note, or  
18 waiver thereof, for a bill, provide the Standing Committee requesting  
19 said fiscal note with a response containing the information identified in  
20 this Chapter.

21           Failure of the fiscal note, or waiver thereof, to be returned by the  
22 expiration of the time period detailed in this Section shall *not* preclude  
23 the placement of a bill in the Second Reading file or other legislative  
24 action.

1           **Section 9104. Penalty for Failure to Provide Fiscal Notes and**  
2 **Fraud in Preparation.**       Any *intentional* failure to respond to a  
3 request for fiscal note, or *fraudulent statement* in whether government  
4 funds are available or not available, the Director of the Bureau, or  
5 comptroller or controller of the government agency requested to  
6 provide input on the fiscal note, or waiver thereof, shall be a  
7 misdemeanor, punishable by a fine *not* to exceed Five Hundred Dollars  
8 (\$500.00) and one year imprisonment.

9           **Section 9105. Contents of Fiscal Note.**   A fiscal note shall  
10 contain an estimate of the fiscal impact of a bill for the fiscal year in  
11 which it would become effective if enacted, and for the next four (4)  
12 succeeding years. If the fiscal impact of the bill is *not* expected to be  
13 totally evident within this period, the estimate shall be projected beyond  
14 that period to include an estimate for the first fiscal year in which it is  
15 expected to be fully effective.

16           **Section 9106. Preparation of Fiscal Note or Waiver.**   The  
17 Director of the Bureau shall have the fiscal note prepared by the Bureau,  
18 or by other departments or agencies of the government of Guam in its  
19 stead.

20           A *waiver* of the fiscal note shall be prepared by the Bureau for any  
21 bill that does *not* have an effect upon the revenues or expenditures of the  
22 government of Guam. If the fiscal note, or waiver thereof, is *not*  
23 prepared by the Bureau, the department or agency preparing the fiscal  
24 note shall be clearly indicated on the fiscal note along with the signature  
25 of the Director of the Bureau indicating whether the Bureau agrees or

1 disagrees with the fiscal impact estimated thereon. The department or  
2 agency preparing the fiscal note for the Bureau shall be bound by all the  
3 requirements of this Chapter that are set forth for the Bureau, including  
4 obtaining the responses of government comptrollers or controllers.

5 **Section 9107. Attachment of Fiscal Note to Bill and**  
6 **Committee Report.** The fiscal note, or waiver thereof, shall be  
7 attached to the bill by the Chairperson of the Standing Committee at  
8 least one (1) day *prior* to the Standing Committee hearing, and shall be  
9 available for inspection *prior* to the hearing by any member of *I*  
10 *Liheslaturan Guåhan* and by the public.

11 If the fiscal note, or waiver thereof, is not attached to the bill, the  
12 bill shall be dropped from the hearing schedule by the Standing  
13 Committee until the provisions of this Section are complied with, *unless*  
14 the chairperson of the Standing Committee certifies that prompt  
15 committee action on the bill is necessary to the proper conduct of  
16 legislative business.

17 **Section 9108. Waiver of Fiscal Note.** The requirement of  
18 a fiscal note, or waiver thereof, may be waived by the written  
19 certification by the chairperson of the Standing Committee or a majority  
20 vote of the members of the Standing Committee, that an emergent  
21 situation exists which will have an adverse impact upon the health,  
22 safety or welfare of the community without promptly hearing the bill,  
23 thereby requiring the prompt action of *I Liheslaturan Guåhan*.

1           The fiscal note, or waiver thereof, shall be made a part of the  
2 Committee Report reporting out the bill from the Standing Committee  
3 to legislative session.

4           **Section 9109. Changes to Bill.**           In the event that a bill is  
5 amended or substituted while in committee for which a fiscal note, or  
6 waiver thereof, is obtained, and for which the change effects the  
7 revenues or expenditures of the government of Guam, or contains an  
8 appropriation, the Standing Committee shall obtain a *revised* fiscal note,  
9 or waiver thereof. The time limits set forth in this Chapter shall also  
10 apply to the Bureau and responding comptrollers or controllers for  
11 providing a revised fiscal note, or waiver thereof.

12           **Section 9110. Legislative Research Bureau.**       Nothing in  
13 this Section shall prevent or limit the preparation of the analysis of any  
14 bill by the Legislative Research Bureau.

15           **Section 9111. Exemption for Legislative Members.**   The  
16 attachment of a fiscal note, or waiver thereof, shall *not* be a condition or  
17 prerequisite for the introduction of a bill by any member *I Liheslaturan*  
18 *Guåhan.*"