



OFFICE OF THE GOVERNOR  
GUAM

**Refer to  
Legislative Secretary**

**JAN 03, 2000**

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 10:34 am

Date 3 Jan 2000

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 Speaker  
ANTONIO R. UNPINGCO**

Date 1/3/2000

Time 9:13

Rec'd by: [Signature]

Print Name: Lawrence

OS25/00-0367

Dear Speaker Unpingco:

Enclosed please find Bill No. 372 (LS), "AN ACT TO APPROPRIATE THE BALANCE OF CERTAIN PORTIONS OF THE BUDGET OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR 1999 - 2000", which I have signed into law today as **Public Law No. 25-98**.

This legislation is signed into law solely to avoid a government shutdown, contrived by i Liheslatura, as Guam's entry into the New Millennium. This legislation is a "wait 'til the midnight hour" rush job, full of flaws, and still fails to provide for the continuing operations of the government through to the end of Fiscal Year 2000, which is next September 30.

It is a sad commentary to note that even at this late date an annual budget was not achieved, despite the promises and publicity to the contrary. There is a projected shortfall of \$6.4 Million, conservatively. This is not a balanced budget.

It was quite difficult to review the bill, as the Executive Branch was only given a 2-day window of opportunity to review it. This short review reveals the following:

- 1. Legislature gave itself preferential treatment.** I Liheslatura, the Legislature, failed to cut their budget, although each and every Executive Branch agency was cut, not only by the amount projected by estimating the number of individuals taking part in the early retirement program and the voluntary separation program, but by an additionally amount. There is no reference to any cuts from the

legislature's budget based on any estimate of the number of legislative employees participating in the early retirement and voluntary separation programs.

I Liheslatura also eliminated previous restrictions on its own spending. In previous legislation, in Section 23 of Public Law No. 25-72, i Liheslatura placed a ceiling on the amount that each senator could spend. Restrictions were also placed on the amount that each legislative committee could spend, and the number of employees that could be hired in the legislative central office. These restrictions were all removed in this legislation. This is in contrast with the restrictions on hiring and spending imposed on the Executive Branch.

**2. The legislation reflects extreme micromanagement and lack of flexibility, in violation of the Doctrine of Separation of Powers.** This legislation is completely filled with language focusing on Executive prerogatives. The selection of individual employees to cover the essential functions of government is not the province of any legislature. Making appropriations and setting policy is the job of a legislature. Individual, day-to-day governmental decisions on how to run agencies and carry out policy is the express job of the Executive Branch and i Maga'lahi, the Governor.

The legislative branch is occupying itself with requiring monthly staffing patterns of all of the agencies. Then, it is requiring quarterly reports of monthly operational reports of all of the agencies. This will result in a deluge of paper, much like reading the phone book. Can this really be the focus of all our legislative effort?

This legislation even speculates on the retirement of an individual occupying the position of Chief of Cadastre. Should such an individual retire before next September, the government will be allowed to hire one. Is this really a legislative matter? Recurrently, throughout the bill, reference is made to hiring "2 social workers", 1 attorney IV, 1 controller, and so forth. Who is the proper hiring authority to determine the personnel needs of the Executive Branch, when it comes down to individual job titles and pay steps?

In these times of economic contraction, where money is more scarce than it was several years ago, a maximum of flexibility is required to balance the budget, get the most for our money, and get the job done. Requiring the hiring of individual job titles and pay steps is the same as planning a household budget for food, and then requiring that only 1

hot dog can be purchased. If we only have \$10, we can get a better meal with flexibility and creativity than being told to buy 1 hot dog. One can readily see the impracticality of this approach.

**3. The Attorney General has determined that, despite the exceptions made for special interest hiring in this legislation, these sections are invalid and a general hiring freeze for all lines agencies is in effect.** This legislation is filled with various authorizations to hire individuals. Since the picking of what positions to fill is done in this legislation by i Liheslatura, the Legislature, instead of the proper authority, the Executive, in violation of the Doctrine of the Separation of Powers, these sections are void, and a general hiring freeze is in place until lifted by i Liheslatura, the Legislature.

The following hiring will **not** take place, because the legislation regarding this selective hiring is declared invalid by the Attorney General:

- a) **Guam Police Department.** Hiring of 1 psychologist, 1 attorney IV, and 40 "Police Officers I" within the Guam Police Department;
- b) **Department of Mental Health and Substance Abuse.** Hiring of 7 psychiatric technicians, 2 social workers, 4 nurses, and 1 program director for Healing Hearts Program within the Department of Mental Health and Substance Abuse;
- c) **Department of Integrated Services for People with Disabilities (DISID).** Hiring of 3 social workers;
- d) **Department of Education, Guam Memorial Hospital, Department of Mental Health and Substance Abuse.** Hiring of teachers, school health counselors, nurses, and licensed health care professionals;
- e) **Department of Law.** Hiring of attorneys;
- f) **Department of Education.** Hiring of 1 comptroller;
- g) **Department of Land Management.** Hiring of 1 Chief of Cadastre;

**h) Guam Environmental Protection Agency (GEPA).  
Hiring of 1 EHS Supervisor (Air Pollution), 1 Chemist II, 1  
Engineer III, and 1 Laboratory Technician III.**

Other hiring restrictions are also declared invalid. Please see the attached opinion of the Attorney General for a further discussion of this issue.

**4. The Appropriation made to fund the Department of Public Works Solid Waste Division is a "sham" appropriation.**

The appropriation to the Department of Public Works Solid Waste Division, made on Page 12, Section 13, lines 13-17 is reduced to \$1 Million from the original appropriation of \$1.5 Million made on Page 10, Section 13 of Chapter III of Public Law No. 25-72.

Unfortunately, the collections which were slotted for the Solid Waste Operations Fund, which were supposed to reimburse this appropriation, have not materialized.

A second appropriation to the Solid Waste Operations Fund is not really an appropriation at all. The language "such sums, as are necessary, are hereby appropriated" does not appear to be definitive enough to allow the expenditure of funds. In any event, there is really no money in this fund which could cover the current operations of the Solid Waste Division.

**5. "Pre-selection" of all certified graduates of the Guam Community College Basic Law Enforcement Academy ("GCCBLEA") as employees of the Guam Police Department violates the merit system mandated by the Organic Act.** In addition to the invalidity of hiring due to selective hiring authorization by i Liheslatura, as ponted out above, the Organic Act mandates the creation of a merit system, and this is embodied in the Civil Service Commission and the personnel laws of Guam. Instead of following this system, i Liheslatura mandates that all of the graduates of the GCCBLEA be hired into the Guam Police Department, before anyone else. This pre-selects employees by law, regardless of their performance, fitness, or any other selection criteria used by a merit system.

Please note that the following items have been item-vetoed:

**1. Page 20, Section 22, lines 2-5:** I Liheslatura's overall budget for Fiscal Year 2000. The legislative budget was not reduced,


while all other budgets were reduced. In fact, restricted spending provisions which applied to the legislative branch were removed. The appropriation of \$7,720,000 is reduced by item veto to \$5,220,000. This produces a savings of \$2,500,000.

**2. Page 36, Section 15 lines 4-9:** The Dededo Buffer Strip Fund was given double appropriations. The second appropriation is item vetoed from the amount of \$99,350 to \$ -0-. The first appropriation of \$24,370, contained on Page 11, Section 9, lines 14-17, is left intact.

The item-vetoes above will reflect a savings of \$2,599,350. Hopefully, the amount reserved from these unnecessary items of spending will be reprogrammed by i Liheslatura to re-fund the cuts made to the Medically Indigent Program at the Department of Public Health and Social Services, the Medicaid Program, as well as Welfare program funding. A projected shortfall of \$5 Million is expected, and this additional \$2,599,350 will be a step in the right direction to assist those of our citizens who are most in need.

It is discouraging to be presented with yet another budget bill which does not fulfill the annual requirements of the government. Even though a government shutdown is averted in the signing of this flawed measure, unfortunately, the budget issue has not been laid to rest for Fiscal Year 2000. In a few short months, if not immediately, it will have to be revisited yet again.

Very truly yours,

  
Madeleine Z. Bordallo  
I Maga'Lahen/Guahan, Akto  
Acting Governor of Guam

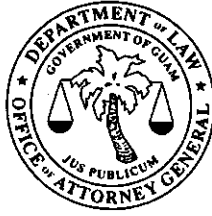
Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

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

00600

Carl T.C. Gutierrez  
Maga'åhi  
Governor

Madeleine Z. Bordallo  
Tiñente Gubetnadora  
Lt. Governor



John F. Tarantino  
Hiniråt Abugao  
Attorney General

Robert H. Kono  
Atkådí Sigundo  
Chief Deputy

Ufisinan Hiniråt Abugao  
Hagåtña, Guåhan  
Office of the Attorney General  
Hagåtña, Guam

January 2, 2000

Memorandum - (Opinion)

Ref: GOV 00-0001

To: Governor of Guam  
From: Attorney General  
Subject: Application of Bill 372

Buenas!

Pursuant to your request of December 31, 1999 I have reviewed Bill 372 regarding the following:

**REQUEST:** Does the Legislature have the power to exempt certain positions within the government of Guam from a general hiring freeze?

**ANSWER:** No. The Legislature's attempt to "micro manage" the staffing and resource allocations in administering the appropriated funds is a serious intrusion on the Governor's authority and ability to perform his duty under the Organic Act of Guam.

#### STATEMENT OF FACTS

A brief history regarding the actions of the *I Liheslaturan Guahån* in it's attempts to gain control over the employment of government of Guam employees is necessary in order to fully appreciate the gravity of what is now being attempted in Bill No. 372 (LS) which was recently passed and transmitted to the Governor.

In late 1998 *I Liheslaturan Guahån* passed a bill which became Public Law 24-327. Section 11 of P.L. 24-327 attempted to exercise control over specific government of Guam positions, identified by "FTE" numbers listed in staffing patterns which had been submitted by the executive during budget hearings. In particular, Section 11 provided that



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[t]he appropriated funding and Full Time Equivalencies ('FTE') for any position in the government of Guam...which becomes vacant after the effective date of this Act for whatever reason, shall be considered automatically repealed.

Section 11 went on to provide for a "fast track" procedure whereby the Governor could request the re-establishment of a repealed FTE by action of *I Liheslaturan Guahån* pursuant to the language of Section 11. Only after re-establishment of the repealed FTE position could the Governor then be allowed to hire a replacement person for the particular FTE.

In March, 1999, Public Law 25-03 amended Section 11 of P.L. 24-327 and added a new dimension to *I Liheslaturan Guahån*'s attempts to exercise control over specific government of Guam positions by attaching a list which limited the total number of FTE positions that could be held by each department and agency of the Executive branch.

At the request of the Director of the Department of Mental Health and Substance Abuse (DMHSA), on May 27, 1999, This office issued a Memorandum Opinion entitled "Review of Public Law No.'s 24-327 and 25-03 Pertaining to Restriction of the Governor's Employment Authority for Executive Agencies." In that opinion, it was the Attorney General's conclusion that Section 11 of Public Law 24-327 as amended by P.L. 25-03 was void because it was an exercise of legislative power in violation of the Organic Act because by attempting to exercise control over specific government of Guam positions the legislature was encroaching upon the Governor's authority and powers which are mandated by the Organic Act. A copy of our May 27, 1999 is attached for your review. (Ref: DMHSA 99-0613)

The legislature then took another tack in it's continuing efforts to gain control over specific government of Guam employee positions.

On October 1, 1999, a government of Guam wide hiring freeze was implemented through the passage of Public Law 25-72.

The particular section of Public Law 25-72, that implemented the hiring freeze was Section 12, which provides:

Notwithstanding any other provisions of law to the contrary, no funds shall be expended for any position filled subsequent to this Act, *except* for such exceptions noted in §11 of this Chapter, as well as a director or deputy director of an agency or department of the government of Guam.

The positions that were excepted by Section 11 of Public Law 25-72 were:

Teacher positions, and guidance and health counselors, within the Department of Education and personnel employed by the University of Guam under the Chamorro Teaching Degree Institute, and employment survey workers of the Department of Commerce....

Section 11, of Public Law 25-72 was another clear encroachment upon the Executive function under the Organic Act and a violation of separation of powers. This is because Section 11 identifies specific positions within the executive branch which are exempted from the general hiring freeze.

However, that was not the only action taken by the legislature. Section 20, of Public Law 25-72 announced an intent on the part of the legislature to reorganize the government of Guam. The stated goals where to reduce the government of Guam by no less than fifty percent (50%) through a

government wide reorganization. However, there was no specific language as to the respective powers and duties of the Legislature and the Executive in carrying out this reorganization, and to date, no effective discussions or action to carry out a reorganization has occurred.

In response to the language contained in Section 20, of Public Law 25-72 regarding the legislature's intent to reorganize the government of Guam, the Governor of Guam requested an opinion from the Attorney General. The issue stated was:

What are the powers and limitations of the Legislature and the Governor in the reorganization of the Government of Guam pursuant to §20 of Public Law No. 25-72?

On October 19, 1999, this office issued a Memorandum Opinion which responded to the issue stated:

The Governor has the authority pursuant to the Organic Act to reorganize departments, agencies and other executive instrumentalities of the Government of Guam without legislative consent. However, the Legislature has the power to pass legislation not inconsistent with the Organic Act and other laws of the United States applicable to Guam including the power of monetary appropriation. Therefore, the Legislature creates public entities within limits and defines by legislation whether an agency or department is an executive instrumentality of the Government of Guam, and controls the size of the government by the power to restrict monetary appropriation.

After articulating the legal basis for the response to the issue stated, this office concluded with the following observations:

Since the Legislature has the power to withdraw mandates, change government purposes, and abolish agencies, the executive would be prudent in coordinating any defined "reorganization" with the Legislature. Such coordination would insure, at least in the short term, that the Legislature would *not* respond with a law abolishing an agency reorganized by the executive altogether or changing its mandate, purposes and functions. Even with the Governor's reorganization power, laws may need change regarding the specifics of a given function and duties. However, under the Organic Act (constitutional) doctrine of separation of powers specifically delineating three branches of the government of Guam, the legislature has a duty to designate any agency or department with governmental functions, that are executive in nature, as an instrument of the executive branch. Without coordination, the checks and balances of the Executive and Legislative Branches could result in a stalemate under the mandate of Public Law No. 25-72, §20 which reduces the government of Guam by no less than fifty percent, and could end up costing more in time than savings in money. **Genuine cooperation between the legislative and executive branches, keeping the guidelines of the separation of powers doctrine in mind, could produce significant changes and improvements in the streamlining of the government, and a cost savings necessary for the survival of a viable government of Guam in our harsh economic times.**

A copy of the October 19, 1999 opinion is attached for your review. (Ref: Gov 99-1308)



The legislation contained in Bill No. 372 (LS) which was recently passed and transmitted to the Governor, is yet another attempt by the legislature to encroach upon the Governor's authority and powers which are mandated by the Organic Act.

In this bill the legislature blatantly picks and chooses which particular government of Guam employee positions will be filled during this fiscal year. Below are selected portions of the bill which evidence this unabashed attempt by the legislature to takeover the staffing decisions which are the exclusive purview of the Governor of Guam:

**Section 10. Restoration of Positions to GPD.** The Guam Police Department is authorized to hire no more than one (1) Psychologist and one (1) Attorney IV. The Department also is authorized to hire *no more than* forty (40) "Police Officers I" to positions vacated between October 1, 1999 and December 31, 1999.

**Section 19. Department of Mental Health Hiring Authority.** The Department of Mental Health is authorized to hire *no more than* seven (7) psychiatric technicians and two (2) social workers to positions vacated between October 1, 1999 and December 31, 1999, or in the case of the Early Retirement Program between October 1, 1999 and January 7, 2000. The Department of Mental Health is also authorized to hire no more than four (4) nurses and one (1) program director for the Healing Hearts Program as new positions *not* previously included in the staffing pattern listed in "Exhibit A" of Public Law Number 25-74. In the event any of these positions are filled, the positions shall be paid *only* from funds appropriated from the General Fund to the Department of Mental Health for personnel services during Fiscal Year 2000.

**Section 20. DISID Hiring Authority.** The Department of Integrated Services for People with Disabilities ("DISID") is authorized to rehire *no more than* three (3) social workers to positions vacated between October 1, 1999 and December 31, 1999, or in the case of the Early Retirement Program between October 1, 1999 and January 7, 2000. In the event any of these positions are filled, the positions shall be paid *only* from funds appropriated from the General Fund to DISID for personnel services during Fiscal Year 2000.

Several other sections of Bill No. 372 (LS) have titles that purport to be appropriations, however, the text of the sections are in fact authority to rehire specific positions within the Executive branch.

**Section 21. Appropriations for Select Positions.**

**Section 23. Appropriations for Department of Law Positions.**

**Section 24. Appropriations for DOE Comptroller Position.**

**Section 25. Appropriation for DLM Chief of Cadastre Position.**

**Section 29. Authorization to GEPA for Additional Personnel.**

Section 28 of Bill No. 372 (LS) continues the hiring freeze in place but introduces a new and chilling dimension which is clearly spelled out in its title:

**Section 28. No Positions to be Filled Until Authorized by I  
Liheslaturan Guahån.**

Section 28 would require that the entire Executive branch submit detailed staffing patterns of all people working in each department and that no hiring of new positions would take place until the legislature approved each such position requested.

**DISCUSSION:**

The issues that are posed in this opinion are essentially the same as those posed in two prior opinions which is attached to this opinion for your review. The only change is the different tack that the Legislature has taken in its relentless drive to usurp the powers of the Governor. Without an understanding of the chronology, the perception of the Legislature's singular fixation on stripping the Governor of any authority with regard to how the Executive branch is to be staffed would not be so apparent.

Certain members of the Legislature have been attributed with making recent public statements that they intend to "micro manage" the Executive branch. This intent is also evidenced in the chronology laid out above. If indeed the intent of the legislators is to "micro manage" the Executive, then their perception of their authority as legislators under the Organic Act is flawed.

As established by the Organic Act of Guam, "the government of Guam shall consist of three branches, executive, legislative and the judicial." 42 USC §1421a. The Organic Act functions as Guam's constitution, and the powers of each branch flow from and are limited by the Organic Act. *See, e.g., Haeuser v. Department of Law, et al.*, 97 F.3d 1152, 1156 (9<sup>th</sup> Cir. 1996); *Bordallo v. Baldwin*, 624 F.2d 932, 934 (9<sup>th</sup> Cir. 1980). As set forth in the Organic Act, the powers of the Executive Branch are vested in the Governor of Guam and include:

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. .... He may veto any legislation as provided in this chapter. He shall appoint, and may remove all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. ...42 USC §1422.

In contrast, the powers of the Legislature "shall extend to all subjects of legislation of local application not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam." 42 USC §1423a..

The doctrine of separation of powers has long been established as a constitutional principle preventing one branch of government from encroaching upon another. *See, e.g., Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc.*, 111 S.Ct. 2298 (1991); *Bowsher v. Synar*, 106 S.Ct. 3181 (1986); *I.N.S. v. Chada*, 103 S.Ct. 2764 (1983); *Springer, et al. v. Government of the Philippine Islands*, 48 S.Ct. 480 (1928). The U.S. Supreme Court explained the historical underpinnings of the doctrine of separation of powers, stating:

“The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories, Legislative, Executive, and Judicial.” The declared purpose of separating and dividing the powers of government, of course, was to “diffuse power the better to secure liberty.” ... [these] words echo the famous warning of Montesquieu, quoted by James Madison in *The Federalist* No. 47, that “there can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates’...” *Bowsher v. Synar*, 106 S.Ct. at 3185 (citations omitted).

The courts of Guam have recognized the doctrine of separation of powers, holding that “[t]he legislature may not enact a law encroaching upon the Governor’s authority and powers which are mandated by the Organic Act.” *Territorial Prosecutor v. Superior Court of Guam*, 1983 WL 30224, p.7 (D.Guam 1983); *see also Bordallo, supra; People v. Camacho*, 1 Guam R. 501 (Sup.Ct. 1975) (The Organic Act provides for a stricter separation of powers than that provided by the U.S. Constitution because the Act specifies that there shall be “three branches” of government).

With regard to the specific issue raised by Bill No. 372 (LS), that is, whether the legislature has the power to control what specific positions can be filled, *Communications Workers v. Florio*, 617 A.2d 223 (N.J. 1992), is instructive. In *Florio*, the Supreme Court of New Jersey addressed the issue of whether amendments to an appropriations act that mandated how employee layoffs were to be accomplished by the Governor violated separation of powers “by allowing the Legislature to interfere excessively with the Governor’s constitutional authority to manage government.” 617 A.2d at 225. The challenged provision of the appropriations act provided that certain employees such as State Troopers, corrections officers, communications operators, security guards, alcoholic beverage control inspectors, marine police officers or other personnel providing services shall not be laid off and further required that:

Savings required to be realized through the reduction of managerial and other exempt personnel outside the collective negotiations units in the unclassified service, and then, if necessary, by the reduction of managerial and other exempt personnel outside the collective negotiations units in the career service.

This provision essentially required the Governor to layoff higher paid, non-union state employees. Based on an opinion from the Attorney General, the Governor’s Chief Counsel instructed all members of the Governor’s cabinet to not enforce the provisions identified as unconstitutional. *Id.* After layoff plans were approved and slated to be implemented, a union challenged the Governor’s refusal to implement layoffs as dictated by the Legislature. *Id.* at 227.

The Executive Branch asserted to the court:

[T]he Appropriations Amendments impermissibly intrude on the Governor’s constitutional authority to administer funds, which includes the making of specific staffing and resource-allocation decisions. The Governor claims that if government is to operate efficiently and effectively, the selection and assignment of necessary personnel and the decisions concerning how to best effectuate a reduction in force must reside in the executive branch. The Legislature’s attempt to control the order

of layoffs both usurps and thwarts the Governor's duty to make staffing and resource allocations, which are an essential part of the Executive's day-to-day management of the branch of government. *Id.* at 229.

After an exhaustive review of precedent established in their jurisdiction, the court held that the appropriations act amendments were unconstitutional because such legislative action violated the separation of powers. *Id.* at 229-34. The court stated:

The Legislature properly has the power to reduce appropriations for the operation of State government. Both the executive and legislative branches agree that because the Appropriations Act did not provide sufficient funds to maintain staffing at then-current levels, personnel cuts were required. According to plaintiffs, the Legislature's purpose in enacting the provisions restricting layoffs was to ensure that those personnel cuts were made in the most efficient manner possible, with the least possible disruption in the provision of State services.

Legislative oversight of or cooperation with the Executive was not necessary to fulfill that purpose. The Governor had the ability -- and indeed the duty -- to make the necessary personnel cuts so as to enable the agencies to continue to function as efficiently and effectively as possible. Not only was the legislative mandate of how to make the cuts unnecessary for the effectuation of the statutory scheme, but the Legislature's attempt to "micro manage" the staffing and resource allocations in administering the appropriated funds was a serious intrusion on the Governor's authority and ability to perform his constitutionally-delegated functions.

**Staffing decisions are at the core of the Governor's day-to-day administration of government. Decisions about what type of employees are needed in a department and how many positions can be retained or eliminated directly affect how the executive branch operates. By hampering executive discretion on staffing decisions, the provisions prevent the Governor and department heads from using their expertise and familiarity with the agencies they manage to make the cuts in the least disruptive manner. Thus the provisions impede them in the performance of their constitutional duties faithfully to execute the laws.**

\* \* \* \*

**Indisputably, the Legislature retains broad powers in the appropriations process to control the size and priorities of the State government. The Legislature properly exercised the power in this case by choosing to reduce the amount of money it appropriated to the salaries-and-wages accounts of most executive departments, thus necessitating a reduction of the State workforce through layoffs. The Legislature's power to shape State government and achieve savings in this manner is unquestioned. However, in this case the Legislature went one step further in its attempt to shape State government. Having reduced the salaries-and-wages accounts, it attempted, through the provisions challenged here, to control how those reduced appropriations would be administered specifying which employees should and should not be laid off. Although the Legislature may "appropriate and dictate, if it desires, the services and positions designated for such**

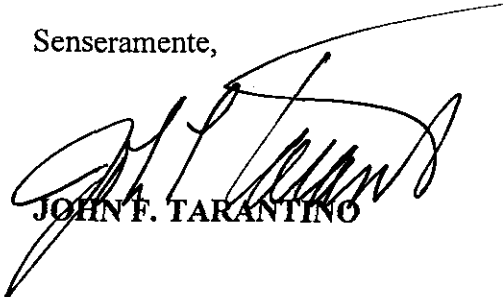
**appropriation,” “ there is one thing ... [the Legislature] cannot do .... It cannot exercise functions of the executive. It cannot administer the money after it has been once appropriated.”Id. at 234-35.**

Although the Guam courts have not addressed the meaning of administration of appropriations, several states have. In *Anderson v. Lamm*, 579 P.2d 620 (Colo. 1978), the court concluded that “the state legislature was not permitted to interfere with the executive’s power to administer appropriated funds, which included the making of specific staffing and resource allocation decisions.” In that case, the legislature allocated funds based upon the number of full-time employees which the legislature believed each county should have and specified the number of full-time employees assigned to specific job categories. The governor therein vetoed the limitations set by the legislature stating that the executive needed the flexibility to determine the proper allocation of manpower. The court agreed with the governor and concluded that the legislation clearly violated the separation of powers doctrine.

**CONCLUSION:**

**The attempts by the Legislature to authorize exceptions to the general hiring freeze is inorganic and is void and unenforceable as a matter of law. Until such time as the legislature removes the general hiring freeze, there can be no exceptions except in those cases where the general hiring freeze itself would itself be void.**

Senseramente,



JOHN F. TARANTINO

Attachment Enclosed

00-0001\mlt

**Carl T.C. Gutierrez**  
Maga'låhi  
Governor

**Madeleine Z. Bordallo**  
Tiñente Gubetnadora  
Lt. Governor



**Ufisinan Hiniråt Abugao**  
**Guåhan**  
**Office of the Attorney General**  
**Guam**

**John F. Tarantino**  
Hinirål Abugao Aktu  
Attorney General Acting

**Michael C. Stern**  
Atkadi Sigundu  
Chief Deputy

**Robert H. Kono**  
Sigundo. Dibision Inabision Gubetnamento  
Deputy, Solicitors Division

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May 27, 1999

Memorandum (Opinion)

REF: DMHSA 99-0613

**To:** Director, Department of Mental Health and Substance Abuse (DMHSA)

**From:** Attorney General, Acting

**Subject:** Review of Public Law Nos. 24-327 and 25-03 Pertaining to Restriction of the Governor's Employment Authority for Executive Agencies

Hafa Adai!

We are in receipt of your May 24, 1999 memorandum requesting an opinion on the following:

**REQUEST:** Is the action taken by the Guam Legislature in enacting Public Law No. 24-327, as amended by Public Law No. 25-03, restrictive of the Governor's executive powers as provided by the Organic Act?

**ANSWER:** Yes. Because such restriction violates the separation of powers doctrine, the relevant portions of these laws are inorganic, and therefore, inorganic and void. See Discussion.

**STATEMENT OF FACTS:**

The Legislature recently enacted Public Law Nos. 24-327 and 25-03. Section 11 of Public Law No. 24-327, as amended by Public Law No. 25-03, automatically repeals the appropriated funding for an FTE position and eliminates this position upon vacancy "for whatever reasons" after the effective date of the law. Section 1 of Chapter II of Public Law No. 25-03 appropriates a lump sum for the operations of the Executive Branch for Fiscal Year 1999 and section 11 of Chapter V establishes a limit on the number of FTE positions for the Executive Branch for Fiscal Year 1999. Furthermore,



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an eliminated FTE position can only be re-established by action of the Legislature. See P.L. 24-327, §11, as amended by P.L. 25-03, §21(b). Accordingly, the Legislature has delegated to itself the power to control expenditure of appropriated funds, as well as the power to eliminate and then re-establish FTE positions.

As an agency of the Executive Branch, DMHSA is subject to the hiring restrictions of Section 11 of Public Law No. 24-327, as amended. As outlined by the Director of DMHSA in the May 24, 1999 memorandum, these hiring restrictions are having "a devastating effect on the department's ability to carry out its mission." DMHSA recently lost the manager of its Healing Hearts Program and is slated to lose its only psychiatrist in two (2) weeks. Additionally, there are several essential counselor and division head positions in the Nursing Services Division, and the Children and Adolescent Services Division, that are currently vacant and require filling. In conjunction with seeking approval from the Governor to fill these essential positions, the Director of DMHSA has requested a review and opinion of the hiring restrictions as promulgated in Section 11 of Public Law 24-327, as amended by Public Law 25-03.

#### DISCUSSION:

As established by the Organic Act of Guam, "the government of Guam shall consist of three branches, executive, legislative and the judicial." 42 USC §1421a. The Organic Act functions as Guam's constitution, and the powers of each branch flow from and are limited by the Organic Act. See, e.g., *Haeuser v. Department of Law, et al.*, 97 F.3d 1152, 1156 (9<sup>th</sup> Cir. 1996); *Bordallo v. Baldwin*, 624 F.2d 932, 934 (9<sup>th</sup> Cir. 1980). As set forth in the Organic Act, the powers of the Executive Branch are vested in the Governor of Guam and include:

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. .... He may veto any legislation as provided in this chapter. He shall appoint, and may remove all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam.

42 USC §1422. In contrast, the powers of the Legislature "shall extend to all subjects of legislation of local application not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam." 42 USC §1423a.

Additionally, the Organic Act provides in relevant part:

The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system. The Government of Guam may by law establish a Civil Service Commission to administer the merit system.

48 USC §1422c(a). The Legislature has established a merit system and the Civil Service Commission. See 4 GCA, Chap. 4. Through this merit system, the Legislature provided for the creation and termination of classified positions as follows:

§4403. **Duties of the Commission.** The Commission has the following duties, powers and responsibilities:

(a) It shall provide by rule standards relating to position classification, creation of new positions or classes of positions, as provided by §6210 [§6303] of this Title, and as required for positions in the other branches of the Government as such positions are placed within the jurisdiction of the Commission:

\* \* \* \*

(g) The provisions of this Section shall not apply to the Judiciary or Legislature in compliance with the doctrine of separation of powers unless such separate branch opts to make them applicable by submitting to the jurisdiction of the Civil Service Commission. All reference to classified employees will be deemed to mean classified employees of the Executive Branch including agencies and authorities.

§6303. **Creation of positions.** (a) New positions may be created by the Governor ... when necessary for the efficient performance of the duties and functions of the government. The Governor shall submit to the Civil Service Commission ... the position descriptions for the positions within thirty (30) calendar days after creation. Except for positions in the Office of the Governor, the positions shall be terminated unless approved by the Commission ... within ninety (90) days after submission. No newly created position shall be filled in the absence of appropriations to pay the salary of the proposed position.

Emphasis added. Accordingly, through laws established by the Legislature, the creation and termination of classified positions in the Executive Branch are functions of the Governor and the Civil Service Commission, not the Legislature.<sup>1</sup> The only control the Legislature reserved for itself was the power to not fund a newly created position (“[n]o newly created position shall be filled in the absence of appropriations to pay the salary of the proposed position.”).

## I. Separation of Powers Doctrine

The doctrine of separation of powers has long been established as a constitutional principle preventing one branch of government from encroaching upon another. See, e.g., *Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc.*, 111 S.Ct. 2298 (1991); *Bowsher v. Synar*, 106 S.Ct. 3181 (1986); *I.N.S. v. Chada*, 103 S.Ct. 2764 (1983); *Springer, et al. v. Government of the Philippine Islands*, 48 S.Ct. 480 (1928). The U.S. Supreme Court explained the historical underpinnings of the doctrine of separation of powers, stating:

“The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories. Legislative, Executive, and Judicial.” The declared purpose of separating and dividing the powers of government, of course, was to “diffuse power the better to secure liberty.” ... [these] words echo the famous warning of Montesquieu, quoted by James Madison in *The Federalist* No. 47, that “there can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates’....”

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<sup>1</sup> There is a general rule that “the power to create a position in the civil service includes the power to abolish the position.” See e.g., *State v. Raschig*, 49 N.E.2d 56, 60 (OH 1943); *Ellis v. Allen*, 154 S.W.2d 815 (AK 1941). See generally 15 Am Jur 2d Civil Service § 72 (1976).



*Bowsher v. Synar*, 106 S.Ct. at 3185 (citations omitted).

The courts of Guam have recognized the doctrine of separation of powers, holding that "[t]he legislature may not enact a law encroaching upon the Governor's authority and powers which are mandated by the Organic Act." *Territorial Prosecutor v. Superior Court of Guam*, 1983 WL 30224, p.7 (D.Guam 1983); see also *Bordallo, supra*; *People v. Camacho*, 1 Guam R. 501 (Sup.Ct. 1975) (The Organic Act provides for a stricter separation of powers than that provided by the U.S. Constitution because the Act specifies that there shall be "three branches" of government).

In *Territorial Prosecutor*, the issue before the district court was whether the Territorial Prosecutor's Act violated the Organic Act. WL 33024 at p.5. The challenged portion of the Act provided:

The Territorial Prosecutor shall be appointed by the Governor with the advice and consent of the Legislature. The Governor may remove the Territorial Prosecutor, but only for conviction of felony involving moral turpitude or for willful misconduct in office, willful and persistent failure to perform prosecutorial duties, or any conduct which is prejudicial to the administration of justice or which brings the Territorial Prosecutor's office into disrepute. The Territorial Prosecutor may appeal such removal to the Superior Court.

*Id.* at p.6. This portion of the Act was alleged to violate the Organic Act because the Organic Act provided "that the Governor have supervision and control of all executive departments, have authority to appoint and remove all officers of the executive branch and be responsible for the faithful execution of the laws of Guam." *Id.* at p.5. The opposition argued that the Act did not violate the Organic Act because "the Governor's authority to appoint and remove officers is completely subject to the power of the Legislature to modify it or to determine an alternative method of selection of officers." *Id.* at p.6. The district court held the Act inorganic following the Ninth Circuit ruling in *Bordallo, supra*. *Id.* at p.7.

In *Bordallo*, the Legislature had passed a law which provided that all powers vested in the Guam Memorial Hospital shall be exercised by a Board of Trustees, which would consist of thirteen members who were to be appointed by the Governor after thirteen private organizations chose who he was to appoint. *Id.* at p.6; 624 F.2d at 933. The Governor challenged the law as violating the Organic Act and beyond the authority of the Legislature. *Id.* at 934. The district court ruled that "the Governor's general appointive power [48 USC §1422c(a)] was intended to be subject to legislative action, otherwise Congress would not have included the phrase 'except as otherwise provided in this chapter or the laws of Guam,' and that his specific responsibility with respect to hospitals was restricted by the inclusion in Section 1421g(a) of the phrase "subject to the laws of Guam." WL 30224 at p.6. Section 1421g(a) provides:

Subject to the laws of Guam, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

However, the Ninth Circuit disagreed and reversed the district court holding "that legislative power is limited by Section 1423a [of the Organic Act] to subjects not inconsistent with the provisions of this chapter." 624 F.2d at 934. Thus, despite the Governor's powers to "establish, maintain and operate ... hospitals being limited by the phrase "subject to the laws of Guam" in section 1421g(a), the Ninth Circuit ruled that the Legislature "may not negate the command of the Organic Act that the ultimate responsibility for the governance of the Hospital be in the Governor." *Id.* Because the legislation in question had effectively "taken over the entire power to establish, maintain and operate the Hospital by dictating who the governing trustees shall be," the Legislature had exceeded its power under the Organic Act. *Id.* at 934-35. In *Territorial Prosecutor*, the district court noted the effect of the *Bordallo* ruling:

{T}he Legislature may not enact a law encroaching upon the Governor's authority and powers which are mandated by the Organic Act. If we were to permit the legislature to do so, not only would it render the concept of the separation of powers meaningless and be inconsistent with [the] mandate of the Organic Act, but it could possibly result in the Governor being divested of his executive authority and power at the whim of the legislature.

WL 30224 at p.7.

This is exactly the effect of section 11 of Public Law No. 24-327, as amended, and Section 11 of Chapter V of Public Law No. 25-03, because the law severely restricts the Governor's executive authority to administer appropriated funds for the management and operation of the Executive Branch, which includes the making of specific staffing and resource-allocation decisions. Although Guam's courts have never had occasion to address this specific issue, several other jurisdictions have. *See, e.g., In Re Opinion of the Justices to the Governor*, 341 N.E.2d 254 (Mass. 1976); *Anderson v. Lamm*, 579 P.2d 620 (Colo. 1978); *Communications Workers v. Florio*, 617 A.2d 223 (N.J. 1992).

In *Opinion of the Justices*, the Governor of Massachusetts requested the Supreme Judicial Court of Massachusetts to address the question of whether legislation, which was similar to Public Law 24-327, was unconstitutional as a limit and infringement upon the powers of the executive branch. 341 N.E.2d at 255. The challenged statute provided:

All positions vacant or that become vacant other than positions essential for the care of patients, on or after June thirtieth, nineteen hundred and seventy-five, shall remain vacant during the fiscal year nineteen hundred and seventy-six; provided, that vacancies for which there exists a critical need may be filled upon certification of the critical need by the commissioner of administration and verification of said critical need by the house and senate committees on ways and means. No funds shall be allotted for overtime compensation unless it is essential to the safety and care of persons under the care and jurisdiction of the commonwealth.

*Id.* at 256, fn.2. The court held that the statute violated the separation of powers, and was therefore unconstitutional, because it entrusted the executive power of expenditure to legislators. The court stated:

The power so delegated is not the legislative power of appropriation but the executive power of expenditure of appropriated funds. ....

Under § 25C [the statute] "critical need" is to be certified by the Commissioner of Administration, an executive officer, and is to be verified by the House and Senate Committees on Ways and Means, composed of legislative officers. What is required is not merely verification that the Commissioner has made the required certification, but "verification of said critical need" by the legislative committees. We read the statute ... as requiring the exercise of judgment and discretion by legislative officers.

Thus to entrust the executive power of expenditure to legislative officers is to violate art. 30 [constitutional provision for separation of powers] by authorizing the legislative department to exercise executive powers.

*Id.* at 257 (citations omitted).

In *Anderson v. Lamm*, the Supreme Court of Colorado was presented with the issue of whether the lower court had correctly determined the unconstitutionality of portions of a general appropriation bill, which portions had been vetoed by the Governor. 579 P.2d at 623. The vetoed portions germane to our case involved an appropriation to a government agency for its counties, whereby (1) the Legislature allocated funds based upon the number of full-time employees (FTEs) which the Legislature believed each county should have and (2) made certain specifications as to the number of FTEs that can be assigned to specific job categories.<sup>2</sup> *Id.* at 626. The Governor vetoed these portions, stating "I am vetoing the ... county FTE limitations because the executive needs the flexibility to determine the proper allocation of manpower." *Id.* The court agreed with the Governor, stating:

We agree that these conditions on the number of full-time employees in each county interfere with the executive authority to allocate staff and resources in administering funds. .... In sum, these provisions are clearly in violation of the separation of powers doctrine.

*Id.*<sup>3</sup>

More recently, in *Communications Workers v. Florio*, the Supreme Court of New Jersey addressed the issue of whether amendments to an appropriations act that mandated how employee layoffs were to be accomplished by the Governor violated separation of powers "by allowing the Legislature to interfere excessively with the Governor's constitutional authority to manage government." 617 A.2d at 225. The challenged provision of the appropriations act provided that certain employees such as State Troopers, corrections officers, communications operators, security guards, alcoholic beverage control inspectors, marine police officers or other personnel providing services shall not be laid off and further required that:

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<sup>2</sup> An example of these limitations on FTEs was "953 of the total FTEs are to be social workers, 454.6 FTEs are to be clerical staff, and 18.5 new FTEs are to be social workers in the area of child abuse. *Id.*

<sup>3</sup> The Governor also vetoed another portion of the general appropriation bill that provided that ten additional FTEs were to be funded in another government division if that division reached its projected case load by specified dates. *Id.* at 628. The court held this portion to be unconstitutional as violation of separation of powers *inter alia*, stating that "the contingent funding of ten full-time employees is a clear interference with the executive authority to allocate staff and resources in administering appropriation." *Id.*

Savings required to be realized through the reduction of managerial and other exempt personnel outside the collective negotiations units in the unclassified service, and then, if necessary, by the reduction of managerial and other exempt personnel outside the collective negotiations units in the career service. ....

*Id.* at 226. This provision essentially required the Governor to layoff higher paid, non-union state employees. Based on an opinion from the Attorney General, the Governor's Chief Counsel instructed all members of the Governor's cabinet to not enforce the provisions identified as unconstitutional. *Id.* After layoff plans were approved and slated to be implemented, a union challenged the Governor's refusal to implement layoffs as dictated by the Legislature. *Id.* at 227. The Executive Branch asserted to the court:

[T]he Appropriations Amendments impermissibly intrude on the Governor's constitutional authority to administer funds, which includes the making of specific staffing and resource-allocation decisions. The Governor claims that if government is to operate efficiently and effectively, the selection and assignment of necessary personnel and the decisions concerning how to best effectuate a reduction in force must reside in the executive branch. The Legislature's attempt to control the order of layoffs both usurps and thwarts the Governor's duty to make staffing and resource allocations, which are an essential part of the Executive's day-to-day management of the branch of government.

*Id.* at 229. After an exhaustive review of precedent established in their jurisdiction, the court held that the appropriations act amendments were unconstitutional because such legislative action violated the separation of powers. *Id.* at 229-34. The court stated:

The Legislature properly has the power to reduce appropriations for the operation of State government. Both the executive and legislative branches agree that because the Appropriations Act did not provide sufficient funds to maintain staffing at then-current levels, personnel cuts were required. According to plaintiffs, the Legislature's purpose in enacting the provisions restricting layoffs was to ensure that those personnel cuts were made in the most efficient manner possible, with the least possible disruption in the provision of State services.

Legislative oversight of or cooperation with the Executive was not necessary to fulfill that purpose. The Governor had the ability -- and indeed the duty -- to make the necessary personnel cuts so as to enable the agencies to continue to function as efficiently and effectively as possible. Not only was the legislative mandate of how to make the cuts unnecessary for the effectuation of the statutory scheme, but the Legislature's attempt to "micromanage" the staffing and resource allocations in administering the appropriated funds was a serious intrusion on the Governor's authority and ability to perform his constitutionally-delegated functions.

Staffing decisions are at the core of the Governor's day-to-day administration of government. Decisions about what type of employees are needed in a department and how many positions can be retained or eliminated directly affect how the executive branch operates. By hampering executive discretion on staffing decisions, the

provisions prevent the Governor and department heads from using their expertise and familiarity with the agencies they manage to make the cuts in the least disruptive manner. Thus the provisions impede them in the performance of their constitutional duties faithfully to execute the laws.

\* \* \* \*

Indisputably, the Legislature retains broad powers in the appropriations process to control the size and priorities of the State government. The Legislature properly exercised the power in this case by choosing to reduce the amount of money it appropriated to the salaries-and-wages accounts of most executive departments, thus necessitating a reduction of the State workforce through layoffs. The Legislature's power to shape State government and achieve savings in this manner is unquestioned. However, in this case the Legislature went one step further in its attempt to shape State government. Having reduced the salaries-and-wages accounts, it attempted, through the provisions challenged here, to control how those reduced appropriations would be administered specifying which employees should and should not be laid off. Although the Legislature may "appropriate and dictate, if it desires, the services and positions designated for such appropriation." "there is one thing ... [the Legislature] cannot do ... It cannot exercise functions of the executive. It cannot administer the money after it has been once appropriated."

*Id.* at 234-35.

Similarly, the Guam district court has recognized that once the Legislature has appropriated funds to the Executive Branch, "the Governor is authorized to exercise his executive prerogative in administering the expenditure of appropriate funds." *Santos v. Calvo*, Civil 80-0223A, p.10 (D.C. Guam 1982). In so ruling, the district court noted that the Territorial Auditor of Guam had "recognized that 'when an appropriation is made in lump sum, the expenditures from that appropriation are executive prerogatives and the legislature has no further control over such expenditures.'" *Id.* (citing Legal Opinion of the Territorial Auditor of Guam TA 80-1, Jan. 2, 1980). *See also* 63C Am. Jur. 2d Public Funds § 45 (1997)<sup>4</sup>.

Section 11 of Public Law No. 24-327, as amended, mandates that once an FTE (classified) position becomes vacant "for whatever reason," an Executive

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<sup>4</sup> This section states in relevant part:

Once the appropriation is made, the legislative work is complete and it is up to the executive to administer the appropriation. Yet it has been stated that an appropriation of public monies is not a mandate to spend, rather it is an authorization given by the legislature to a designated agency not to exceed a stated sum. Spending money appropriated by the legislature is essentially an executive task, and regardless of how minutely appropriations are itemized, some scope is left to the executive for the exercise of judgment and discretion in making expenditures within the limits of the appropriation. Allocation of resources and establishment of priorities are the essence of management.

branch agency can no longer hire a replacement, even though funds have already been appropriated for the position by the Legislature.<sup>5</sup> The only way a replacement can be hired is for the Governor to return to the Legislature and submit a bill for re-appropriation and re-establishment of the eliminated FTE position. The bill must then be reviewed by the Legislative Committee with oversight of the respective agency and passed by a majority of the Legislature. Only then can the eliminated FTE position be re-established. Such legislation not only seriously intrudes on the Governor's authority and ability to perform his constitutionally-delegated functions of "general supervision and control" of the Executive Branch, but has impermissibly delegated an executive power of expenditure of appropriated funds to itself. *See Opinion of Justices, supra; Anderson, supra; Communications Workers, supra.*

Section 11 of Chapter V of Public Law No. 25-03 mandates that "[n]otwithstanding any other provision of law, the Executive Branch for Fiscal Year 1999 is authorized FTE(s) equal to the FTE level pursuant to "Exhibit A" of this Act. Exhibit A lists each Executive Branch agency and designates the total number of FTE positions each agency will have. As previously discussed, a similar provision of an appropriation bill that limited the number of FTEs which a government agency could have was ruled unconstitutional as a violation of the separation of powers doctrine because it interfered with the executive authority to allocate staff and resources in administering funds. *See Anderson, supra.* Accordingly, the suspect provisions in Public Law No. 24-327, as amended, and Public Law No. 25-03 violate the separation of powers doctrine, and therefore, are inorganic and void.

**CONCLUSION:** Section 11 of Public Law 24-327, as amended, and Section 11 of Chapter V of Public Law No. 25-03, violate the separation of powers doctrine, and therefore, are inorganic and void.

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<sup>5</sup> Section 11 of Public Law No. 24-327, as amended, states in relevant part:

The appropriated funding and Full-Time Equivalencies ('FTE') for any position in the government of Guam, including the Judicial Branch, funded by the General Fund or any fund appropriated, including the Tourist Attraction Fund, by *I Liheslaturan Guahan*, which becomes vacant after the effective date of this Act for whatever reason, shall be considered automatically repealed.

The following fast-track procedure must be followed in order for a replacement to be hired. *I Maga'lahaen Guahan* shall transmit to the Speaker of *I Liheslaturan Guahan* in bill form a detailed description of the position, or positions, the funding and FTE of which have been automatically repealed pursuant to this Section which *I Maga'lahaen Guahan* wishes to reinstate. The Speaker of *I Liheslaturan Guahan* shall submit *I Maga'lahaen Guahan's* bill to the Committee on Rules for referral to the appropriate oversight committee. The requirement for a public hearing of the bill shall be waived, *however*, public notice prior to the consideration of the bill in Session shall be required. An affirmative vote of the majority of the Senators shall be required in order to pass any bill to re-appropriate towards and re-establish an FTE repealed pursuant to this Section. Only upon the re-apportionment of funds for, and the re-establishment of, a repealed FTE by action of *I Liheslaturan Guahan* pursuant to this Section may any hiring action on the vacant position be initiated.

Carl T.C. Gutierrez  
Maga'låhi  
Governor

Madeleine Z. Bordallo  
Tihente Gubetnadora  
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Opinion

October 19, 1999

Memorandum (Opinion)

REF: GOV-991308

To: The Honorable Carl T.C. Gutierrez  
Governor of Guam

From: Attorney General

Subject: Reorganization of the Government of Guam Pursuant to Public Law No. 25-72, §20

*Buenas!* You have asked for information concerning the Governor's reorganization authority as follows:

**REQUEST:** What are the powers and limitations of the Legislature and the Governor in the reorganization of the Government of Guam pursuant to §20 of Public Law No. 25-72?

**ANSWER:** The Governor has the authority pursuant to the Organic Act to reorganize departments, agencies and other executive instrumentalities of the Government of Guam without legislative consent. However, the Legislature has the power to pass legislation not inconsistent with the Organic Act and other laws of the United States applicable to Guam including the power of monetary appropriation. Therefore, the Legislature creates public entities within limits and defines by legislation whether an agency or department is an executive instrumentality of the Government of Guam, and controls the size of the government by the power to restrict monetary appropriation.



## STATEMENT OF FACTS:

Among other things, Public Law No. 25-72 is an appropriations act purporting to provide by subsequent legislation, in cooperation with the administration and the executive branch, a bill to reduce the government of Guam by no less than fifty percent (50%) through a government wide reorganization. Roundtable discussions are mandated to produce legislation accomplishing the reorganizational purposes detailed in §20 within sixty days of the Act's effective date. The specific powers and duties of the Legislature and the executive are not effectively defined.

## DISCUSSION:

The Organic Act functions as Guam's constitution and the Legislature may not pass laws inconsistent with the powers of each of the three branches of government. As limited by §1421a of the Organic Act, "the government of Guam shall consist of three branches, executive, legislative, and judicial." The separation of powers of these three branches is considered more strict under the Organic Act than under the U.S. Constitution. See, *People v. Camacho*, 1 Guam R. 501 (Sup. Ct. 1975).

Section 1423a of the Organic Act concerns the scope of the Legislature's authority and provides, in pertinent part, that "The legislative power of Guam shall extend to all rightful subjects of legislation not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam."

The Governor, on the other hand, as head of the executive branch, is vested with "[t]he executive power of Guam" and "shall have general supervision and control of all the departments, bureaus, agencies and other instrumentalities of the executive branch of the government of Guam." 42 U.S.C. §1422.

The executive power is the power to execute laws, that is, carry laws into effect, as distinguished from the power to make those laws, or to judge them. See, generally, 16 Am.Jur.2d *Constitutional Law* §303. In fact, however, the power to legislate or to make laws is generally considered "the most important of all the powers of government" and "has been characterized as the vital function which animates, directs, and controls the whole operation of civil authority." See, generally, 16 Am.Jur.2d *Constitutional Law* §318. Legislatures are limited only by the provisions of the constitution, and if no limitations exist, then "the legislative will is supreme and must be obeyed by all other departments of the government." See, generally, 16 Am.Jur.2d *Constitutional Law* §319.

With respect to the organization of the executive branch of the government of Guam, our Organic Act has specifically delegated to the Governor, as head of the executive branch, the following authority pursuant to §1422c(c), which is entitled "Reorganization":

The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and carry out such changes therein as are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of Guam.



Thus, excluded from one of those "rightful subjects of legislation" is the Legislature's authority to pass legislation which would usurp the Governor's authority as provided for in §1422c(c). Hence, while the Guam Legislature may rightfully pass legislation to create instrumentalities of the government of Guam, and to create mandates for these government instrumentalities outlining their purposes or functions in a general sense, the Guam Legislature's authority does not extend to deciding how an executive branch agency may be better organized and to carrying out any changes to better organize the agency. The Legislature only determines whether an agency or department is an instrumentality of the executive branch of the government of Guam. See, e.g., *Roberto v. Bordallo*, 839 F.2d 573, 574 (1987); *Laguana v. Guam Visitors Bureau*, 725 F.2d 519, 521(1984).

The Legislature also does not have the power to require the Governor or any executive instrumentality of the government of Guam to obtain the Legislature's consent to reorganize said instrumentality or instrumentalities. In §12 of Public Law No. 20-65, the Legislature added §5302(a) to the Government Code of Guam (later recodified as 5 GCA §11103). Section 11103 requires legislative approval for any reorganization of a department, agency, or instrumentality of the government of Guam. In an Attorney General Opinion to the Director of the Department of Public Health and Social Services dated March 6, 1990 (Ref: PHSS 90-0191), we opined that §11103 violated the separation of powers doctrine because the Organic Act specifically delegates to the Governor, and not the Legislature, the authority to organize the executive branch. Thus, the Legislature may not encroach on the Governor's authority by requiring the Governor's reorganization plans to be submitted for legislative approval. Likewise, government agencies are not required to submit their reorganization plans for legislative approval. As we said in our prior opinion:

The executive power is always subject to check by the terms of the legislation that authorized it, and if that authority is exceeded, it is open to judicial review as well as the power of the (U.S.) legislature to modify or revoke the authority entirely. See e.g. *INS v. Chadha*, 103 S.Ct. 2764 (1983).

Attorney General of Guam Opinion PHSS 90-0191 dated March 6, 1990 at page 5.

The authority to reorganize the executive branch is not the same as the authority to create a separate agency of the government of Guam. The creation of agencies and instrumentalities of the government of Guam is strictly a legislative function. The Organic Act does not bestow upon the Governor the authority to create separate agencies or instrumentalities. *Laguana v. Guam Visitors Bureau*, 725 F.2d 519, 521(1984). The power to modify a public entity previously created by the Legislature is not the same as the power to create a new entity. The Governor has no authority to create a separate agency of the government of Guam by executive order. *Roberto v. Calvo*, Dist. Ct. (Judge Cristobal Duenas, 1986), *aff'd. Roberto v. Bordallo*, 839 F.2d 573, 574 (1987).

Once the legislature has created the executive agency or department, the Governor has exclusive authority to reorganize the departments or agencies in any manner that complies with the legislative purposes delineated in the legislation establishing the legislative mandate to the executive. However, the one clear qualification upon the reorganizational authority of the Governor is the merit

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system mandated by the Organic Act.<sup>1</sup> The civil service law in 6 GCA §4201 requires that classified employees may only be removed for cause, which limits both the executive and the Legislature if a reorganization affects an employee's pay or substantive duties.

Additionally, the Legislature may have concurrent authority over the functions of certain agencies such as the Department of Education and Guam's public school system pursuant to §1421g(b) of the Organic Act. This section states that the government of Guam shall provide an adequate public educational system, and to that end shall establish, maintain, and operate public schools according to the laws of Guam. Prior to 1986, the same section of the Organic Act read, "The Governor shall provide an adequate public educational system of Guam, and to that end shall establish, maintain and operate public schools at such places in Guam as may be necessary." [Emphasis added.] Superior Court of Guam Judge Tydingco-Gatewood, at one point, issued a decision under the current Organic Act section which states that the government of Guam, generically, shall provide an adequate educational system. The legislature had passed an elected school board statute, in Public Law No. 22-42, which was challenged by the executive and others. Judge Tydingco-Gatewood decided that the Department of Education was not a part of the Executive Branch of the government of Guam. See, *Tainatongo v. Territorial Board of Education*, Special Proceedings Case No. SP114-95, consolidated with *Gutierrez, et al. v. Territorial Board of Education, et al.*, CV1383-95, Decision at page 15 (September 11, 1996). More recently, the Guam Legislature has placed the Department of Education directly under the Governor and, thereby, back into the Executive Branch, extinguishing the Board of Education. See, Public Law No. 25-03, §18 (1999). However, the Legislature could recreate a Board or Boards of Education at any time. Congressional legislative history does not indicate Congress intended for the Governor to have exclusive power over Guam's school system even prior to amendment of the Organic Act in 1986. See, e.g., *Brown v. Civil Service Commission*, 818 F.2d 706,709 (9<sup>th</sup> Cir.1987). However, the educational instrumentality must be in the government of Guam.

In *Bordallo v. Baldwin*, 634 F.2d 932 (9<sup>th</sup> Cir 1980), the Guam Legislature attempted to create a hospital board of trustees consisting of members chosen by private organizations whom the Governor was required to appoint. However, because the Organic Act gives the Governor the power to establish hospitals and a public health system, the court decided that if the Governor has no power to choose the members of the hospital board, then an executive function is being encroached upon by the Legislature, and any such law is inorganic as being violative of §1421g(a). Additionally, the Legislature may not limit the Governor's organic power to remove executive department heads as delineated in 42 USC §1422. *Territorial Prosecutor v. Superior Court of Guam*, 1983 WL 30224, at 6 (D. Guam A.D.1983).

Based upon §1423j of the Organic Act, the Guam Legislature has plenary or absolute power over appropriations, and it may attach conditions upon the expenditure of appropriated funds. Section 1423j(a) provides:

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<sup>1</sup> 48 U.S.C. §1422c(a) provides, in pertinent part, "The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system ... ."

Appropriations, except as otherwise provided in this chapter, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature.<sup>2</sup>

See, also, *Santos v. Calvo*, 1982 W.L 10790 at 3 (D. Guam A.D. 1982).

The Legislature may determine and control the level of funding by appropriation, and it may refuse thereby to fund specific agency functions. Once an appropriation has been made for a specific purpose or function, however, the Legislature no longer has control over how the Governor determines to deliver the service or accomplish the function within the structure of the instrumentalities of the executive branch established by the Legislature.

Nevertheless, the Legislature may change the establishment of functions or purposes by legislation not inconsistent with the Organic Act. As the court indicated in *Bordallo v. Balwin*, *supra* at 934, the Legislature may determine whether a hospital shall exist at all, and how large it will be, and the size and qualifications for the governing body, but the Legislature may not remove the ultimate responsibility for governance of the hospital given to the Governor in the Organic Act.

Thus, the Governor has the prerogative to determine the organizational structure of the agencies and departments the Legislature has created. Additionally, the Governor has the organic power to restructure and reorganize the executive branch instrumentalities of the government of Guam to effectively and efficiently carry out the mandate of the legislature in creating them.

A reorganization has been defined by the Guam Legislature in 5 GCA §11103(b) as:

1. The transfer of a whole or any part of an agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;
2. The abolition of all or any part of the functions of any agency;
3. The consolidation or coordination of the whole or any part of the functions of any agency, or the whole or any part of any other agency or the functions thereof;
4. The consolidation or coordination of any part of any agency or the functions thereof with any other agency or the functions thereof;
5. The authorization of any non-elective officer to appoint any individual to perform any functions;
6. The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any function;

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<sup>2</sup>48 U.S.C. §1423j(b) states in pertinent part... "If at the termination of the fiscal year the legislature shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as same may be applicable shall be deemed reappropriated, item by item." Comment: There is some question as to whether the three month budget in the current appropriations act is organic in light of this section.

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7. The establishment of a new agency to perform the whole or any of the functions of an existing agency or agencies; or
8. The use of a person under contract to perform functions which regularly are performed or budgeted to be performed by employees appointed under the merit system.

Under this definition of reorganization, the Guam Legislature would have the power to determine whether an instrumentality of the government of Guam shall exist at all and as explained in *Laguana, supra*. However, the Governor may then reorganize such agencies and their functions pursuant to his Organic Act powers to reorganize the government from time to time. A realignment by the Governor, where he streamlines a department by reassigning personnel and functions without substantive changes, would not require coordination with the Legislature. See, Attorney General of Guam Opinion Ref: LEG 85-0106 dated February 4, 1985.

However, the Governor would not have realignment authority as to agencies outside the executive branch and the government of Guam for that matter.

For example, in addressing the Guam Visitors Bureau, the 9<sup>th</sup> Circuit held that the removal of the Guam Visitors Bureau from the Governor's control and supervision did not infringe upon the Governor's powers over executive instrumentalities of the government of Guam pursuant to the Organic Act. *Bordallo v. Reyes*, 763 F.2d 1098 (9<sup>th</sup> Cir. 1985). This is because the Legislature had created the Guam Visitors Bureau as a "public corporation" which was not a government entity.

On the other hand, when the Legislature created the Guam Telephone Authority, the Guam Power Authority, and the Guam Airport Authority, it specifically designated these agencies by law as instrumentalities of the government of Guam.

Certainly, the Legislature is not legally required to place an agency under executive supervision at all unless the agency's purposes or functions are specifically outlined or mandated as an executive function pursuant to the Organic Act. When an agency does have executive duties and functions, the legislature then must place it in the executive branch under the doctrine of separation of powers. The legislature cannot delegate such powers and then veto executive decisions or delegate executive power to a legislative agent as though the government entity thus created was an instrumentality of the legislative branch because the foundation of the Constitutional doctrine of separation of powers prohibits such control. See, *Metropolitan Washington Airports Authority, et al. v. Citizens for the Abatement of Aircraft Noise*, 111 S. Ct. 2298, 2311-2312 citing *Springer v. Philippine Islands*, 48 S.Ct. 480 (1928) and *Bowsher v. Synar*, 106 S.Ct. 3181,3187(1986).

#### CONCLUSION:

Since the Legislature has the power to withdraw mandates, change government purposes, and abolish agencies, the executive would be prudent in coordinating any defined "reorganization" with the Legislature. Such coordination would insure, at least in the short term, that the Legislature would

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not respond with a law abolishing an agency reorganized by the executive altogether or changing its mandate, purposes and functions. Even with the Governor's reorganization power, laws may need change regarding the specifics of a given function and duties. However, under the Organic Act (constitutional) doctrine of separation of powers specifically delineating three branches of the government of Guam, the legislature has a duty to designate any agency or department with governmental functions, that are executive in nature, as an instrument of the executive branch. Without coordination, the checks and balances of the Executive and Legislative Branches could result in a stalemate under the mandate of Public Law No. 25-72, §20 which reduces the government of Guam by no less than fifty percent, and could end up costing more in time than savings in money. Genuine cooperation between the legislative and executive branches, keeping the guidelines of the separation of powers doctrine in mind, could produce significant changes and improvements in the streamlining of the government, and a cost savings necessary for the survival of a viable government of Guam in our harsh economic times.

This opinion should be read together with my May 27, 1999 Memorandum Opinion entitled "Review of Public Law Nos. 24-327 and 25-03 Pertaining to Restriction of the Governor's Employment Authority for Executive Agencies", a copy of which I have attached for your review.

*Dangkolo Na Agradesimiento!*

  
JOHN F. TARANTINO

991263  
KEH/vst


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

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

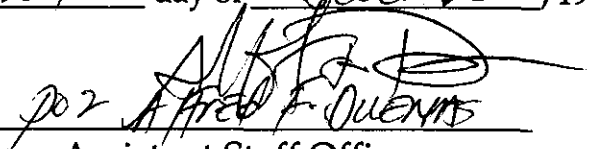
This is to certify that Bill No. 372 (LS) "AN ACT TO APPROPRIATE THE BALANCE OF CERTAIN PORTIONS OF THE BUDGET OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR 1999 - 2000," was on the 29<sup>th</sup> day of December, 1999, duly and regularly passed.

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

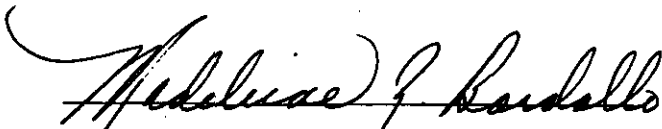
Attested:

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

-----  
This Act was received by I Maga'laken Guahan this 29 day of December, 1999,  
at 10:55 o'clock p.M.

  
\_\_\_\_\_  
Alfred F. Quenya  
Assistant Staff Officer  
Maga'lahi's Office

APPROVED:

  
\_\_\_\_\_  
MADELEINE Z. BORDALLO  
I Maga'laken Guahan, Akto

Date: 1/3/2000  
Public Law No. 25-98

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

**Bill No. 372 (LS)**

As amended by the Committee and further  
amended in the Committee of the Whole  
and the Floor.

Introduced by:

The Committee on Rules,  
Government Reform,  
Reorganization and  
Federal Affairs

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

**AN ACT TO APPROPRIATE THE BALANCE OF  
CERTAIN PORTIONS OF THE BUDGET OF THE  
GOVERNMENT OF GUAM FOR FISCAL YEAR  
1999 – 2000.**

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

2   **CONTENTS.**

3           **Section 1. Personnel Appropriations Amendment.**

4           **Section 2. Executive Branch Operating Expenses Amendment.**

5           **Section 3. Miscellaneous Appropriations.**

6                   §1.   **Appropriation to the Department of Youth Affairs.**

7                   §2.   **Appropriation to UOG for Scholarships and Training**  
8                                   **Programs.**

9                   §3.   **Appropriations to UOG.**

10                  §4.   **Appropriations to GCC.**

11                  §5.   **Appropriation to UOG WERI's GHS.**

12                  §6.   **Appropriation to UOG WERI's the Comprehensive**  
13                                   **Water Resource Monitoring Program.**

14                  §7.   **Appropriation to DOE for ADA Compliance.**

15                  §8.   **Appropriation to DOE for Stipends & Accreditation**  
16                                   **Costs.**

17                  §9.   **Appropriation to the Dededo Buffer Strip Revolving**  
18                                   **Fund.**

19                  §10. **Appropriation to DOE for Summer School.**

20                  §11. **Appropriation to DPW for Overtime.**

21                  §12. **Appropriation to DPW for Equipment Rental.**

22                  §13. **Appropriation to DPW's Division of Solid Waste.**



- 1                    §14. Amendment to Appropriation to DPW for Widening  
2                    Clara Street.
- 3                    §15. Appropriation to Mayor's Council.
- 4                    §16. Appropriation to GCC's Professional Technological  
5                    Institute.
- 6                    §17. Appropriation to GVB for Visitor-Related Projects.
- 7                    §18. Appropriation to CLTC.
- 8                    §19. Appropriation to *Komitea Para Tiyan*.
- 9                    §20. Appropriation to DOA for the Residential Treatment  
10                    Fund.
- 11                   §21. Appropriation to Family Violence Task Force.
- 12                   §22. Appropriation to *I Liheslaturan Guåhan*.
- 13                   §23. Creation of Overtime Fund.
- 14                   §24. Creation of Off-Island Travel Fund.
- 15                   §25. Appropriation to DOE for Substitute Teachers.
- 16                   §26. Appropriation to DOE for Non-Personnel Operating  
17                   Expenses.
- 18                   §27. Appropriation to DOA for Government Claims Fund.
- 19                   §28. Appropriation to Office of *I Maga'lahen Guåhan*.
- 20                   §29. Appropriation to Commission on Decolonization and  
21                   Task Forces.
- 22                   §30. Appropriation to GVB for Operations.
- 23                   §31. Appropriation to DOA's DAWR.
- 24                   §32. Appropriation to GMATA for Bus Repair.

- 1        **Section 4.        Transfer of Employees.**
- 2        **Section 5.        Moratorium on Limited Term Appointments.**
- 3        **Section 6.        Reporting Requirements; Expenditures and Staffing**  
4        **Patterns.**
- 5        **Section 7.        Educator Retirement.**
- 6        **Section 8.        Amendment to Early Retirement Incentive Program.**
- 7        **Section 9.        Lump Sum Annual Leave Payments Reimbursed by**  
8        **Loans.**
- 9        **Section 10.       Restoration of Positions to GPD.**
- 10       **Section 11.       Personnel Reserve Fund *Repeal*.**
- 11       **Section 12.       *I Maga'lahen Guâhan* Transfer Authority.**
- 12       **Section 13.       Reorganization Amendment.**
- 13       **Section 14.       Outsourcing Directive.**
- 14       **Section 15.       Dededo Buffer Strip Revolving Fund.**
- 15       **Section 16.       Worker's Compensation Amendment.**
- 16       **Section 17.       Appropriation to DPW Solid Waste Division.**
- 17       **Section 18.       Appropriation to DISID for Local Matching Funds.**
- 18       **Section 19.       Department of Mental Health Hiring Authority.**
- 19       **Section 20.       DISID Hiring Authority.**
- 20       **Section 21.       Appropriations for Select Positions.**
- 21       **Section 22.       Prohibition Against Director or Deputy Rehires.**
- 22       **Section 23.       Appropriations for Department of Law Positions.**
- 23       **Section 24.       Appropriation for DOE Comptroller Position.**
- 24       **Section 25.       Appropriation for DLM Chief of Cadastre Position.**

1       **Section 26.       Reprogramming       and       Re-appropriating       of**  
2       **Appropriations       from       Completed       Capital**  
3       **Improvement Projects.**

4       **Section 27.       Deadline for Early Retirement Program Extended.**

5       **Section 28.       No Positions to be Filled Until Authorized by I**  
6       ***Liheslaturan Guahân.***

7       **Section 29.       Authorization to GEPA for Additional Personnel.**

8       **Section 30.       Submission of Retirement Lists.**

9       **Section 31.       Prohibition Against Retired Employee Rehires.**

10       **Section 32.       Attachments to this Act.**

11       **Section 33.       Severability.**

12  
13       **Section 1.       Personnel Appropriations Amendment.       Section**

14       1 of Chapter II of Public Law Number 25-72, as amended by Public Law  
15       Number 25-74, is hereby *amended*, including the attached "Attachment  
16       G," to read as follows:

17               **"Section 1.       Personnel Appropriations.** Eighty-six Million  
18       Five Hundred Forty-four Thousand One Hundred Seventy-six Dollars  
19       (\$86,544,176) is appropriated for the personnel requirements as detailed  
20       in 'Attachment B' for the period beginning October 1, 1999 and ending  
21       December 31, 1999. This sum is composed of Seventy-nine Million Four  
22       Hundred Ninety-seven Thousand Two Hundred Sixty-four Dollars  
23       (\$79,497,264) from the General Fund; Four Million Two Hundred Forty-  
24       four Thousand Four Hundred Thirty-nine Dollars (\$4,244,439) from

1 Special Funds; and Two Million Eight Hundred Two Thousand Four  
2 Hundred Fifty-two Dollars (\$2,802,452) from Federal Matching Grants-  
3 in-Aid. The appropriation shall be expended as contained in  
4 'Attachment B,' and as further detailed in the right most column in the  
5 attached staffing patterns for each department or agency. Two Hundred  
6 Twelve Million Eight Hundred Twelve Thousand Nine Hundred Forty-  
7 eight Dollars (\$212,812,948) is appropriated for the personnel  
8 requirements as detailed in 'Attachment G' for the period  
9 beginning January 1, 2000 and ending September 30, 2000. This sum is  
10 composed of One Hundred Ninety-four Million Two Hundred Sixty-  
11 five Thousand Four Hundred Seventy-five Dollars (\$194,265,475) from  
12 the General Fund, Ten Million Nine Hundred Forty Thousand Eight  
13 Hundred Seventeen Dollars (\$10,940,817) from Special Funds, and Seven  
14 Million Six Hundred Six Thousand Six Hundred Fifty-five Dollars  
15 (\$7,606,655) from Federal Matching Grants-in-Aid. The appropriation  
16 shall be expended as contained in 'Attachment G.'"

17 **Section 2. Executive Branch Operating Expenses Amendment.**

18 Section 2 of Chapter II of Public Law Number 25-72, including the attached  
19 "**Attachment C,**" is hereby *repealed and reenacted* to read as follows:

20 "Section 2. Executive Branch Operating Expenses. One  
21 Hundred Nineteen Million Seven Hundred Sixty Thousand Three  
22 Hundred Forty-seven Dollars (\$119,760,347) is appropriated for  
23 operating expenses for the Executive Branch for the Fiscal Year ending  
24 September 30, 2000. This sum is composed of Ninety-one Million Three  
25 Hundred Twenty-eight Thousand Four Hundred Seven Dollars

1 (\$91,328,407) from the General Fund, which shall be expended as  
2 contained in '**Attachment C**'; Ten Million Five Hundred Ninety-  
3 six Thousand Eight Hundred Fifty-six Dollars (\$10,596,856) from Special  
4 Funds, which shall be expended as contained in '**Attachment D**'; and  
5 Seventeen Million Eight Hundred Thirty-five Thousand Eighty-two  
6 Dollars (\$17,835,082) from Federal Matching Grants-in-Aid, which shall  
7 be expended as contained in '**Attachment E**.'"

8 **Section 3. Miscellaneous Appropriations.** Chapter III of Public Law  
9 Number 25-72, as amended by Public Law Number 25-74, is hereby *repealed*  
10 *and reenacted* to read as follows:

11 **"Chapter III.**

12 **Miscellaneous Appropriations.**

13 **Section 1. Appropriation to the Department of Youth Affairs.**

14 Three Hundred Eighty-six Thousand Five Hundred Fifty-two Dollars  
15 (\$386,552.00) is appropriated from the General Fund to the Department  
16 of Youth Affairs ('DYA') for Sanctuary, Inc. for their Fiscal Year 2000  
17 operations. DYA shall make a report of the expenditures of the funds of  
18 this appropriation to *I Maga'lahaen Guahan* and *I Liheslaturan Guahan*  
19 within sixty (60) days following the end of the Fiscal Year covered  
20 herein.

21 **Section 2. Appropriation to UOG for Scholarships and Training**  
22 **Programs. (a) Student Scholarship, Financial Assistance and**  
23 **Program Administration.** Two Million Four Hundred Sixty-seven  
24 Thousand Four Hundred Twenty-nine Dollars (\$2,467,429) is

1 appropriated from the General Fund to the University of Guam to be  
2 expended for the following student scholarships, financial assistance  
3 programs and program administrations: Merit Awards, Student Loans,  
4 Nurse Training Programs, Professional and Technical Awards, Reserve  
5 Officer Training Corp. ('ROTC'), Regent Scholarships, Marine Lab  
6 Graduates Assistance Programs, Doctoral Fellowships, Advanced High  
7 School Placement Programs and administration of all student financial  
8 assistance programs. The University of Guam shall determine the  
9 allocation of this appropriation in order to fund the various student  
10 scholarships, financial assistance programs and program administration.

11 **(b) Pedro 'Doc' Sanchez Scholarship Program.** Two  
12 Hundred Seventy Thousand Five Hundred Eighty-six Dollars  
13 (\$270,586.00) is appropriated from the General Fund to the  
14 University of Guam for the Pedro 'Doc' Sanchez Scholarship  
15 Program to be spent in accordance with its rules and regulations  
16 and §15107 of Title 17 of the Guam Code Annotated, as amended.

17 **(c) Dr. Antonio C. Yamashita Educator Corps.** Two  
18 Million Four Hundred Sixty-seven Thousand Ninety-five Dollars  
19 (\$2,467,095) is appropriated from the General Fund to the  
20 University of Guam, which shall disburse the funds pursuant to  
21 the directives and policies of the Educator Corps Council, for  
22 stipends for the Dr. Antonio C. Yamashita Educator Corps, and for  
23 the administration of the Educator Corps Council, in accordance  
24 with the provisions of Public Law Number 24-231 and §15107 of  
25 Title 17 of the Guam Code Annotated, as amended.

1           (d) **Chamorro Teaching Degree Institute.** One Hundred  
2 Nine Thousand Nine Hundred Eighty Dollars (\$109,980.00) is  
3 appropriated from the General Fund to the University of Guam  
4 for the operations of the Chamorro Teaching Degree Institute.  
5 This appropriation shall continue until expended for the  
6 operations and other purposes of the Institute.

7 **Section 3. Appropriations to UOG.**

8           (a) Twenty-four Million Eight Hundred Three Thousand  
9 One Hundred Eighty-eight Dollars (\$24,803,188) is appropriated  
10 from the General Fund to the University of Guam for their  
11 operations.

12           (b) Three Hundred Thirty-nine Thousand Six Hundred  
13 Seventeen Dollars (\$339,617.00) is appropriated from the General  
14 Fund to the University of Guam ('UOG') for the International  
15 Tourism Program.

16 **Section 4. Appropriations to GCC.**

17           (a) Eight Million Eighteen Thousand Two Hundred Fifty-  
18 five Dollars (\$8,018,255) is appropriated from the General Fund to  
19 the Guam Community College for their operations.

20           (b) One Million Two Hundred Seventy-four Thousand  
21 Seventy-five Dollars (\$1,274,075) is appropriated from the General  
22 Fund to the Guam Community College for the School of Business,  
23 Social Science and Tourism.

24           (c) The unencumbered balances and Fiscal Year 2000  
25 revenues of the Pari-mutuel Fund is appropriated to the Guam

1 Community College for their operations. This appropriation shall  
2 *not* exceed Nine Hundred Thousand Dollars (\$900,000.00).

3 (d) Nine Hundred Two Thousand Two Hundred Eight  
4 Dollars (\$902,208.00) is appropriated to the Guam Community  
5 College from the Manpower Development Fund to be expended in  
6 accordance with Public Law Number 23-106.

7 **Section 5. Appropriation to UOG WERI's GHS.** There is  
8 hereby appropriated from the General Fund to the University of Guam  
9 to fund the Water and Environmental Research Institute of the Western  
10 Pacific ('WERI') the sum of Two Hundred Twenty-four Thousand Two  
11 Hundred Dollars (\$224,200.00) for the sole purpose of funding the Guam  
12 Hydrologic Survey ('GHS'). WERI shall continue to administer the GHS  
13 for the same purposes that have previously been established by the laws  
14 of Guam. Such funds may *not* be transferred or used for any other  
15 purpose.

16 **Section 6. Appropriation to UOG WERI's the Comprehensive**  
17 **Water Resource Monitoring Program.** There is hereby appropriated  
18 from the General Fund to the University of Guam to fund the Water and  
19 Environmental Research Institute of the Western Pacific ('WERI') the  
20 sum of One Hundred Seventy-three Thousand Nine Hundred Forty-  
21 eight Dollars (\$173,948.00) for the sole purpose of funding the  
22 Comprehensive Water Resource Monitoring Program. Said funds shall  
23 be used to match the Federal funding for said program. WERI shall  
24 continue to administer the Comprehensive Water Resource Monitoring  
25 Program for the same purposes that have previously been established



1 by the laws of Guam. Such funds may *not* be transferred or used for any  
2 other purpose.

3 **Section 7. Appropriation to DOE for ADA Compliance.**

4 The sum of Ten Thousand Six Hundred Thirty Dollars (\$10,630.00) is  
5 hereby appropriated from the General Fund to the Department of  
6 Education for equipment, supplies and capital outlay to bring the  
7 Personnel Services Division in compliance with the Americans with  
8 Disabilities Act.

9 **Section 8. Appropriation to DOE for Stipends & Accreditation**  
10 **Costs.** The Sum of One Hundred Forty-four Thousand Nine  
11 Hundred Fifty-seven Dollars (\$144,957.00) is hereby appropriated from  
12 the General Fund to the Department of Education for academic coaches'  
13 stipends for team competitions and accreditation costs.

14 **Section 9. Appropriation to the Dededo Buffer Strip Revolving**  
15 **Fund.** The sum of Twenty-four Thousand Three Hundred Seventy  
16 Dollars (\$24,370.00) is hereby appropriated from the General Fund to the  
17 Dededo Buffer Strip Revolving Fund to reimburse the Fund.

18 **Section 10. Appropriation to DOE for Summer School.**  
19 There is hereby appropriated such sums as are necessary from the  
20 Summer School Fund established pursuant to §6118 of Title 17 of the  
21 Guam Code Annotated to the Department of Education to fund the  
22 operations of the 1999 and 2000 Summer School Program.

23 **Section 11. Appropriation to DPW for Overtime.** The sum  
24 of Two Hundred Eighteen Thousand Dollars (\$218,000.00) is

1 appropriated from the Fiscal Year 1999 August and September revenues  
2 of the Solid Waste Operations Fund to the Division of Solid Waste,  
3 Department of Public Works, to pay for Fiscal Year 1999 accumulated  
4 overtime hours.

5 **Section 12. Appropriation to DPW for Equipment Rental.**

6 The amount of Eighty Thousand Five Hundred Dollars (\$80,500.00) is  
7 appropriated from the August and September revenues of the Solid  
8 Waste Operations Fund to the Division of Solid Waste, Department of  
9 Public Works, to pay for Fiscal Year 1999 equipment rental at the Ordot  
10 Landfill.

11 **Section 13. Appropriation to DPW's Division of Solid**  
12 **Waste.**

13 (a) One Million Dollars (\$1,000,000) is hereby  
14 appropriated from the General Fund to the Division of Solid  
15 Waste of the Department of Public Works to serve as the advanced  
16 initial budget of the Division of Solid Waste for operational  
17 purposes in Fiscal Year 2000.

18 (b) The Department of Public Works shall reimburse the  
19 General Fund this total amount from the revenues collected from  
20 tipping/user fees, by setting aside at least twenty-five percent  
21 (25%) of the monthly collected revenues in the Solid Waste  
22 Operations Fund to pay back the General Fund on a quarterly  
23 basis until such time that the total amount of the appropriated  
24 loan under Subsection (a) is paid up.

1           **Section 14.       Amendment to Appropriation to DPW for**  
2 **Widening Clara Street.**       Section 16 of Chapter III of Public Law  
3 Number 25-03 is hereby *repealed and reenacted* to read as follows:

4           **'Section 16.       Appropriation to DPW from the Village**  
5 **Streets Fund.**       (a)   One Million Five Hundred Thousand  
6 Dollars (\$1,500,000) is appropriated from the Village Streets  
7 Fund created pursuant to §25 of Chapter IV of Public Law  
8 Number 23-128 to the Department of Public Works for  
9 expenditures as authorized pursuant to §1504(k) of Title 5 of  
10 the Guam Code Annotated.

11                       (b)   Notwithstanding any other provision of law, the  
12 Department of Public Works shall use One Million Five  
13 Hundred Thousand Dollars (\$1,500,000) from the money  
14 appropriated in Subsection (a) of this Section for the  
15 following purposes:

16                               (1)   the repair, including, but not limited to,  
17 widening, paving and sidewalks, of Clara Street in  
18 Toto, leading to J. Q. San Miguel Elementary School;  
19 *and*

20                               (2)   monetary compensation or land exchange  
21 on a value-per-value basis to private landowners  
22 whose properties are condemned as a result of the  
23 provisions of this Subsection.'

24           **Section 15.       Appropriation to Mayor's Council.**

1           (a) The sum of Three Hundred Thirty-three Thousand  
2 Nine Hundred Fifty-four Dollars (\$333,954.00) is hereby  
3 appropriated from the Village Streets Fund to the Mayors' Council  
4 of Guam only for the purpose of maintaining Village streets. This  
5 sum shall *not* be used for the hiring of additional personnel, nor  
6 shall it be used to supplement any personnel costs or services.

7           (b) The Sum of Six Million Four Hundred Thirty-one  
8 Thousand Ninety-five Dollars (\$6,431,095) is appropriated from  
9 the General Fund to the Mayors' Council of Guam for their  
10 personnel and operating expenses for Fiscal Year 2000.

11           (c) **Exemption from BBMR Control.** The budget of the  
12 Mayor's Council is *not* subject to the allotment process or control  
13 of the Bureau of Budget and Management Research or its  
14 successor agency; nor shall *I Maga'lahaen Guahan* impound or  
15 transfer funds appropriated to the Mayor's Council. The Mayor's  
16 Council shall receive from the Department of Administration or its  
17 successor agency an amount totaling *no less than* one twelfth (1/12)  
18 of the balance of the appropriation on the first of every month of  
19 the Fiscal Year until such appropriation has been exhausted. On a  
20 month where more than two (2) pay periods occur, the  
21 Department of Administration shall release such funds required  
22 for the purpose of meeting the operational needs of the Mayor's  
23 Council for that month, provided a sufficient balance of the  
24 appropriation remains.

1                   (d) **Mayor's Council Fund.**       There is created a  
2 Mayor's Council Operations Fund. The annual budget of the  
3 Mayor's Council shall be deposited in the Mayors' Council  
4 Operations Fund.

5                   (e) **Annual Review.**       The Mayors' Council shall  
6 continue to submit its annual budget to *I Liheslaturan Guåhan* for  
7 review on the 30th day of March of each year.

8                   (f) **Lapses.**       Lapses in the Mayors' Council annual  
9 Budget shall *not* revert back to the General Fund, but shall be  
10 carried over into the next Fiscal Year.

11                   **Section 16.       Appropriation to GCC's Professional**  
12 **Technological Institute.**       There is appropriated from the Tourist  
13 Attraction Fund the sum of Fifty Thousand Dollars (\$50,000.00) to the  
14 Guam Community College for the Professional Technological Institute  
15 for the purpose of paying the advance costs of hosting the IACP Asia-  
16 Pacific Executive Policing Conference ('Conference') on Guam from  
17 March 12 - 14, 2000.

18                   There is created the '*IACP Steering Committee Revolving Account*'  
19 ('Account') in which this appropriation and any other moneys received  
20 shall be deposited. The Executive Director of the Professional  
21 Technological Institute shall be the Certifying Officer for authorizing the  
22 disbursement of funds from the Account. Any monies recovered from  
23 registration fees or other sources during the conduct of the Conference  
24 shall be deposited in the Account. Any fund balances remaining from

1 this appropriation, shall revert back to the Tourist Attraction Fund at the  
2 end of the Fiscal Year.

3 **Section 17. Appropriation to GVB for Visitor-Related**  
4 **Projects.** Nine Hundred Sixty-six Thousand Dollars (\$966,000.00) is  
5 appropriated from the Tourist Attraction Fund to the Guam Visitors  
6 Bureau for the following visitor industry-related projects for Fiscal Year  
7 2000 only:

8 (a) Four Hundred Thousand Dollars (\$400,000.00) for  
9 Tumon and Hagatna Beach cleaning and maintenance;

10 (b) One Hundred Fifty-six Thousand Dollars (\$156,000.00)  
11 for Tumon landscaping maintenance;

12 (c) Fifty Thousand Dollars (\$50,000.00) for the Two  
13 Lovers' Point jogging/biking trail;

14 (d) Ten Thousand Dollars (\$10,000.00) for Donations for  
15 Work;

16 (e) Fifty Thousand Dollars (\$50,000.00) for Tumon Beach  
17 beautification;

18 (f) One Hundred Thousand Dollars (\$100,000.00) for  
19 Tournament of Champion Matching Funds;

20 (g) One Hundred Thousand Dollars (\$100,000.00) for the  
21 Tropical Fantasy on Guam Fireworks; *and*

22 (h) One Hundred Thousand Dollars (\$100,000.00) for the  
23 Guam Micronesia Island Fair.

24 This appropriation shall be kept in a separate account and *not*  
25 combined with the Bureau's administration account. The funds

1 appropriated shall be used specifically for the projects outlined therein.  
2 A quarterly report shall be prepared and submitted by the Guam  
3 Visitors Bureau to the Bureau of Budget Management and Research, to  
4 the Speaker of *I Liheslaturan Guåhan* and to the Standing Committee  
5 having oversight over the Guam Visitors Bureau.

6 **Section 18. Appropriation to CLTC.** Notwithstanding  
7 any other provision of law, One Hundred Eighty-two Thousand Five  
8 Hundred Fifty-four Dollars (\$182,554.00) is appropriated from the  
9 Chamorro Land Trust Account Number 141110361 to the Chamorro  
10 Land Trust Commission to be expended as detailed in 'Attachment D.'  
11 This appropriation shall *not* be subject to *I Maga'lahaen Guåhan's* transfer  
12 authority.

13 **Section 19. Appropriation to *Komitea Para Tiyan*.**

14 (a) Notwithstanding any other provisions of law, Eighty-  
15 two Thousand Five Hundred Two Dollars (\$82,502.00) is  
16 appropriated to the *Komitea Para Tiyan* from the *Komitea Para Tiyan*  
17 Fund for operating expenses for the period beginning October 1,  
18 1999 and ending December 31, 1999. One Hundred Seven  
19 Thousand Five Hundred Six Dollars (\$107,506.00) is appropriated  
20 to the *Komitea Para Tiyan* from the *Komitea Para Tiyan* Fund,  
21 Revenue Account Number 310054301, for operating expenses for  
22 the period beginning January 1, 2000 and ending September 30,  
23 2000. This appropriation shall *not* be subject to *I Maga'lahaen*  
24 *Guåhan's* transfer authority.

1 (b) Five Hundred Seven Thousand Four Hundred Six  
2 Dollars (\$507,406.00) is appropriated from the General Fund to the  
3 *Komitea Para Tiyan* for personnel expenses for the period beginning  
4 October 1, 1999 and ending December 31, 1999. Five Hundred  
5 Ninety-eight Thousand Four Hundred Fourteen Dollars  
6 (\$598,414.00) is appropriated to the *Komitea Para Tiyan* from the  
7 *Komitea Para Tiyan* Fund, Revenue Account Number 310054301, for  
8 a portion of personnel expenses for the period beginning January  
9 1, 2000 and ending September 30, 2000. This appropriation shall  
10 *not* be subject to *I Maga'lahaen Guåhan's* transfer authority.

11 (c) Six Hundred Thousand Dollars (\$600,000.00) is  
12 appropriated to the *Komitea Para Tiyan* from the General Fund to  
13 fund the remaining portion of personnel expenses for the period  
14 beginning January 1, 2000 and ending September 30, 2000. This  
15 appropriation shall *not* be subject to *I Maga'lahaen Guåhan's* Transfer  
16 Authority.

17 **Section 20. Appropriation to DOA for the Residential**  
18 **Treatment Fund.** One Million Three Hundred Fifty-two Thousand  
19 Nine Hundred Thirty-two Dollars (\$1,352,932) is appropriated from the  
20 General Fund to the Department of Administration ('DOA') to pay  
21 authorized expenses for persons under the jurisdiction of the Superior  
22 Court of Guam for residential care arising from physical, mental or  
23 emotional handicaps, or from severe emotional disturbances. All  
24 patients and escorts referred off-Island shall submit to the Director of



1 DOA supporting documents to justify reimbursement of their travel  
2 expenses.

3 **Section 21. Appropriation to Family Violence Task Force.**

4 Of the One Million Two Hundred Forty Thousand Dollars (\$1,240,000)  
5 authorized by Public Law Number 25-03:II:36, Four Hundred Thirty-  
6 four Thousand Eight Hundred Seventy-one Dollars (\$434,871.00) shall  
7 be appropriated and shall be allocated as follows: Eighty-two Thousand  
8 Six Hundred Twenty-five Dollars (\$82,625.00) to the Department of  
9 Law; Eighty-two Thousand Six Hundred Twenty-five Dollars  
10 (\$82,625.00) to the Guam Police Department; One Hundred Thousand  
11 Twenty Dollars (\$100,020.00) to the Superior Court of Guam; Twenty-  
12 six Thousand Ninety-two Dollars (\$26,092.00) to Guam Legal Services  
13 Corporation; Twenty-one Thousand Seven Hundred Forty-four Dollars  
14 (\$21,744.00) to the Public Defender Service Corporation; Twenty-six  
15 Thousand Ninety-two Dollars (\$26,092.00) to Child Protective Services  
16 of the Department of Public Health and Social Services; Sixty-five  
17 Thousand Two Hundred Thirty-one Dollars (\$65,231.00) to the  
18 Department of Mental Health and Substance Abuse; and Thirty  
19 Thousand Four Hundred Forty-one Dollars (\$30,441.00) to the Guam  
20 Community College.

21 This appropriation shall continue until fully expended. Upon  
22 adoption of the Public Health Plan, *I Maga'láhen Guåhan* may transmit a  
23 request to *I Liheslaturan Guåhan* for additional funding of up to Seven  
24 Hundred Ninety Thousand Dollars (\$790,000.00) for further  
25 implementation of the Plan's components.

1           **Section 22.           Appropriation to I Liheslaturan Guåhan.**

2           (a) **Appropriation.** The sum of ~~Seven Million Seven~~ <sup>Five Million Two</sup>  
3 ~~Hundred Twenty Thousand Dollars (\$7,720,000)~~ <sup>HUNDRED THOUSAND DOLLARS (\$5,200,000)</sup> ~~is~~ <sup>is</sup> appropriated  
4 from the General Fund for the operations of *I Liheslaturan Guåhan*  
5 for Fiscal Year 2000.

6           (b) Notwithstanding any other provision of law, funds  
7 appropriated to and available to *I Liheslaturan Guåhan* for Fiscal  
8 Year 1999 are available to *I Liheslaturan Guåhan* for Fiscal Year 2000  
9 operations.

10          (c) Notwithstanding any other provision of law, *no less*  
11 *than* one quarter of the appropriation in Subsection (a) of this  
12 Section shall be transmitted to *I Liheslaturan Guåhan* on the first  
13 day of each quarter of the Fiscal Year.

14           **Section 23.           Creation of Overtime Fund.**           (a) There is  
15 hereby created the Overtime Fund to be administered by *I*  
16 *Maga'lahaen Guåhan*. This fund shall be used exclusively to pay for  
17 overtime expenses incurred within Executive Branch agencies of  
18 the government of Guam directly supported by the General Fund.  
19 The Overtime Fund shall *not* be used to support overtime  
20 expenses incurred by autonomous agencies. Disbursements of the  
21 Overtime Fund shall be as determined and authorized by *I*  
22 *Maga'lahaen Guåhan*.

23           (b) There is hereby appropriated to the Overtime Fund  
24 from the General Fund the sum of Two Million Two Hundred

1           Seventy-three Thousand Eight Hundred Ninety-two Dollars  
2           (\$2,273,892).

3           (c) *Except* as provided for in this Section, no funds are  
4           appropriated from the General Fund for the purpose of funding  
5           overtime expenses within the Executive Branch.

6           **Section 24.           Creation of Off-Island Travel Fund.**

7           (a) There is hereby created the '*Off-Island Travel Fund*' to  
8           be administered by *I Maga'lahaen Guåhan*. This fund shall be used  
9           exclusively to pay for off-Island travel expenses incurred within  
10          Executive Branch agencies of the government of Guam directly  
11          supported by the General Fund. The Off-Island Travel Fund shall  
12          *not* be used to support off-Island travel expenses incurred by  
13          autonomous agencies. Disbursements of the Off-Island Travel  
14          Fund shall be as determined and authorized by *I Maga'lahaen*  
15          *Guåhan*.

16          (b) There is hereby appropriated to the Off-Island Travel  
17          Fund from the General Fund the sum of Two Hundred Eighty-  
18          nine Thousand Nine Hundred Fourteen Dollars (\$289,914.00).

19          (c) *Except* as provided for in this Section, no funds are  
20          appropriated from the General Fund for the purpose of funding  
21          off-Island travel expenses within the Executive Branch.

22          **Section 25.           Appropriation to DOE for Substitute Teachers.**

23          The sum of Four Hundred Eighty-three Thousand One Hundred Ninety  
24          Dollars (\$483,190.00) is hereby appropriated from the General Fund for

1 Fiscal Year 2000 to the Department of Education for the employment of  
2 substitute teachers.

3 **Section 26. Appropriation to DOE for Non-Personnel**  
4 **Operating Expenses.** All monies collected by the Department of  
5 Education from the school lunch program, lost textbooks and Federal  
6 funds paid to the government of Guam for reimbursement under the  
7 National School Lunch and Breakfast Program are hereby appropriated  
8 to the Department of Education for non-personnel operating expenses.

9 **Section 27. Appropriation to DOA for Government Claims**  
10 **Fund.** Two Hundred Eighty-nine Thousand Nine Hundred  
11 Fourteen Dollars (\$289,914.00) is appropriated from the General Fund  
12 for Fiscal Year 2000 to the Government Claims Fund under the  
13 Department of Administration for the payment of eligible and approved  
14 Government Claims.

15 **Section 28. Appropriation to Office of *I Maga'laha***  
16 ***Guåhan*.** Five Million Five Hundred Eighty-nine Thousand Four  
17 Hundred Seven Dollars (\$5,589,407) is appropriated from the General  
18 Fund to the Office of *I Maga'laha Guåhan* for salaries and operation  
19 expenses for Fiscal Year 2000.

20 **Section 29. Appropriation to Commission on**  
21 **Decolonization and Task Forces.** (a) Four Hundred Fifty-nine  
22 Thousand Eight Hundred Four Dollars (\$459,804.00) is  
23 appropriated from the General Fund to the Commission on  
24 Decolonization for operations for Fiscal Year 2000.

1 (b) Nineteen Thousand Three Hundred Twenty-eight  
2 Dollars (\$19,328.00) is appropriated from the General Fund to the  
3 Free Association Task Force for Fiscal Year 2000.

4 (c) Nineteen Thousand Three Hundred Twenty-eight  
5 Dollars (\$19,328.00) is appropriated from the General Fund to the  
6 Independence Task Force for operations for Fiscal Year 2000.

7 (d) Nineteen Thousand Three Hundred Twenty-eight  
8 Dollars (\$19,328.00) is appropriated from the General Fund to the  
9 Statehood Task Force for operations for Fiscal Year 2000.

10 **Section 30. Appropriation to GVB for Operations.** Thirteen  
11 Million Six Hundred Seventy-four Thousand Three Hundred Twenty-  
12 three Dollars (\$13,674,323) is appropriated from the Tourist Attraction  
13 Fund to the Guam Visitors Bureau for Fiscal Year 2000 for the following:

14 (a) Three Hundred Seventy-eight Thousand Two  
15 Hundred Thirty-eight Dollars (\$378,238.00) for First Quarter  
16 salaries and benefits, as detailed in the attached Guam Visitors  
17 Bureau staffing pattern; and One Million Twenty-six Thousand Six  
18 Hundred Forty-six Dollars (\$1,026,646) for salaries and benefits for  
19 the period beginning January 1, 2000 and ending September 30,  
20 2000; *and*

21 (b) Twelve Million Twenty-four Thousand Seven  
22 Hundred Nineteen Dollars (\$12,024,719) for contractual services,  
23 which shall be expended pursuant to the Budget Digest provided  
24 in 'Attachment F' of this Act; Fifty Thousand Dollars (\$50,000.00)  
25 for warehouse storage space; Ten Thousand Dollars (\$10,000.00)

1 for supplies and materials; Forty Thousand Dollars (\$40,000.00) for  
2 miscellaneous; One Hundred Fourteen Thousand Seven Hundred  
3 Twenty Dollars (\$114,720.00) for utilities; and Thirty Thousand  
4 Dollars (\$30,000.00) for capital outlay.

5 **Section 31. Appropriation to DOA's DAWR.** Twenty-  
6 seven Thousand Seven Hundred Eighty-three Dollars (\$27,783.00) is  
7 hereby appropriated from the General Fund to the Department of  
8 Agriculture's Division of Aquatic and Wildlife Resources ('DAWR') for  
9 the following purposes:

10 1. **Coordination and Administration Program:**

11 Supplies and Materials \$1,000.00

12 2. **Conservation of Wildlife (Law Enforcement)**  
13 **Program:**

14 Contractual \$9,000.00

15 Supplies and Materials \$9,033.00

16 Equipment \$8,750.00.

17 **Section 32. Appropriation to GMTA for Bus Repair.**

18 Ninety-four Thousand Dollars (\$94,000.00) is hereby authorized and  
19 appropriated from the General Fund to the Guam Mass Transit  
20 Authority ('GMTA') *only* for the repair of buses in their inventory for the  
21 following specific purposes:

22 (a) 3 New Engines \$27,000.00

23 (b) Repair of 4 Ford Vans Transferred  
24 To GMTA by DOE's Special Education  
25 Division \$12,000.00

1 (c) Automotive Supplies & Repair Parts \$55,000.00."

2 **Section 4. Transfer of Employees.** Section 22 of Chapter IV of  
3 Public Law Number 25-72 is hereby *amended* to read as follows:

4 **"Section 22. Transfer of Employees.** Notwithstanding  
5 any other provision of law, and recognizing that the provisions of this  
6 Act may cause shortages of personnel in certain areas of the  
7 government, and in order to facilitate the reorganization of the  
8 government, and for the purpose of ensuring that the minimum number  
9 of new employees shall be required for the operation of the government,  
10 *I Maga'lahaen Guåhan* is authorized to transfer employees within or  
11 between any department or agency of the government of Guam, *except*  
12 that:

13 (a) the provisions of this Section shall *not* apply to any  
14 employee of the Legislative or Judicial Branches of the  
15 government and the transfer of any employee shall *not* result in a  
16 loss of pay or salary; *and*

17 (b) the transfer of any employee pursuant to this Section  
18 shall be accompanied with the authorized funding for the  
19 transferred employee's position, which was made to the  
20 department or agency they are being transferred from, pursuant to  
21 any personnel funding authorized by Public Law Number 25-72 or  
22 Public Law Number 25-74. Any transfer *not* in conformance with  
23 this Section shall be considered null and void on the effective date  
24 of this Act. Any compensation due to an employee transferred

1 under the provisions of this Section and for whom no  
2 accompanying transfer of funding has been made, shall be  
3 charged to the department or agency of origin by the Department  
4 of Administration. No certifying officer of the government shall  
5 certify that funds are available to pay for the compensation of a  
6 transferred employee, *unless* certain that funds and budgetary  
7 authority have been transferred for that employee as detailed in  
8 this Section.

9 No transfer of an employee shall occur from an autonomous  
10 agency of the government of Guam to a line department of the  
11 government of Guam, or any agency or department of the government  
12 of Guam whose funding is appropriated, in part or whole, from the  
13 General Fund. It is the intent of *I Liheslaturan Guåhan* that in every  
14 circumstance, a transfer of personnel from an appropriate agency shall  
15 be the first alternative exercised in such circumstances where it has been  
16 determined by *I Maga'lahaen Guåhan* that a need for personnel in an area  
17 of the government exists."

18 **Section 5. Moratorium on Limited Term Appointments.**

19 Notwithstanding the provisions of §4103 of Title 4 of the Guam Code  
20 Annotated, or any other provision of law, no person may be employed on a  
21 temporary or limited term basis by any instrumentality of the government of  
22 Guam during this Fiscal Year, *except* for the following:

- 23 (1) attorneys at the Department of Law;  
24 (2) nurses and doctors;



1           (3) persons employed one hundred percent (100%) by Federal  
2 funds;

3           (4) census workers;

4           (5) temporary survey workers employed by the Department of  
5 Labor for the purpose of conducting employment surveys; *and*

6           (6) licensed health care professional ancillary service personnel  
7 employed at the Guam Memorial Hospital Authority, the Department of  
8 Mental Health and Substance Abuse and the Department of Public  
9 Health and Social Services.

10          In any case, no person employed on the basis of these exceptions can be  
11 employed for a period of more than ninety (90) days, *subject to* no more than  
12 two (2) renewals. No more than seven (7) days after the hiring of any  
13 individual subject to the exceptions contained in this Section, the head of the  
14 government instrumentality where such hiring has occurred shall report, in  
15 writing, such hiring to the Speaker of *I Liheslaturan Guåhan*. Any person who  
16 has previously separated from government employment under the Voluntary  
17 Separation with Compensation Program authorized by Public Law Numbers  
18 25-72 and 25-74 shall *not* be eligible for rehiring under the provisions of this  
19 Section. No funds shall be expended from the General Fund to pay any  
20 person who has separated from government employment under the  
21 Voluntary Separation with Compensation Program authorized by Public Law  
22 Numbers 25-72 and 25-74 for any position authorized by this Section.

23          **Section 6. Reporting Requirements; Expenditures and Staffing**  
24 **Patterns.** Beginning February 1, 2000, and continuing on the first of each  
25 month thereafter, each agency or department head in the Executive Branch of

1 the government of Guam, the Presiding Judge of the Superior Court of Guam,  
2 the Chief Justice of the Supreme Court of Guam and the Chairman of the  
3 Board of Trustees of the Public Defender Service Corporation shall submit to  
4 the Speaker of *I Liheslaturan Guåhan* a monthly report, in writing, detailing the  
5 full and complete staffing pattern for their respective instrumentality. Such  
6 staffing pattern shall include at a minimum the name, position, salary and  
7 benefits for each person employed, as well as the funding source for the salary  
8 and benefits of all employees. In a separate section of the report, the head of  
9 the reporting instrumentality shall detail any changes from the prior month's  
10 report, in either the number of personnel contained in the staffing pattern or  
11 levels of compensation for persons contained in the staffing pattern.

12 Thirty (30) days after the end of each quarter of Fiscal Year 1999-2000,  
13 each agency or department head in the Executive Branch of the government of  
14 Guam, the Presiding Judge of the Superior Court of Guam, the Chief Justice of  
15 the Supreme Court of Guam and the Chairman of the Board of Trustees of the  
16 Public Defender Service Corporation shall submit to the Speaker of *I*  
17 *Liheslaturan Guåhan* a monthly report, in writing, detailing the full and  
18 complete expenditures for their respective instrumentality for the preceding  
19 quarter, inclusive of sources of funding for such expenditures.

20 **Section 7. Educator Retirement.** Any teacher of the Department  
21 of Education or the Guam Community College, who separated from  
22 government service for the purposes of utilizing the early retirement program  
23 pursuant to Public Law Numbers 25-72, 25-74 and 25-90, and who  
24 subsequently signed a temporary contract with either the Guam Community  
25 College or the Department of Education for the balance of the school semester,

1 or shall return to teach at the Department of Education or the Guam  
2 Community College under the terms of temporary employment contract  
3 executed in the months of December, 1999 or January, 2000 for the purpose of  
4 teaching, as provided for in law, shall have paid to them by their respective  
5 department of employment the difference between what they received as  
6 compensation in accordance with the provisions of their temporary service  
7 contracts valid until the end of the semester, and what they would have  
8 received had they remained in government service through December 31,  
9 1999, in their normal employment status and pay grade.

10 Funds needed to accomplish this purpose shall come from within the  
11 budgets of the Guam Community College and the Department of Education,  
12 as appropriate.

13 **Section 8. Amendment to Early Retirement Incentive Program.**

14 (a) **Method of Computing Payments Due From Retirees**  
15 **Opting to Retire Early.** Contributions required from employees of  
16 the government of Guam who are retiring from government service  
17 under the early retirement provisions of Public Law Numbers 25-72, 25-  
18 74 and 25-90, and who are as a consequence purchasing additional years  
19 of service credit pursuant to those laws, shall be computed on the basis  
20 of the salary the employee is earning at the time the employee applies  
21 for the credit. Such contributions shall *not* be computed on the basis of  
22 the average of the employee's top three (3) salary years during their  
23 service career, or any other alternative basis.

24 (b) **Annuitant to Receive Immediate Full Credit For All**  
25 **Service Purchased.** Any individual who retires and purchases

1 additional years of service credit subject to the provisions of Public Law  
2 Numbers 25-72, 25-74 and 25-90 is entitled to the full application of such  
3 additional years of service immediately upon their retirement, *regardless*  
4 of when a promissory note is finalized between the Retirement Fund  
5 and the retiree. Should the Retirement Fund be unable to consummate a  
6 promissory note simultaneous to the separation of the employee from  
7 government service or their retirement from the government of Guam,  
8 the Retirement Fund shall *retroactively apply* the annuity based on the  
9 additional years of service.

10 (c) Retirement Date for Teachers Shall be on Their Date from  
11 Government Service. Notwithstanding the policies or procedures of  
12 the Government of Guam Retirement Fund, the date at which a teacher  
13 separates from government service under the Early Retirement  
14 provisions of Public Law Numbers 25-72, 25-74 and 25-90 shall also be  
15 considered their date of retirement and all annuities due to the retiring  
16 teacher shall be due to that teacher as of that date.

17 **Section 9. Lump Sum Annual Leave Payments Reimbursed by Loans.**

18 Any lump sum annual leave payments due employees who have either  
19 voluntarily separated from government service with compensation or  
20 purchased additional years of service for early retirement purposes pursuant  
21 to the provisions of Public Law Numbers 25-72, 25-74 and 25-90, that have  
22 been paid by either the General Fund or the Personnel Reserve Fund, shall be  
23 reimbursed to such funds from proceeds of the loans authorized by Public  
24 Law Numbers 25-72, 25-74 and 25-90. Upon reimbursement, such funds shall  
25 be reverted to those departments, agencies, branches or instrumentalities of

1 the government of Guam from which said employee may have voluntarily  
2 separated with compensation or retired under the provisions of the early  
3 retirement program, as detailed in Public Law Numbers 25-72, 25-74 and 25-  
4 90.

5       **Section 10.       Restoration of Positions to GPD.**       The Guam  
6 Police Department is authorized to hire no more than one (1) Psychologist and  
7 one (1) Attorney IV. The Department also is authorized to hire *no more than*  
8 forty (40) "Police Officers I" to positions vacated between October 1, 1999 and  
9 December 31, 1999. All certified graduates of the Guam Community College  
10 Basic Law Enforcement Academy ('GCCBLEA') shall be given first right of  
11 refusal in writing by the Department of Administration Personnel Services  
12 Division, before the position is filled by other candidates who are *not*  
13 graduates of GCCBLEA. In the event any of these positions authorized for  
14 hiring under this Section are filled, these positions shall be paid only from  
15 funds appropriated from the General Fund to the Guam Police Department  
16 for personnel services during Fiscal Year 2000.

17       **Section 11.       Personnel Reserve Fund Repeal.** Section 3 of Chapter  
18 II of Public Law Number 25-72 is hereby *repealed*, and all funds therein are  
19 transferred to the General Fund. Any reference in other Sections of Public  
20 Law Numbers 25-72, 25-74 or 25-91, shall be understood as referring to the  
21 General Fund rather than the Personnel Reserve Fund.

22       **Section 12.       I Maga'lahañ Transfer Authority.** Section  
23 6 of Chapter V of Public Law Number 25-72 is hereby *repealed and reenacted* to  
24 read as follows:

1           **"Section 6.        I Maga'lahaen Guåhan Transfer Authority.    I**

2           *Maga'lahaen Guåhan* is authorized to transfer *not more than* ten percent  
3           (10%) in or out of the object categories within a department or agency of  
4           the Executive Branch from the amounts appropriated in Fiscal Year 2000  
5           for the object categories as listed in '**Attachment C**' of this Act.  
6           This transfer authority shall *not* extend to the Personnel Services Object  
7           Category. *I Maga'lahaen Guåhan* shall have *no authority* to transfer any  
8           funds into or out of the Personnel Services Object Category. Transfers  
9           into the Utilities Category, pursuant to this Section, are permitted;  
10          transfers out are prohibited.

11          *I Maga'lahaen Guåhan* is authorized to transfer *not more than* six  
12          percent (6%) in or out of the object categories between a department or  
13          agency of the Executive Branch from the amounts appropriated in Fiscal  
14          Year 2000 for the object categories as listed in '**Attachment C**' of  
15          this Act. This transfer authority shall *not* extend to the Personnel  
16          Services Object Category. *I Maga'lahaen Guåhan* shall have no authority  
17          to transfer any funds into or out of the Personnel Services Object  
18          Category. Transfers into the Utilities Category, pursuant to this Section,  
19          are permitted; transfers out are prohibited.

20          *I Maga'lahaen Guåhan* shall report to *I Liheslaturan Guåhan* within  
21          twenty (20) days of the end of each month all transfers pursuant to this  
22          Section, and as provided in this Act.

23          The Chief Justice and the Presiding Judge of the Supreme and  
24          Superior Courts of Guam, and the Chairman of the Board of Trustees of  
25          the Public Defender Service Corporation, respectively, are authorized to

1 transfer *not more than* ten percent (10%) in or out of object categories  
2 within their jurisdictions, *except* for Personnel Services and Utilities  
3 Object Categories, which have the following restrictions:

4 (a) no transfers whatsoever shall be made from the  
5 Personnel Services Category;

6 (b) transfers into the Utilities Category, pursuant to this  
7 Section, are permitted; *and*

8 (c) transfers out are prohibited.

9 The Chief Justice and the Presiding Judge of the Supreme and  
10 Superior Courts of Guam, respectively, shall report to *I Liheslaturan*  
11 *Guåhan* within twenty (20) days of the end of each month all transfers  
12 pursuant to this Section."

13 **Section 13. Reorganization Amendment.** Section 20 of  
14 Chapter IV of Public Law Number 25-72 is hereby *repealed and reenacted* to  
15 read as follows:

16 **"Section 20. Government-Wide Reorganization.**

17 Beginning seven (7) days after the effective date of this Act, a process of  
18 government-wide reorganization shall commence. At a minimum, this  
19 process shall accomplish the following:

20 1. reduction in the number of government agencies and  
21 departments comprising the government of Guam by no less than  
22 fifty percent (50%);

23 2. consolidation of agencies and departments, or  
24 programs and activities contained therein, of similar function;

1           3. consolidation of agencies and departments, or  
2 programs and activities contained therein, which serve similar  
3 clientele;

4           4. reduction in personnel requirements across the  
5 government of Guam;

6           5. reduction in costs associated with the government of  
7 Guam; *and*

8           6. increase in the efficiency and effectiveness of services  
9 delivered by the government of Guam.

10           The Committee on Rules, Government Reform, Reorganization  
11 and Federal Affairs of *I Liheslaturan Guåhan* shall begin a series of  
12 roundtable panels no more than seven (7) days after the effective date of  
13 this Act to facilitate the purposes of this Section, in cooperation with the  
14 Administration and the Executive Branch, in full recognition of the need  
15 for comity and dialogue in the process of reorganizing the government  
16 of Guam. *I Maga'lahren Guåhan* shall select such individuals and  
17 representatives of the Administration as he wishes to participate in  
18 these roundtables, which shall also be open to members of the public,  
19 who may also wish to make contribution to the specific topics of  
20 discussion and work in any given session of the roundtable. The  
21 duration and frequency of the roundtables shall be such that within One  
22 Hundred Eighty (180) days of the effective date of this Act, a single  
23 comprehensive piece of legislation is completed that accomplishes the  
24 reorganizational purposes detailed in this Section.



1           In simultaneous recognition of the complexities and potentially  
2 disruptive aspects of large-scale reorganization, as well as the  
3 overwhelming fiscal pressure that bears down upon the government of  
4 Guam, such legislation detailed herein must contain a reasonable  
5 timeline for transition and implementation that takes into account the  
6 need to minimize disruption, while maintaining sufficient haste to reap  
7 the benefits of reduced costs and increased efficiency in these difficult  
8 times.

9           The legislation detailed in this Section must also include specific  
10 performance standards for all consolidated and reorganized programs,  
11 activities, departments or agencies. Such standards, as well as the  
12 reorganized design, shall be used to establish new funding levels for  
13 each reorganized or re-designed entity that shall be reflected in the  
14 Fiscal Year 2000 budget.”

15       **Section 14.       Outsourcing Directive.**       Each head of every  
16 department or agency in the Executive Branch of the government of Guam,  
17 the Presiding Judge of the Superior Court of Guam, and the Chief Justice of  
18 the Supreme Court of Guam shall submit a report to *I Maga'lahen Guåhan* and  
19 the Speaker of *I Liheslaturan Guåhan* in no less than ninety (90) days from the  
20 effective date of this Act that details specific areas of service within the  
21 purview of their respective instrumentalities that may be outsourced to  
22 private contractors or to non-government entities, thus relieving the  
23 government of requirements to hire additional personnel in those specific  
24 service areas. Such report shall detail specifically what service areas the  
25 reporting head wishes to outsource, what personnel requirements would be

1 supplanted as a result, what the estimated cost of such proposals would be,  
2 contrasted to the cost of providing such service in-house, and what impacts  
3 upon service, *if any*, would be anticipated as a result of such action.

4 **Section 15. Dededo Buffer Strip Revolving Fund.** Section 51 of  
5 Public Law Number 25-74 is hereby *repealed and reenacted* to read as follows:

6 **"Section 51.** Notwithstanding provisions of §9 of  
7 Chapter III of Public Law Number 25-72, ~~Ninety-nine Thousand Three~~<sup>ZERO DOLLARS</sup>  
8 ~~Hundred Fifty-eight Dollars (\$99,358.00)~~ <sup>(\$-0-)</sup> *Wallo* is appropriated from the  
9 General Fund to the Dededo Buffer Strip Revolving Fund."

10 **Section 16. Worker's Compensation Amendment.** Section 2 of  
11 Public Law Number 25-91 is hereby *repealed and reenacted* to read as follows:

12 **"Section 2. Appropriation to the Government of Guam**  
13 **Special Fund for Worker's Compensation.** (a) Nine Hundred  
14 Sixty-six Thousand Three Hundred Eighty Dollars (\$966,380.00) is  
15 appropriated from the General Fund to the Government of Guam  
16 Special Fund for worker's compensation payments for the purpose set  
17 out in §9144 of Title 22 of the Guam Code Annotated to pay worker's  
18 compensation for claims by employees of the government of Guam,  
19 including outstanding prior years' obligations and future obligations  
20 associated with the provisions of this Section.

21 (b) Notwithstanding any other provision of law, the  
22 appropriation made in this Section may be used to pay for  
23 medical, surgical, and other attendance or treatment; nurse;  
24 hospital service; medicine; crutches; and apparatus required by

1 the claimant for such period as the nature of the injury, or the  
2 process of recovery, may require.”

3 **Section 17. Appropriation to DPW Solid Waste Division.**

4 Such sums, as are necessary, are hereby appropriated from the Solid Waste  
5 Operations Funds established by §51118 of Chapter 51, Part 2, Division 2, of  
6 Title 10 of the Guam Code Annotated to the Solid Waste Division of the  
7 Department of Public Works for the operations of the Solid Waste Division.  
8 The Director of the Department of Public Works shall submit a detailed report  
9 outlining all collections and expenditures of the Solid Waste Operations Fund.  
10 The report shall be submitted to the Speaker of *I Liheslaturan Guåhan* on a  
11 Quarterly basis.

12 **Section 18. Appropriation to DISID for Local Matching Funds.**

13 An additional Three Hundred Fifty Thousand Dollars (\$350,000.00) is  
14 appropriated from the General Fund to the Department of Integrated Services  
15 for Individuals with Disabilities to provide for local matching funds to the  
16 Division of Vocational Rehabilitation Basic Support Section for Fiscal Year  
17 2000.

18 **Section 19. Department of Mental Health Hiring Authority.**

19 The Department of Mental Health is authorized to hire *no more than* seven (7)  
20 psychiatric technicians and two (2) social workers to positions vacated  
21 between October 1, 1999 and December 31, 1999, or in the case of the Early  
22 Retirement Program between October 1, 1999 and January 7, 2000. The  
23 Department of Mental Health is also authorized to hire no more than four (4)  
24 nurses and one (1) program director for the Healing Hearts Program as new  
25 positions *not* previously included in the staffing pattern listed in “Exhibit A”

1 of Public Law Number 25-74. In the event any of these positions are filled, the  
2 positions shall be paid *only* from funds appropriated from the General Fund  
3 to the Department of Mental Health for personnel services during Fiscal Year  
4 2000.

5 **Section 20. DISID Hiring Authority.** The Department of  
6 Integrated Services for People with Disabilities ("DISID") is authorized to  
7 rehire *no more than* three (3) social workers to positions vacated between  
8 October 1, 1999 and December 31, 1999, or in the case of the Early Retirement  
9 Program between October 1, 1999 and January 7, 2000. In the event any of  
10 these positions are filled, the positions shall be paid only from funds  
11 appropriated from the General Fund to DISID for personnel services during  
12 Fiscal Year 2000.

13 **Section 21. Appropriations for Select Positions.** Section 14 of  
14 Public Law Number 25-74 is hereby *repealed and reenacted* to read as follows:

15 **"Section 14.** Section 16 of Chapter V of Public Law  
16 Number 25-72 is hereby *repealed and reenacted* to read as follows:

17 **'Section 16. Filling of Teaching, School Health Counselors,**  
18 **Nursing and License Health Care Professional Vacancies.**

19 Notwithstanding the provisions of §§19 and 24 of Chapter IV of  
20 this Act, all funds appropriated for the teaching, school health  
21 counselor and nursing positions listed in 'Attachment B' of this  
22 Act, and for positions of certified registered or licensed health care  
23 professional ancillary service personnel employed at the Guam  
24 Memorial Hospital Authority, the Department of Mental Health

1 and Substance Abuse and the Department of Public Health and  
2 Social Services, that become vacant after the enactment hereof  
3 shall *not* be automatically de-appropriated. Such funds may be  
4 used by the appointing authority to fill these vacant positions.  
5 *However*, during the period of time that a position remains vacant,  
6 all unspent funds shall be deposited into the Rainy Day Fund as  
7 provided in §§23-25 of Public Law Number 25-72. To the extent  
8 that Public Law allows the re-employment of retired employees  
9 who retired from the Government of Guam Retirement Fund to be  
10 hired for nursing, school health counselor, teaching and certified  
11 registered or licensed health care professional ancillary service  
12 positions, all such retired persons hired hereafter shall be hired at  
13 entry level '*Step 1*' for the applicable vacancy."

14 **Section 22. Prohibition Against Director or Deputy Rehires.**

15 Notwithstanding any other provision of law, and in order to ensure that the  
16 law in this respect is complied with, *I Liheslaturan Guåhan* reiterates that under  
17 no circumstances shall a Director, Executive Director, General Manager,  
18 President, or head of department, or their functional equivalents; or Deputy  
19 Director, Deputy Executive Director, Assistant General Manager, Vice-  
20 President, or deputy head of department, or their functional equivalents; be  
21 they employed by a Department, Commission, Bureau, Autonomous Agency  
22 or any other government instrumentality, who elects to retire under the Early  
23 Retirement provisions of Public Law Numbers 25-72, 25-74 and 25-90 be  
24 rehired at any time thereafter under the terms of a personal services contract,  
25 or employment contract, or any contract, *unless* expressly provided for by law

1 for teachers, school health counselors, nurses, and licensed health care  
2 professional ancillary service positions. No funds shall be expended to fulfill  
3 the terms of a personal services contract, or employment contract, that has  
4 been consummated in violation of this Section.

5 This Section shall *not* be interpreted as providing any authority for  
6 personal services contracts, or employment contracts, to exist in the Executive  
7 Branch of the government of Guam, *except* as otherwise expressly and directly  
8 permitted by law for teachers, school health counselors, nurses, and licensed  
9 health care professional ancillary service positions.

10 **Section 23. Appropriations for Department of Law Positions.**

11 The Department of Law is authorized to hire attorneys to positions vacated  
12 between October 1, 1999 and December 31, 1999, or in the case of the Early  
13 Retirement Program between October 1, 1999 and January 7, 2000. These  
14 positions shall be paid *only* from funds appropriated from the General Fund  
15 to the Department of Law for personnel services during Fiscal Year 2000.

16 **Section 24. Appropriation for DOE Comptroller Position.**

17 The Department of Education is authorized to hire a Comptroller. This  
18 position shall be paid only from funds appropriated from the General Fund to  
19 the Department of Education for personnel services during Fiscal Year 2000.

20 **Section 25. Appropriation for DLM Chief of Cadastre Position.**

21 In the event that the Chief of Cadastre of the Department of Land  
22 Management ("Department") retires on or before September 30, 2000, the  
23 Department is authorized to hire one (1) Chief of Cadastre to replace him.  
24 The balance of monies appropriated for the retiring Chief of Cadastre

1 position, but not expended, shall be appropriated to cover the salary of his  
2 replacement for the remainder of Fiscal Year 2000.

3 **Section 26. Reprogramming and Re-appropriating of**  
4 **Appropriations from Completed Capital Improvement Projects.** Section  
5 1505(k) is hereby *added* to Article 5, Chapter 1 of Title 5 of the Guam Code  
6 Annotated to read as follows:

7 “(k) *Except* for Item (21), all unexpended, un-obligated and  
8 unencumbered balances of the appropriations in Subsection (i) of this  
9 Section as of September 30, 1999 shall be reprogrammed and re-  
10 appropriated as follows:

11 (1) ninety-nine percent (99%) to the Department of  
12 Education for the repair and renovation of public school buildings  
13 and structures, to be expended in the following priority:

14 (i) repair and reconstruction of C. L. Taitano  
15 Elementary School;

16 (ii) match of Federal funds made available by  
17 Federal Emergency Management Agency, or other Federal  
18 entity, in order to maximize the ability of the Department of  
19 Education to repair, reconstruct or construct school  
20 buildings; *and*

21 (iii) repair, reconstruction or construction of school  
22 buildings that have a direct impact of remedying structural  
23 deficiencies to ensure student and staff safety.

24 (2) one percent (1%) to the Guam Police Department for  
25 the renovation of its crime laboratory located in Tiyan.”

1           **Section 27.           Deadline for Early Retirement Program Extended.**

2   Section 21 of Chapter IV of Public Law Number 25-72, as amended by Public  
3   Law Numbers 25-74:13 and 25-90:2, is hereby *amended* to read as follows:

4           **"Section 21.           Early Retirement Incentive.**

5           Notwithstanding any other provision of law or terms and conditions set  
6           by the Board of Trustees of the Government of Guam Retirement Fund  
7           pursuant to §8130 of Title 4 of the Guam Code Annotated, and for a  
8           period between the effective date of this Act and January 7, 2000, any  
9           active, non-uniformed member of the Government of Guam Retirement  
10          Fund who has a minimum of twenty (20) years of creditable service, or  
11          any uniformed active member of the Retirement Fund who has a  
12          minimum of fifteen (15) years of creditable service, or any active  
13          member of the Retirement Fund of sixty (60) or more years of age who  
14          has a minimum of five (5) years of creditable service, may retire and  
15          receive the following additional benefits:

16                  **1.    Up to Five (5) Years of Additional Creditable Service**

17                  **Upon Application.**    The member wishing to retire, including  
18                  any member who has withdrawn the member's retirement  
19                  contribution from the Fund who is paying back such amounts  
20                  pursuant to a repayment agreement or promissory note pursuant  
21                  to §8130 of Title 4 of the Guam Code Annotated, shall pay for the  
22                  additional employee's contribution to the Retirement Fund  
23                  required for such additional service by paying in full such  
24                  contributions by the time of retirement, or by executing a  
25                  promissory note with the Retirement Fund for the full payment of



1 the amount of such contributions. Notwithstanding any other  
2 provision of law, in the case of a member who has withdrawn the  
3 member's retirement contribution from the Fund who is paying  
4 back such amounts pursuant to a repayment agreement or  
5 promissory note, all service credit that is being repaid through  
6 such repayment agreement of promissory note shall count for  
7 purposes of eligibility to retire under the terms and conditions set  
8 forth in this Section. The term of any such promissory note shall  
9 not exceed fifteen (15) years at an interest rate of eight percent  
10 (8%) per annum. The Retirement Fund shall allow those electing  
11 to execute promissory notes to have payments deducted from each  
12 annuitant's semi-monthly check to be used to pay the Retirement  
13 Fund Promissory Note.

14 *If* for some unforeseen reason the deductions authorized for  
15 repayment of the promissory note should cease, then the payment  
16 of the annuity benefits that arise from the provisions of Subsection  
17 1 of this Section shall likewise cease.

18 *Except* in the case of the death of the retiree, the Retirement  
19 Fund is authorized to place a 'Request for Proposal' for group life  
20 insurance to cover the unpaid balance of the promissory note. The  
21 premium for this group life insurance shall be paid by the  
22 Retirement Fund. Such premium contribution by the Fund shall  
23 *not* exceed the premium amount currently paid by the government  
24 for the basic life insurance under the government of Guam group  
25 life plan. *If* there is a difference between the premium amount

1 maximum that the retirement can pay versus the total premium,  
2 that difference shall be paid by the retiree.

3 2. The member retiring, notwithstanding any other  
4 provision of law, shall suffer no penalty or diminishing of the  
5 amount of annuity to be received on account of the age of the  
6 member retiring upon the date of retirement. *I Liheslaturan Guåhan*  
7 recognizes the responsibility of the General Fund to reimburse the  
8 Retirement Fund for the additional costs directly associated with  
9 the granting of additional creditable service to members retiring  
10 under the provisions of this Section, with respect to those costs  
11 directly associated with what would be both the employer's and  
12 employee's contributions for additional years of service credited.  
13 Of the current billing rate of 18.6% of gross payroll for active  
14 members of the Retirement Fund, 17.48% shall be allocated to  
15 payment of the bi-weekly employer's contribution of active  
16 employees and to the repayment of supplemental annuity benefits  
17 and COLA, as provided in §§2-9 of this Chapter. The remaining  
18 1.12% shall be applied to pay for the employer's contributions for  
19 those members electing to retire under the provisions of this  
20 Section. As the percentage amount set aside for the payment of  
21 the government's share of: (a) the normal cost; (b) the un-funded  
22 accrued liability cost; *and* (c) the repayment of supplemental  
23 annuity benefits and COLA, as provided in §§2-9 of this Chapter  
24 decreases annually, the balance made available will be applied to  
25 the payment of employer's contributions for persons electing to

1 retire pursuant to the provisions of this Section. The members of  
2 the Retirement Fund Board of Trustees are indemnified against  
3 any personal liability in any matter relative to the implementation  
4 of this Section. The Board of Trustees of the government of Guam  
5 Retirement Fund shall implement the provisions of this Section  
6 *immediately* upon the effective date of this Act, notwithstanding  
7 any other provision of law. In the event that it is required to  
8 implement this Section, *I Maga'lahaen Guåhan* is authorized to  
9 borrow no more than Twenty Million Dollars (\$20,000,000) with  
10 banks or other lending institutions licensed to do business on  
11 Guam, for a term of no more than twenty (20) years in order to  
12 fulfill the purposes of §21 of this Chapter. Such loan shall be used  
13 exclusively for the purposes of funding the voluntary separation  
14 payments authorized by §21 of this Act. Such loan is to be secured  
15 by the General Fund. All terms of the loan shall be negotiated by *I*  
16 *Maga'lahaen Guåhan* in the best interests of the people of Guam.

17 The loan shall be upon such terms and conditions as established  
18 by an agreement, and such other documents and instruments as are  
19 executed by *I Maga'lahaen Guåhan* containing such terms as are consistent  
20 with this Section. *I Maga'lahaen Guåhan*, on behalf of the government of  
21 Guam, is authorized to guaranty the loan and to grant the pledge of §30  
22 revenues or the General Fund, as provided below, as security for  
23 repayment of the loan.

1           (1) The loan shall be for such term, *not to be more than*  
2 twenty (20) years. The rate of interest upon the loan shall be as  
3 negotiated between the lender and *I Maga'lahaen Guahån*.

4           (2) Interest shall be computed upon the declining balance  
5 of principal outstanding from time to time upon the loan.

6           (3) The lender for making the loan may levy prepaid  
7 charges. The lender may charge and be paid either from the loan  
8 funds, or other funds of the government of Guam, its expenses  
9 incurred in making the loan, including legal fees, recording, title  
10 insurance and appraisal fees, and like expenses.

11           (4) Interest earned by the lender shall be exempt from  
12 taxation by the government of Guam, including without limitation  
13 taxation under the Guam Gross Receipts Tax and Guam Territorial  
14 Income Tax.

15           (5) The loan may be secured by:

16                   (i) pledge of §30 revenues or the General Fund;

17                   (ii) a guaranty of the government of Guam; *or*

18                   (iii) pledge of all or any part of the revenues derived  
19 by the government of Guam under §30 of the Organic Act.  
20 Any such pledge shall be made by a certificate of approval  
21 by *I Maga'lahaen Guahån* authorizing the pledge and the terms  
22 and conditions thereof. Any such pledge shall be valid and  
23 binding from the time the pledge is made, *subject* to prior  
24 pledges upon such revenues. The revenues pledged and  
25 thereafter received by the government of Guam, or by any

1 trustee appointed pursuant hereto, shall upon receipt  
2 immediately be subject to the lien of the pledge without any  
3 physical delivery thereof or further act, and the lien of such  
4 pledge shall be valid and binding against the government of  
5 Guam, irrespective of whether the parties have notice  
6 thereof.

7 *I Magalahen Guahån* may also pledge as a source of  
8 repayment for any such loan the balance remaining from the  
9 government's employer contribution to the Retirement Fund after  
10 payment for the normal costs, the un-funded accrued liability cost  
11 and the repayment of supplemental annuity benefits, and COLA,  
12 as provided in §§2-9 of this Chapter, *subject* to legislative approval.

13 Should an annuitant who retires under the provisions of this  
14 Section choose to seek reemployment with the government of Guam,  
15 inclusive of personal services contracts, the annuitant shall continue to  
16 owe and pay the Government of Guam Retirement Fund any balance of  
17 sums remaining from the purchase of the annuitants additional credit  
18 service allowed by this Section. Upon reentering the government of  
19 Guam, the member may be reinstated into the Defined Contribution  
20 Plan."

21 **Section 28. No Positions to be Filled Until Authorized by I**  
22 *Liheslaturan Guahån*. For the month of January, 2000, no government of  
23 Guam funds shall be expended to fill any position not contained in the  
24 staffing patterns attached to Public Law Numbers 25-72 and 25-74. Each  
25 department and agency of the government of Guam shall submit a new

1 staffing pattern to *I Liheslaturan Guahån* on February 1, 2000, and *I Liheslaturan*  
2 *Guahån* shall adopt staffing patterns reduced to reflect the reduction due to  
3 the Early Retirement and Voluntary Separation Programs.

4 After February 1, 2000, no government of Guam funds shall be  
5 expended to fill any position *not* contained in the new staffing patterns  
6 approved by *I Liheslaturan Guahån*. No government of Guam funds shall be  
7 expended on any position filled after September 30, 1999, *unless* those  
8 positions have been *expressly* exempted by *I Liheslaturan Guahån* in Public Law  
9 Numbers 25-72, 25-74 or in this Act, whereby subsequent legislative action  
10 would be appropriate. No certifying officer of the government shall certify  
11 that funds are available to pay for the compensation of an employee in a  
12 position filled in contradiction with this Section.

13 **Section 29. Authorization to GEPA for Additional Personnel.**

14 The Guam Environmental Protection Agency ("GEPA") is hereby authorized  
15 to fill one (1) of each of the following positions:

- 16 (a) EHS Supervisor (Air Pollution);
- 17 (b) Chemist II;
- 18 (c) Engineer III; *and*
- 19 (d) Laboratory Technician III.

20 **Section 30. Submission of Retirement Lists.** Each and every

21 agency, department or instrumentality of the government of Guam, including  
22 autonomous agencies, shall submit to *I Liheslaturan Guahån* a complete list of  
23 all persons who ended their employment with the government of Guam  
24 under the Early Retirement Incentive and Voluntary Separation with

1 Compensation Programs authorized by Public Law Numbers 25-72, 25-74, 25-  
2 90 and as further amended by this Act.

3 The list shall include, at a minimum, the name of the person, the  
4 position vacated, and the annual cost of the position vacated inclusive of  
5 benefits. The list shall be submitted within seven (7) days after the expiration  
6 of the Early Retirement Incentive and Voluntary Separation with  
7 Compensation Programs authorized by Public Law Numbers 25-72, 25-74, 25-  
8 90 and as further amended by this Act.

9 **Section 31. Prohibition Against Retired Employee Rehires.**

10 Notwithstanding any other provision of law, no government employee shall  
11 retire under the Early Retirement provisions of Public Law Numbers 25-72,  
12 25-74 and 25-90, and be rehired at any time thereafter under the terms of a  
13 personal services contract or any contract, *unless* expressly provided for by  
14 law for teachers, school health counselors, nurses, and licensed health care  
15 professional ancillary service positions. No funds shall be expended to fulfill  
16 the terms of a personal services contract that has been consummated in  
17 violation of this Section.

18 This Section shall *not* be interpreted as providing any authority for  
19 personal services contracts to exist in the Executive Branch of the government  
20 of Guam, *except* as otherwise expressly and directly permitted by law for  
21 teachers, school health counselors, nurses, and licensed health care  
22 professional ancillary service positions.

23 *I Liheslaturan Guahån* does *not* recognize the validity of what has been  
24 referred to as a '*personal service contract*' within the government of Guam,

1 *except* for teachers, school health counselors, nurses, and licensed health care  
2 professional ancillary service positions."

3       **Section 32. Attachments to this Act.**     *Except*                     for  
4 "**Attachments C and G**," attached herein, all references in this Act to  
5 "*attachments*" refer to and shall incorporate the attachments as they existed in  
6 the Public Laws being referred to.

7       **Section 33. Severability.**     *If* any provision of this Act or its  
8 application to any person or circumstances is held invalid, the invalidity shall  
9 *not* affect other provisions or applications of this Act which can be given effect  
10 without the invalid provision or application, and to this end the provisions of  
11 this Act are severable.



Attachment "C" - Operating Expenses									
General Fund									
	Travel	Contractual	Office Rental	Supplies	Equipment	Misc.	Utilities	Capital Outlay	Object Totals
Department of Education	\$ 28,180	\$ 5,082,491	\$ 139,159	\$ 6,505,726	\$ 1,188,768	\$ 741,530	\$ 5,363,409	\$ 316,053	\$ 19,365,316
Public Health and Social Services	\$ 39,709	\$ 9,870,313	\$ 234,135	\$ 861,765	\$ 56,511	\$ 38,207,656	\$ 846,416	\$ 583,149	\$ 50,699,653
Guam Fire Department	\$ -	\$ 70,236	\$ -	\$ 190,913	\$ 579,828	\$ -	\$ 183,612	\$ -	\$ 1,024,590
Guam Police Department	\$ -	\$ 774,819	\$ -	\$ 668,735	\$ 7,235	\$ 224,104	\$ 521,845	\$ -	\$ 2,196,738
Department of Public Works	\$ -	\$ 540,027	\$ -	\$ 1,393,685	\$ -	\$ -	\$ 811,179	\$ -	\$ 2,744,891
Department of Corrections	\$ -	\$ 748,916	\$ -	\$ 1,313,648	\$ -	\$ 49,527	\$ 508,606	\$ -	\$ 2,620,696
Department of Revenue and Taxation	\$ 24,353	\$ 1,047,101	\$ -	\$ 60,385	\$ 2,877	\$ 5,485	\$ 219,279	\$ 123,889	\$ 1,483,369
Department of Administration	\$ -	\$ 579,699	\$ -	\$ 159,811	\$ 26,720	\$ -	\$ 362,900	\$ 38,655	\$ 1,167,785
Department of Law	\$ -	\$ 241,679	\$ 150,927	\$ 29,861	\$ -	\$ 655,680	\$ 49,237	\$ -	\$ 1,127,385
Dept. of Mental Health & Subst. Abuse	\$ -	\$ 555,669	\$ -	\$ 362,393	\$ 24,353	\$ -	\$ 304,410	\$ -	\$ 1,246,823
Department of Youth Affairs	\$ -	\$ 138,067	\$ -	\$ 134,520	\$ -	\$ 36,529	\$ 78,277	\$ -	\$ 387,393
Department of Land Management	\$ -	\$ -	\$ 2,319	\$ 1,406	\$ -	\$ 2,899	\$ 86,974	\$ -	\$ 93,599
Department of Agriculture	\$ -	\$ 27,155	\$ -	\$ 42,068	\$ 6,281	\$ 31,649	\$ 82,838	\$ -	\$ 189,992
Public Defender	\$ 4,639	\$ 34,790	\$ 228,485	\$ 19,328	\$ 4,832	\$ 7,731	\$ 36,867	\$ 9,664	\$ 346,335
Department of Labor	\$ 2,996	\$ 63,597	\$ -	\$ 18,973	\$ 242	\$ -	\$ 64,371	\$ 8,063	\$ 158,241
DISID	\$ 3,866	\$ 1,217,213	\$ -	\$ 9,664	\$ 9,664	\$ 5,798	\$ 38,655	\$ 9,664	\$ 1,294,523
Department of Commerce	\$ 1,450	\$ 83,814	\$ -	\$ 24,160	\$ -	\$ -	\$ 126,477	\$ -	\$ 235,900
Dept. of Parks and Recreation	\$ -	\$ 54,794	\$ -	\$ 38,655	\$ 20,294	\$ 1,450	\$ 275,418	\$ 14,496	\$ 405,106
Bureau of Budget & Mangmt Research	\$ -	\$ 30,262	\$ -	\$ 6,765	\$ -	\$ -	\$ 12,563	\$ -	\$ 49,590
Guam Library	\$ 2,743	\$ 53,842	\$ -	\$ 30,762	\$ 51,718	\$ 5,412	\$ 130,171	\$ 4,349	\$ 278,996
Civil Service Commission	\$ -	\$ 8,195	\$ -	\$ 1,859	\$ -	\$ 7,573	\$ 11,449	\$ -	\$ 29,075
Guam EPA	\$ -	\$ 21,897	\$ -	\$ 10,938	\$ -	\$ 3,479	\$ 38,976	\$ -	\$ 75,291
Bureau of Planning	\$ -	\$ 26,972	\$ -	\$ 3,866	\$ -	\$ -	\$ 19,366	\$ 11,693	\$ 61,897
Department of Chamorro Affairs	\$ 966	\$ 183,612	\$ -	\$ 31,891	\$ 12,080	\$ 16,428	\$ 82,142	\$ 31,407	\$ 358,527
Department of Military Affairs	\$ -	\$ 90,014	\$ -	\$ 43,534	\$ -	\$ 11,365	\$ 109,569	\$ 21,744	\$ 276,226
Public Auditor	\$ -	\$ 289,914	\$ 23,634	\$ 4,832	\$ 5,798	\$ 6,281	\$ 15,655	\$ -	\$ 346,115
Chamorro Land Trust Commission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Ancestral Lands Commission	\$ -	\$ -	\$ -	\$ 9,954	\$ 13,034	\$ 8,118	\$ 14,853	\$ -	\$ 45,958
CAHA	\$ 483	\$ 7,248	\$ -	\$ 2,416	\$ -	\$ 115,966	\$ 20,009	\$ 9,664	\$ 155,785
Guam Educational Telecomm. Corp	\$ -	\$ 61,056	\$ -	\$ -	\$ -	\$ -	\$ 27,059	\$ -	\$ 88,115
1 Election Commission	\$ 483	\$ 226,974	\$ 62,162	\$ 5,789	\$ -	\$ 5,412	\$ 8,566	\$ -	\$ 309,386
Commission on Self-Determination	\$ -	\$ 179,747	\$ -	\$ 966	\$ -	\$ 966	\$ 3,866	\$ -	\$ 185,545
Chamorro Registry Advisory Board	\$ 9,664	\$ 96,638	\$ -	\$ 5,798	\$ -	\$ 14,496	\$ 3,866	\$ 14,496	\$ 144,957
Chief Medical Examiner	\$ -	\$ 35,548	\$ -	\$ 2,899	\$ -	\$ 1,295	\$ 3,215	\$ -	\$ 42,958
State Council on Vocational Ed.	\$ -	\$ -	\$ -	\$ 1,459	\$ -	\$ -	\$ 4,542	\$ -	\$ 6,001
Guam Planning Council	\$ -	\$ 682	\$ -	\$ 483	\$ -	\$ 242	\$ 6,958	\$ -	\$ 8,365
AHRD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Guam Finance Commission	\$ -	\$ 858	\$ -	\$ 5,315	\$ -	\$ 8,214	\$ 12,336	\$ -	\$ 26,723
Supreme Court	\$ 43,487	\$ 113,068	\$ -	\$ 14,225	\$ 2,416	\$ 46,145	\$ 14,496	\$ 4,832	\$ 238,669
Superior Court	\$ 36,131	\$ 386,552	\$ -	\$ 217,436	\$ -	\$ 628,147	\$ 543,627	\$ -	\$ 1,811,893
<b>Total</b>	<b>\$ 199,148</b>	<b>\$ 22,943,458</b>	<b>\$ 840,821</b>	<b>\$ 12,236,882</b>	<b>\$ 2,012,651</b>	<b>\$ 40,849,575</b>	<b>\$ 11,044,055</b>	<b>\$ 1,201,816</b>	<b>\$ 91,328,407</b>

## Attachment "G"

## Personnel Appropriations Last Three Quarters FY2000

Department/Agency	General Fund	Special Fund	Note	Federal Fund Match	Total
Department of Education	\$ 96,858,477				\$96,858,477
Public Health and Social Services	\$ 8,880,715			\$ 5,211,464	\$14,092,179
Guam Fire Department	\$ 13,405,751				\$13,405,751
Guam Police Department	\$ 11,643,212	\$ 336,153	1		\$11,979,365
Department of Public Works	\$ 10,199,416	\$ 2,158,164	2		\$12,357,579
DPW - Solid Waste	\$ -	\$ 3,189,739	3		\$3,189,739
Superior Court	\$ 9,913,382			\$ 95,831	\$10,009,212
Department of Corrections	\$ 7,766,624				\$7,766,624
Department of Revenue and Taxation	\$ 4,663,138				\$4,663,138
Department of Administration	\$ 3,885,975				\$3,885,975
Department of Law	\$ 3,883,651			\$ 624,997	\$4,508,648
Dept. of Mental Health & Subst. Abuse	\$ 3,456,547				\$3,456,547
Department of Youth Affairs	\$ 2,314,820				\$2,314,820
Department of Land Management	\$ 1,821,922				\$1,821,922
Department of Agriculture	\$ 1,682,699	\$ 872,502	4	\$ 349,182	\$2,904,383
Public Defender	\$ 1,433,780				\$1,433,780
Department of Labor	\$ 1,506,448			\$ 85,060	\$1,591,508
DISID	\$ 494,804				\$494,804
Supreme Court	\$ 1,157,827				\$1,157,827
Department of Commerce	\$ 879,868				\$879,868
Dept. of Parks and Recreation	\$ 2,465,593				\$2,465,593
Bureau of Budget & Mangmt Research	\$ 795,288				\$795,288
Guam Library	\$ 520,714				\$520,714
Civil Service Commission	\$ 758,169				\$758,169
Guam EPA	\$ 558,119			\$ 975,813	\$1,533,932
Bureau of Planning	\$ 493,330				\$493,330
Department of Chamorro Affairs	\$ 443,937				\$443,937
Department of Military Affairs	\$ 446,482			\$ 264,309	\$710,791
Public Auditor	\$ 135,626				\$135,626
Chamorro Land Trust Commission	\$ 338,247				\$338,247
Ancestral Lands Commission	\$ 221,361				\$221,361
CAHA	\$ 233,906				\$233,906
Guam Educational Telecomm. Corp	\$ 243,172				\$243,172
Guam Election Commission	\$ 92,981				\$92,981
Commission on Self-Determination	\$ 134,619				\$134,619
Chamorro Registry Advisory Board	\$ -				\$0
Chief Medical Examiner	\$ 226,292				\$226,292
State Council on Vocational Ed.	\$ 108,936				\$108,936
Guam Planning Council	\$ 33,463				\$33,463
AHRD	\$ 94,500				\$94,500
Guam Finance Commission	\$ 71,682				\$71,682
Guam Mass Transit Authority	\$ -	\$ 446,856	2		\$446,856
Customs & Quarantine	\$ -	\$ 3,712,943	4		\$3,712,943
PEALS Board	\$ -				\$0
Guam Contractors License Board	\$ -	\$ 224,461	5		\$224,461
<b>TOTAL</b>	<b>\$ 194,265,475</b>	<b>\$10,940,817</b>		<b>\$7,606,655</b>	<b>\$212,812,948</b>
<b>Notes</b>					
1 - Police Services Fund					
2 - Territorial Highway Fund					
3 - Solid Waste Operations Fund					
4 - Customs, Agricultural and Quarantine Inspection Services Fund					
5 - Contractors License Board Fund					

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



**1999 (FIRST) Regular Session**

I, Antonio R. Unpingco, Speaker of *1 Mina'Bente Singko Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 372 (LS), "AN ACT TO APPROPRIATE THE BALANCE OF CERTAIN PORTIONS OF THE BUDGET OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR 1999-2000," which was introduced on December 28, 1999, and therefore waive the statutory requirements for a public hearing on Bill Number 372 (LS).

Dated: December 28, 1999



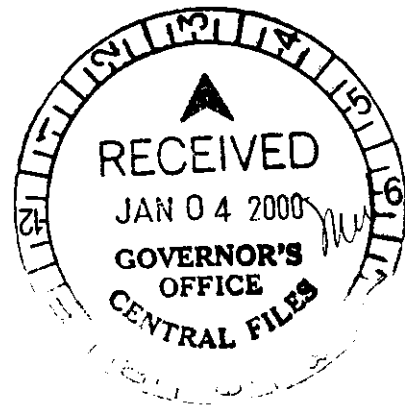
ANTONIO R. UNPINGCO  
Speaker

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



January 4, 2000

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



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are pages 20 and 36 of Public Law 25-98, which I Liheslaturan Guahan on January 3, 2000 overrode both item vetoes cited, notwithstanding your objection.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne M.S. Brown".

JOANNE M.S. BROWN  
Legislative Secretary

Enclosures

**CLERK OF THE LEGISLATURE**  
**TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN**  
(Included in File w/ All Bills Transmitted)  
**BILL NO.**

**FINAL PROOF-READING OF BLUEBACK COPY**

Initialed by:

and Date:

- EXHIBITS ATTACHED *me*
- CONFIRM NUMBER OF PAGES *2*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "\*" REMOVED FROM BILL *N/A*
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE *N/A*
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *N/A*

Confirmed By: *Se*

Dated: \_\_\_\_\_

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

Overridden

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session  
*2000 Second*

Date: 1/3/00

## VOTING SHEET

Bill No. 372 - Line item veto

Resolution No. Notwithstanding the objection of the Governor's veto...

Question: 4a) Page 22, lines 2-5, Section 22 of Chapter III. To override the reduction of \$7,700,000.00 to \$5,200,000.00.

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	111	<del>1</del> ✓			
BERMUDES, Eulogio C.	1	✓			
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

11    3    \_\_\_\_\_    \_\_\_\_\_    1

CERTIFIED TRUE AND CORRECT:

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

\* 3 Passes = No vote  
EA = Excused Absence

*Overridden*

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session  
*2000 Second*

Date: 1/3/00

## VOTING SHEET

Bill No. 372 - Line item veto,  
Resolution No. Notwithstanding the objection of the Governor's veto...  
Question: 4b) Page 36, lines 4-9, Section 15 of Chapter III. To override the Deducted Supporting Revolving Fund reduction of \$99,350 to \$0

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
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 1 \_\_\_\_\_ \_\_\_\_\_ 1

CERTIFIED TRUE AND CORRECT:

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

\* 3 Passes = No vote  
EA = Excused Absence

**CLERK OF THE LEGISLATURE**  
**TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN**

(Included in File w/ All Bills Transmitted)

BILL NO. 342 (LS.)

**FINAL PROOF-READING OF BLUEBACK COPY**

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and Date:

- EXHIBITS ATTACHED *sh (2)*
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- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "\*" REMOVED FROM BILL
- 14* 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any

Confirmed By:

*JB/28*

Dated:

*12/29/99*

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others



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



December 29, 1999

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

Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Bill No. 372(LS) which was passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on December 29, 1999.

Sincerely,

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary


Enclosure (1)

December 29, 1999  
10:55 P.M.  
PO2 ALBERT F. O'NEILL

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. 372 (LS) "AN ACT TO APPROPRIATE THE BALANCE OF CERTAIN PORTIONS OF THE BUDGET OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR 1999 - 2000," was on the 29<sup>th</sup> day of December, 1999, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker

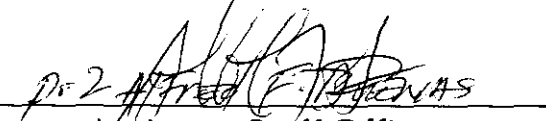
Attested:



---

JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 29 day of December, 1999,  
at 10:55 o'clock p.M.



---

Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

---

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

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

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

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

**Bill No. 372 (LS)**

As amended by the Committee and further  
amended in the Committee of the Whole  
and the Floor.

Introduced by:

The Committee on Rules,  
Government Reform,  
Reorganization and  
Federal Affairs

Mark Forbes

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

J. C. Salas

S. A. Sanchez, II

A. R. Unpingco

**AN ACT TO APPROPRIATE THE BALANCE OF  
CERTAIN PORTIONS OF THE BUDGET OF THE  
GOVERNMENT OF GUAM FOR FISCAL YEAR  
1999 – 2000.**

- 1                   **§14. Amendment to Appropriation to DPW for Widening**  
2                   **Clara Street.**
- 3                   **§15. Appropriation to Mayor's Council.**
- 4                   **§16. Appropriation to GCC's Professional Technological**  
5                   **Institute.**
- 6                   **§17. Appropriation to GVB for Visitor-Related Projects.**
- 7                   **§18. Appropriation to CLTC.**
- 8                   **§19. Appropriation to *Komitea Para Tiyan*.**
- 9                   **§20. Appropriation to DOA for the Residential Treatment**  
10                   **Fund.**
- 11                   **§21. Appropriation to Family Violence Task Force.**
- 12                   **§22. Appropriation to *I Liheslaturan Guâhan*.**
- 13                   **§23. Creation of Overtime Fund.**
- 14                   **§24. Creation of Off-Island Travel Fund.**
- 15                   **§25. Appropriation to DOE for Substitute Teachers.**
- 16                   **§26. Appropriation to DOE for Non-Personnel Operating**  
17                   **Expenses.**
- 18                   **§27. Appropriation to DOA for Government Claims Fund.**
- 19                   **§28. Appropriation to Office of *I Maga'lahen Guâhan*.**
- 20                   **§29. Appropriation to Commission on Decolonization and**  
21                   **Task Forces.**
- 22                   **§30. Appropriation to GVB for Operations.**
- 23                   **§31. Appropriation to DOA's DAWR.**
- 24                   **§32. Appropriation to GMTA for Bus Repair.**

1	<b>Section 4.</b>	<b>Transfer of Employees.</b>
2	<b>Section 5.</b>	<b>Moratorium on Limited Term Appointments.</b>
3	<b>Section 6.</b>	<b>Reporting Requirements; Expenditures and Staffing</b>
4		<b>Patterns.</b>
5	<b>Section 7.</b>	<b>Educator Retirement.</b>
6	<b>Section 8.</b>	<b>Amendment to Early Retirement Incentive Program.</b>
7	<b>Section 9.</b>	<b>Lump Sum Annual Leave Payments Reimbursed by</b>
8		<b>Loans.</b>
9	<b>Section 10.</b>	<b>Restoration of Positions to GPD.</b>
10	<b>Section 11.</b>	<b>Personnel Reserve Fund <i>Repeal</i>.</b>
11	<b>Section 12.</b>	<b><i>I Maga'laha</i>n Guâhan Transfer Authority.</b>
12	<b>Section 13.</b>	<b>Reorganization Amendment.</b>
13	<b>Section 14.</b>	<b>Outsourcing Directive.</b>
14	<b>Section 15.</b>	<b>Dededo Buffer Strip Revolving Fund.</b>
15	<b>Section 16.</b>	<b>Worker's Compensation Amendment.</b>
16	<b>Section 17.</b>	<b>Appropriation to DPW Solid Waste Division.</b>
17	<b>Section 18.</b>	<b>Appropriation to DISID for Local Matching Funds.</b>
18	<b>Section 19.</b>	<b>Department of Mental Health Hiring Authority.</b>
19	<b>Section 20.</b>	<b>DISID Hiring Authority.</b>
20	<b>Section 21.</b>	<b>Appropriations for Select Positions.</b>
21	<b>Section 22.</b>	<b>Prohibition Against Director or Deputy Rehires.</b>
22	<b>Section 23.</b>	<b>Appropriations for Department of Law Positions.</b>
23	<b>Section 24.</b>	<b>Appropriation for DOE Comptroller Position.</b>
24	<b>Section 25.</b>	<b>Appropriation for DLM Chief of Cadastre Position.</b>

- 1           **Section 26.           Reprogramming and Re-appropriating of**  
2                                 **Appropriations from Completed Capital**  
3                                 **Improvement Projects.**
- 4           **Section 27.           Deadline for Early Retirement Program Extended.**
- 5           **Section 28.           No Positions to be Filled Until Authorized by I**  
6                                 ***Lihselaturan Guahân.***
- 7           **Section 29.           Authorization to GEPA for Additional Personnel.**
- 8           **Section 30.           Submission of Retirement Lists.**
- 9           **Section 31.           Prohibition Against Retired Employee Rehires.**
- 10          **Section 32.           Attachments to this Act.**
- 11          **Section 33.           Severability.**

12

13           **Section 1.           Personnel Appropriations Amendment.**           Section  
14   1 of Chapter II of Public Law Number 25-72, as amended by Public Law  
15   Number 25-74, is hereby *amended*, including the attached "Attachment  
16   **G**," to read as follows:

17                         **"Section 1.           Personnel Appropriations.** Eighty-six Million  
18                         Five Hundred Forty-four Thousand One Hundred Seventy-six Dollars  
19                         (\$86,544,176) is appropriated for the personnel requirements as detailed  
20                         in 'Attachment B' for the period beginning October 1, 1999 and ending  
21                         December 31, 1999. This sum is composed of Seventy-nine Million Four  
22                         Hundred Ninety-seven Thousand Two Hundred Sixty-four Dollars  
23                         (\$79,497,264) from the General Fund; Four Million Two Hundred Forty-  
24                         four Thousand Four Hundred Thirty-nine Dollars (\$4,244,439) from

1                   (d) **Chamorro Teaching Degree Institute.** One Hundred  
2 Nine Thousand Nine Hundred Eighty Dollars (\$109,980.00) is  
3 appropriated from the General Fund to the University of Guam  
4 for the operations of the Chamorro Teaching Degree Institute.  
5 This appropriation shall continue until expended for the  
6 operations and other purposes of the Institute.

7 **Section 3. Appropriations to UOG.**

8                   (a) Twenty-four Million Eight Hundred Three Thousand  
9 One Hundred Eighty-eight Dollars (\$24,803,188) is appropriated  
10 from the General Fund to the University of Guam for their  
11 operations.

12                   (b) Three Hundred Thirty-nine Thousand Six Hundred  
13 Seventeen Dollars (\$339,617.00) is appropriated from the General  
14 Fund to the University of Guam ('UOG') for the International  
15 Tourism Program.

16 **Section 4. Appropriations to GCC.**

17                   (a) Eight Million Eighteen Thousand Two Hundred Fifty-  
18 five Dollars (\$8,018,255) is appropriated from the General Fund to  
19 the Guam Community College for their operations.

20                   (b) One Million Two Hundred Seventy-four Thousand  
21 Seventy-five Dollars (\$1,274,075) is appropriated from the General  
22 Fund to the Guam Community College for the School of Business,  
23 Social Science and Tourism.

24                   (c) The unencumbered balances and Fiscal Year 2000  
25 revenues of the Pari-mutuel Fund is appropriated to the Guam

1 Community College for their operations. This appropriation shall  
2 *not* exceed Nine Hundred Thousand Dollars (\$900,000.00).

3 (d) Nine Hundred Two Thousand Two Hundred Eight  
4 Dollars (\$902,208.00) is appropriated to the Guam Community  
5 College from the Manpower Development Fund to be expended in  
6 accordance with Public Law Number 23-106.

7 **Section 5. Appropriation to UOG WERI's GHS.** There is  
8 hereby appropriated from the General Fund to the University of Guam  
9 to fund the Water and Environmental Research Institute of the Western  
10 Pacific ('WERI') the sum of Two Hundred Twenty-four Thousand Two  
11 Hundred Dollars (\$224,200.00) for the sole purpose of funding the Guam  
12 Hydrologic Survey ('GHS'). WERI shall continue to administer the GHS  
13 for the same purposes that have previously been established by the laws  
14 of Guam. Such funds may *not* be transferred or used for any other  
15 purpose.

16 **Section 6. Appropriation to UOG WERI's the Comprehensive**  
17 **Water Resource Monitoring Program.** There is hereby appropriated  
18 from the General Fund to the University of Guam to fund the Water and  
19 Environmental Research Institute of the Western Pacific ('WERI') the  
20 sum of One Hundred Seventy-three Thousand Nine Hundred Forty-  
21 eight Dollars (\$173,948.00) for the sole purpose of funding the  
22 Comprehensive Water Resource Monitoring Program. Said funds shall  
23 be used to match the Federal funding for said program. WERI shall  
24 continue to administer the Comprehensive Water Resource Monitoring  
25 Program for the same purposes that have previously been established



1 by the laws of Guam. Such funds may *not* be transferred or used for any  
2 other purpose.

3 **Section 7. Appropriation to DOE for ADA Compliance.**

4 The sum of Ten Thousand Six Hundred Thirty Dollars (\$10,630.00) is  
5 hereby appropriated from the General Fund to the Department of  
6 Education for equipment, supplies and capital outlay to bring the  
7 Personnel Services Division in compliance with the Americans with  
8 Disabilities Act.

9 **Section 8. Appropriation to DOE for Stipends & Accreditation**

10 **Costs.** The Sum of One Hundred Forty-four Thousand Nine  
11 Hundred Fifty-seven Dollars (\$144,957.00) is hereby appropriated from  
12 the General Fund to the Department of Education for academic coaches'  
13 stipends for team competitions and accreditation costs.

14 **Section 9. Appropriation to the Dededo Buffer Strip Revolving**

15 **Fund.** The sum of Twenty-four Thousand Three Hundred Seventy  
16 Dollars (\$24,370.00) is hereby appropriated from the General Fund to the  
17 Dededo Buffer Strip Revolving Fund to reimburse the Fund.

18 **Section 10. Appropriation to DOE for Summer School.**

19 There is hereby appropriated such sums as are necessary from the  
20 Summer School Fund established pursuant to §6118 of Title 17 of the  
21 Guam Code Annotated to the Department of Education to fund the  
22 operations of the 1999 and 2000 Summer School Program.

23 **Section 11. Appropriation to DPW for Overtime.** The sum

24 of Two Hundred Eighteen Thousand Dollars (\$218,000.00) is

1 appropriated from the Fiscal Year 1999 August and September revenues  
2 of the Solid Waste Operations Fund to the Division of Solid Waste,  
3 Department of Public Works, to pay for Fiscal Year 1999 accumulated  
4 overtime hours.

5 **Section 12. Appropriation to DPW for Equipment Rental.**

6 The amount of Eighty Thousand Five Hundred Dollars (\$80,500.00) is  
7 appropriated from the August and September revenues of the Solid  
8 Waste Operations Fund to the Division of Solid Waste, Department of  
9 Public Works, to pay for Fiscal Year 1999 equipment rental at the Ordot  
10 Landfill.

11 **Section 13. Appropriation to DPW's Division of Solid**  
12 **Waste.**

13 (a) One Million Dollars (\$1,000,000) is hereby  
14 appropriated from the General Fund to the Division of Solid  
15 Waste of the Department of Public Works to serve as the advanced  
16 initial budget of the Division of Solid Waste for operational  
17 purposes in Fiscal Year 2000.

18 (b) The Department of Public Works shall reimburse the  
19 General Fund this total amount from the revenues collected from  
20 tipping/user fees, by setting aside at least twenty-five percent  
21 (25%) of the monthly collected revenues in the Solid Waste  
22 Operations Fund to pay back the General Fund on a quarterly  
23 basis until such time that the total amount of the appropriated  
24 loan under Subsection (a) is paid up.

1           **Section 14.       Amendment to Appropriation to DPW for**  
2 **Widening Clara Street.**       Section 16 of Chapter III of Public Law  
3 Number 25-03 is hereby *repealed and reenacted* to read as follows:

4           '**Section 16.       Appropriation to DPW from the Village**  
5 **Streets Fund.**   (a)   One Million Five Hundred Thousand  
6 Dollars (\$1,500,000) is appropriated from the Village Streets  
7 Fund created pursuant to §25 of Chapter IV of Public Law  
8 Number 23-128 to the Department of Public Works for  
9 expenditures as authorized pursuant to §1504(k) of Title 5 of  
10 the Guam Code Annotated.

11                   (b)   Notwithstanding any other provision of law, the  
12 Department of Public Works shall use One Million Five  
13 Hundred Thousand Dollars (\$1,500,000) from the money  
14 appropriated in Subsection (a) of this Section for the  
15 following purposes:

16                           (1)   the repair, including, but not limited to,  
17 widening, paving and sidewalks, of Clara Street in  
18 Toto, leading to J. Q. San Miguel Elementary School;  
19 *and*

20                           (2)   monetary compensation or land exchange  
21 on a value-per-value basis to private landowners  
22 whose properties are condemned as a result of the  
23 provisions of this Subsection.'

24           **Section 15.       Appropriation to Mayor's Council.**

1           (a) The sum of Three Hundred Thirty-three Thousand  
2 Nine Hundred Fifty-four Dollars (\$333,954.00) is hereby  
3 appropriated from the Village Streets Fund to the Mayors' Council  
4 of Guam only for the purpose of maintaining Village streets. This  
5 sum shall *not* be used for the hiring of additional personnel, nor  
6 shall it be used to supplement any personnel costs or services.

7           (b) The Sum of Six Million Four Hundred Thirty-one  
8 Thousand Ninety-five Dollars (\$6,431,095) is appropriated from  
9 the General Fund to the Mayors' Council of Guam for their  
10 personnel and operating expenses for Fiscal Year 2000.

11           (c) **Exemption from BBMR Control.** The budget of the  
12 Mayor's Council is *not* subject to the allotment process or control  
13 of the Bureau of Budget and Management Research or its  
14 successor agency; nor shall *I Maga'lahaen Guåhan* impound or  
15 transfer funds appropriated to the Mayor's Council. The Mayor's  
16 Council shall receive from the Department of Administration or its  
17 successor agency an amount totaling *no less than* one twelfth (1/12)  
18 of the balance of the appropriation on the first of every month of  
19 the Fiscal Year until such appropriation has been exhausted. On a  
20 month where more than two (2) pay periods occur, the  
21 Department of Administration shall release such funds required  
22 for the purpose of meeting the operational needs of the Mayor's  
23 Council for that month, provided a sufficient balance of the  
24 appropriation remains.

1                   **(d) Mayor's Council Fund.**       There is created a  
2 Mayor's Council Operations Fund. The annual budget of the  
3 Mayor's Council shall be deposited in the Mayors' Council  
4 Operations Fund.

5                   **(e) Annual Review.**       The Mayors' Council shall  
6 continue to submit its annual budget to *I Liheslaturan Guåhan* for  
7 review on the 30th day of March of each year.

8                   **(f) Lapses.**       Lapses in the Mayors' Council annual  
9 Budget shall *not* revert back to the General Fund, but shall be  
10 carried over into the next Fiscal Year.

11                   **Section 16.       Appropriation to GCC's Professional**  
12 **Technological Institute.**       There is appropriated from the Tourist  
13 Attraction Fund the sum of Fifty Thousand Dollars (\$50,000.00) to the  
14 Guam Community College for the Professional Technological Institute  
15 for the purpose of paying the advance costs of hosting the IACP Asia-  
16 Pacific Executive Policing Conference ('Conference') on Guam from  
17 March 12 - 14, 2000.

18                   There is created the '*IACP Steering Committee Revolving Account*'  
19 ('Account') in which this appropriation and any other moneys received  
20 shall be deposited. The Executive Director of the Professional  
21 Technological Institute shall be the Certifying Officer for authorizing the  
22 disbursement of funds from the Account. Any monies recovered from  
23 registration fees or other sources during the conduct of the Conference  
24 shall be deposited in the Account. Any fund balances remaining from

1 this appropriation, shall revert back to the Tourist Attraction Fund at the  
2 end of the Fiscal Year.

3 **Section 17. Appropriation to GVB for Visitor-Related**  
4 **Projects.** Nine Hundred Sixty-six Thousand Dollars (\$966,000.00) is  
5 appropriated from the Tourist Attraction Fund to the Guam Visitors  
6 Bureau for the following visitor industry-related projects for Fiscal Year  
7 2000 only:

8 (a) Four Hundred Thousand Dollars (\$400,000.00) for  
9 Tumon and Hagatna Beach cleaning and maintenance;

10 (b) One Hundred Fifty-six Thousand Dollars (\$156,000.00)  
11 for Tumon landscaping maintenance;

12 (c) Fifty Thousand Dollars (\$50,000.00) for the Two  
13 Lovers' Point jogging/biking trail;

14 (d) Ten Thousand Dollars (\$10,000.00) for Donations for  
15 Work;

16 (e) Fifty Thousand Dollars (\$50,000.00) for Tumon Beach  
17 beautification;

18 (f) One Hundred Thousand Dollars (\$100,000.00) for  
19 Tournament of Champion Matching Funds;

20 (g) One Hundred Thousand Dollars (\$100,000.00) for the  
21 Tropical Fantasy on Guam Fireworks; *and*

22 (h) One Hundred Thousand Dollars (\$100,000.00) for the  
23 Guam Micronesian Island Fair.

24 This appropriation shall be kept in a separate account and *not*  
25 combined with the Bureau's administration account. The funds

1 appropriated shall be used specifically for the projects outlined therein.  
2 A quarterly report shall be prepared and submitted by the Guam  
3 Visitors Bureau to the Bureau of Budget Management and Research, to  
4 the Speaker of *I Liheslaturan Guåhan* and to the Standing Committee  
5 having oversight over the Guam Visitors Bureau.

6 **Section 18. Appropriation to CLTC.** Notwithstanding  
7 any other provision of law, One Hundred Eighty-two Thousand Five  
8 Hundred Fifty-four Dollars (\$182,554.00) is appropriated from the  
9 Chamorro Land Trust Account Number 141110361 to the Chamorro  
10 Land Trust Commission to be expended as detailed in '**Attachment D.**'  
11 This appropriation shall *not* be subject to *I Maga'lahren Guåhan's* transfer  
12 authority.

13 **Section 19. Appropriation to Komitea Para Tiyan.**

14 (a) Notwithstanding any other provisions of law, Eighty-  
15 two Thousand Five Hundred Two Dollars (\$82,502.00) is  
16 appropriated to the *Komitea Para Tiyan* from the *Komitea Para Tiyan*  
17 Fund for operating expenses for the period beginning October 1,  
18 1999 and ending December 31, 1999. One Hundred Seven  
19 Thousand Five Hundred Six Dollars (\$107,506.00) is appropriated  
20 to the *Komitea Para Tiyan* from the *Komitea Para Tiyan* Fund,  
21 Revenue Account Number 310054301, for operating expenses for  
22 the period beginning January 1, 2000 and ending September 30,  
23 2000. This appropriation shall *not* be subject to *I Maga'lahren*  
24 *Guåhan's* transfer authority.

1                   (b) Five Hundred Seven Thousand Four Hundred Six  
2 Dollars (\$507,406.00) is appropriated from the General Fund to the  
3 *Komitea Para Tiyan* for personnel expenses for the period beginning  
4 October 1, 1999 and ending December 31, 1999. Five Hundred  
5 Ninety-eight Thousand Four Hundred Fourteen Dollars  
6 (\$598,414.00) is appropriated to the *Komitea Para Tiyan* from the  
7 *Komitea Para Tiyan* Fund, Revenue Account Number 310054301, for  
8 a portion of personnel expenses for the period beginning January  
9 1, 2000 and ending September 30, 2000. This appropriation shall  
10 *not* be subject to *I Maga'lahaen Guåhan's* transfer authority.

11                   (c) Six Hundred Thousand Dollars (\$600,000.00) is  
12 appropriated to the *Komitea Para Tiyan* from the General Fund to  
13 fund the remaining portion of personnel expenses for the period  
14 beginning January 1, 2000 and ending September 30, 2000. This  
15 appropriation shall *not* be subject to *I Maga'lahaen Guåhan's* Transfer  
16 Authority.

17                   **Section 20. Appropriation to DOA for the Residential**  
18 **Treatment Fund.** One Million Three Hundred Fifty-two Thousand  
19 Nine Hundred Thirty-two Dollars (\$1,352,932) is appropriated from the  
20 General Fund to the Department of Administration ('DOA') to pay  
21 authorized expenses for persons under the jurisdiction of the Superior  
22 Court of Guam for residential care arising from physical, mental or  
23 emotional handicaps, or from severe emotional disturbances. All  
24 patients and escorts referred off-Island shall submit to the Director of



1 DOA supporting documents to justify reimbursement of their travel  
2 expenses.

3 **Section 21. Appropriation to Family Violence Task Force.**

4 Of the One Million Two Hundred Forty Thousand Dollars (\$1,240,000)  
5 authorized by Public Law Number 25-03:II:36, Four Hundred Thirty-  
6 four Thousand Eight Hundred Seventy-one Dollars (\$434,871.00) shall  
7 be appropriated and shall be allocated as follows: Eighty-two Thousand  
8 Six Hundred Twenty-five Dollars (\$82,625.00) to the Department of  
9 Law; Eighty-two Thousand Six Hundred Twenty-five Dollars  
10 (\$82,625.00) to the Guam Police Department; One Hundred Thousand  
11 Twenty Dollars (\$100,020.00) to the Superior Court of Guam; Twenty-  
12 six Thousand Ninety-two Dollars (\$26,092.00) to Guam Legal Services  
13 Corporation; Twenty-one Thousand Seven Hundred Forty-four Dollars  
14 (\$21,744.00) to the Public Defender Service Corporation; Twenty-six  
15 Thousand Ninety-two Dollars (\$26,092.00) to Child Protective Services  
16 of the Department of Public Health and Social Services; Sixty-five  
17 Thousand Two Hundred Thirty-one Dollars (\$65,231.00) to the  
18 Department of Mental Health and Substance Abuse; and Thirty  
19 Thousand Four Hundred Forty-one Dollars (\$30,441.00) to the Guam  
20 Community College.

21 This appropriation shall continue until fully expended. Upon  
22 adoption of the Public Health Plan, *I Maga'lahaen Guåhan* may transmit a  
23 request to *I Liheslaturan Guåhan* for additional funding of up to Seven  
24 Hundred Ninety Thousand Dollars (\$790,000.00) for further  
25 implementation of the Plan's components.

1           **Section 22.           Appropriation to *I Liheslaturan Guåhan*.**

2           **(a) Appropriation.** The sum of Seven Million Seven  
3           Hundred Twenty Thousand Dollars (\$7,720,000) is appropriated  
4           from the General Fund for the operations of *I Liheslaturan Guåhan*  
5           for Fiscal Year 2000.

6           **(b)** Notwithstanding any other provision of law, funds  
7           appropriated to and available to *I Liheslaturan Guåhan* for Fiscal  
8           Year 1999 are available to *I Liheslaturan Guåhan* for Fiscal Year 2000  
9           operations.

10          **(c)** Notwithstanding any other provision of law, *no less*  
11          *than* one quarter of the appropriation in Subsection (a) of this  
12          Section shall be transmitted to *I Liheslaturan Guåhan* on the first  
13          day of each quarter of the Fiscal Year.

14          **Section 23.           Creation of Overtime Fund.**           **(a)** There is  
15          hereby created the Overtime Fund to be administered by *I*  
16          *Maga'lahren Guåhan*. This fund shall be used exclusively to pay for  
17          overtime expenses incurred within Executive Branch agencies of  
18          the government of Guam directly supported by the General Fund.  
19          The Overtime Fund shall *not* be used to support overtime  
20          expenses incurred by autonomous agencies. Disbursements of the  
21          Overtime Fund shall be as determined and authorized by *I*  
22          *Maga'lahren Guåhan*.

23          **(b)** There is hereby appropriated to the Overtime Fund  
24          from the General Fund the sum of Two Million Two Hundred

1           Seventy-three Thousand Eight Hundred Ninety-two Dollars  
2           (\$2,273,892).

3           (c) *Except* as provided for in this Section, no funds are  
4           appropriated from the General Fund for the purpose of funding  
5           overtime expenses within the Executive Branch.

6           **Section 24.           Creation of Off-Island Travel Fund.**

7           (a) There is hereby created the '*Off-Island Travel Fund*' to  
8           be administered by *I Maga'lahaen Guåhan*. This fund shall be used  
9           exclusively to pay for off-Island travel expenses incurred within  
10          Executive Branch agencies of the government of Guam directly  
11          supported by the General Fund. The Off-Island Travel Fund shall  
12          *not* be used to support off-Island travel expenses incurred by  
13          autonomous agencies. Disbursements of the Off-Island Travel  
14          Fund shall be as determined and authorized by *I Maga'lahaen*  
15          *Guåhan*.

16          (b) There is hereby appropriated to the Off-Island Travel  
17          Fund from the General Fund the sum of Two Hundred Eighty-  
18          nine Thousand Nine Hundred Fourteen Dollars (\$289,914.00).

19          (c) *Except* as provided for in this Section, no funds are  
20          appropriated from the General Fund for the purpose of funding  
21          off-Island travel expenses within the Executive Branch.

22          **Section 25.           Appropriation to DOE for Substitute Teachers.**

23          The sum of Four Hundred Eighty-three Thousand One Hundred Ninety  
24          Dollars (\$483,190.00) is hereby appropriated from the General Fund for

1 Fiscal Year 2000 to the Department of Education for the employment of  
2 substitute teachers.

3 **Section 26. Appropriation to DOE for Non-Personnel**  
4 **Operating Expenses.** All monies collected by the Department of  
5 Education from the school lunch program, lost textbooks and Federal  
6 funds paid to the government of Guam for reimbursement under the  
7 National School Lunch and Breakfast Program are hereby appropriated  
8 to the Department of Education for non-personnel operating expenses.

9 **Section 27. Appropriation to DOA for Government Claims**  
10 **Fund.** Two Hundred Eighty-nine Thousand Nine Hundred  
11 Fourteen Dollars (\$289,914.00) is appropriated from the General Fund  
12 for Fiscal Year 2000 to the Government Claims Fund under the  
13 Department of Administration for the payment of eligible and approved  
14 Government Claims.

15 **Section 28. Appropriation to Office of *I Maga'laha***  
16 ***Guåhan*.** Five Million Five Hundred Eighty-nine Thousand Four  
17 Hundred Seven Dollars (\$5,589,407) is appropriated from the General  
18 Fund to the Office of *I Maga'laha Guåhan* for salaries and operation  
19 expenses for Fiscal Year 2000.

20 **Section 29. Appropriation to Commission on**  
21 **Decolonization and Task Forces.** (a) Four Hundred Fifty-nine  
22 Thousand Eight Hundred Four Dollars (\$459,804.00) is  
23 appropriated from the General Fund to the Commission on  
24 Decolonization for operations for Fiscal Year 2000.

1 (b) Nineteen Thousand Three Hundred Twenty-eight  
2 Dollars (\$19,328.00) is appropriated from the General Fund to the  
3 Free Association Task Force for Fiscal Year 2000.

4 (c) Nineteen Thousand Three Hundred Twenty-eight  
5 Dollars (\$19,328.00) is appropriated from the General Fund to the  
6 Independence Task Force for operations for Fiscal Year 2000.

7 (d) Nineteen Thousand Three Hundred Twenty-eight  
8 Dollars (\$19,328.00) is appropriated from the General Fund to the  
9 Statehood Task Force for operations for Fiscal Year 2000.

10 **Section 30. Appropriation to GVB for Operations.** Thirteen  
11 Million Six Hundred Seventy-four Thousand Three Hundred Twenty-  
12 three Dollars (\$13,674,323) is appropriated from the Tourist Attraction  
13 Fund to the Guam Visitors Bureau for Fiscal Year 2000 for the following:

14 (a) Three Hundred Seventy-eight Thousand Two  
15 Hundred Thirty-eight Dollars (\$378,238.00) for First Quarter  
16 salaries and benefits, as detailed in the attached Guam Visitors  
17 Bureau staffing pattern; and One Million Twenty-six Thousand Six  
18 Hundred Forty-six Dollars (\$1,026,646) for salaries and benefits for  
19 the period beginning January 1, 2000 and ending September 30,  
20 2000; *and*

21 (b) Twelve Million Twenty-four Thousand Seven  
22 Hundred Nineteen Dollars (\$12,024,719) for contractual services,  
23 which shall be expended pursuant to the Budget Digest provided  
24 in 'Attachment F' of this Act; Fifty Thousand Dollars (\$50,000.00)  
25 for warehouse storage space; Ten Thousand Dollars (\$10,000.00)

1 for supplies and materials; Forty Thousand Dollars (\$40,000.00) for  
2 miscellaneous; One Hundred Fourteen Thousand Seven Hundred  
3 Twenty Dollars (\$114,720.00) for utilities; and Thirty Thousand  
4 Dollars (\$30,000.00) for capital outlay.

5 **Section 31. Appropriation to DOA's DAWR.** Twenty-  
6 seven Thousand Seven Hundred Eighty-three Dollars (\$27,783.00) is  
7 hereby appropriated from the General Fund to the Department of  
8 Agriculture's Division of Aquatic and Wildlife Resources ('DAWR') for  
9 the following purposes:

10 **1. Coordination and Administration Program:**

11 Supplies and Materials \$1,000.00

12 **2. Conservation of Wildlife (Law Enforcement)**  
13 **Program:**

14 Contractual \$9,000.00

15 Supplies and Materials \$9,033.00

16 Equipment \$8,750.00.

17 **Section 32. Appropriation to GMTA for Bus Repair.**

18 Ninety-four Thousand Dollars (\$94,000.00) is hereby authorized and  
19 appropriated from the General Fund to the Guam Mass Transit  
20 Authority ('GMTA') *only* for the repair of buses in their inventory for the  
21 following specific purposes:

22 (a) 3 New Engines \$27,000.00

23 (b) Repair of 4 Ford Vans Transferred  
24 To GMTA by DOE's Special Education  
25 Division \$12,000.00

1 (c) Automotive Supplies & Repair Parts \$55,000.00."

2 **Section 4. Transfer of Employees.** Section 22 of Chapter IV of  
3 Public Law Number 25-72 is hereby *amended* to read as follows:

4 **"Section 22. Transfer of Employees.** Notwithstanding  
5 any other provision of law, and recognizing that the provisions of this  
6 Act may cause shortages of personnel in certain areas of the  
7 government, and in order to facilitate the reorganization of the  
8 government, and for the purpose of ensuring that the minimum number  
9 of new employees shall be required for the operation of the government,  
10 *I Maga'lahañ Guåhan* is authorized to transfer employees within or  
11 between any department or agency of the government of Guam, *except*  
12 that:

13 (a) the provisions of this Section shall *not* apply to any  
14 employee of the Legislative or Judicial Branches of the  
15 government and the transfer of any employee shall *not* result in a  
16 loss of pay or salary; *and*

17 (b) the transfer of any employee pursuant to this Section  
18 shall be accompanied with the authorized funding for the  
19 transferred employee's position, which was made to the  
20 department or agency they are being transferred from, pursuant to  
21 any personnel funding authorized by Public Law Number 25-72 or  
22 Public Law Number 25-74. Any transfer *not* in conformance with  
23 this Section shall be considered null and void on the effective date  
24 of this Act. Any compensation due to an employee transferred

1 under the provisions of this Section and for whom no  
2 accompanying transfer of funding has been made, shall be  
3 charged to the department or agency of origin by the Department  
4 of Administration. No certifying officer of the government shall  
5 certify that funds are available to pay for the compensation of a  
6 transferred employee, *unless* certain that funds and budgetary  
7 authority have been transferred for that employee as detailed in  
8 this Section.

9 No transfer of an employee shall occur from an autonomous  
10 agency of the government of Guam to a line department of the  
11 government of Guam, or any agency or department of the government  
12 of Guam whose funding is appropriated, in part or whole, from the  
13 General Fund. It is the intent of *I Liheslaturan Guåhan* that in every  
14 circumstance, a transfer of personnel from an appropriate agency shall  
15 be the first alternative exercised in such circumstances where it has been  
16 determined by *I Maga'lahaen Guåhan* that a need for personnel in an area  
17 of the government exists."

18 **Section 5. Moratorium on Limited Term Appointments.**

19 Notwithstanding the provisions of §4103 of Title 4 of the Guam Code  
20 Annotated, or any other provision of law, no person may be employed on a  
21 temporary or limited term basis by any instrumentality of the government of  
22 Guam during this Fiscal Year, *except* for the following:

- 23 (1) attorneys at the Department of Law;  
24 (2) nurses and doctors;



1           (3) persons employed one hundred percent (100%) by Federal  
2 funds;

3           (4) census workers;

4           (5) temporary survey workers employed by the Department of  
5 Labor for the purpose of conducting employment surveys; *and*

6           (6) licensed health care professional ancillary service personnel  
7 employed at the Guam Memorial Hospital Authority, the Department of  
8 Mental Health and Substance Abuse and the Department of Public  
9 Health and Social Services.

10         In any case, no person employed on the basis of these exceptions can be  
11 employed for a period of more than ninety (90) days, *subject to* no more than  
12 two (2) renewals. No more than seven (7) days after the hiring of any  
13 individual subject to the exceptions contained in this Section, the head of the  
14 government instrumentality where such hiring has occurred shall report, in  
15 writing, such hiring to the Speaker of *I Liheslaturan Guåhan*. Any person who  
16 has previously separated from government employment under the Voluntary  
17 Separation with Compensation Program authorized by Public Law Numbers  
18 25-72 and 25-74 shall *not* be eligible for rehiring under the provisions of this  
19 Section. No funds shall be expended from the General Fund to pay any  
20 person who has separated from government employment under the  
21 Voluntary Separation with Compensation Program authorized by Public Law  
22 Numbers 25-72 and 25-74 for any position authorized by this Section.

23         **Section 6. Reporting Requirements; Expenditures and Staffing**  
24 **Patterns.** Beginning February 1, 2000, and continuing on the first of each  
25 month thereafter, each agency or department head in the Executive Branch of

1 the government of Guam, the Presiding Judge of the Superior Court of Guam,  
2 the Chief Justice of the Supreme Court of Guam and the Chairman of the  
3 Board of Trustees of the Public Defender Service Corporation shall submit to  
4 the Speaker of *I Liheslaturan Guåhan* a monthly report, in writing, detailing the  
5 full and complete staffing pattern for their respective instrumentality. Such  
6 staffing pattern shall include at a minimum the name, position, salary and  
7 benefits for each person employed, as well as the funding source for the salary  
8 and benefits of all employees. In a separate section of the report, the head of  
9 the reporting instrumentality shall detail any changes from the prior month's  
10 report, in either the number of personnel contained in the staffing pattern or  
11 levels of compensation for persons contained in the staffing pattern.

12 Thirty (30) days after the end of each quarter of Fiscal Year 1999-2000,  
13 each agency or department head in the Executive Branch of the government of  
14 Guam, the Presiding Judge of the Superior Court of Guam, the Chief Justice of  
15 the Supreme Court of Guam and the Chairman of the Board of Trustees of the  
16 Public Defender Service Corporation shall submit to the Speaker of *I*  
17 *Liheslaturan Guåhan* a monthly report, in writing, detailing the full and  
18 complete expenditures for their respective instrumentality for the preceding  
19 quarter, inclusive of sources of funding for such expenditures.

20 **Section 7. Educator Retirement.** Any teacher of the Department  
21 of Education or the Guam Community College, who separated from  
22 government service for the purposes of utilizing the early retirement program  
23 pursuant to Public Law Numbers 25-72, 25-74 and 25-90, and who  
24 subsequently signed a temporary contract with either the Guam Community  
25 College or the Department of Education for the balance of the school semester,

1 or shall return to teach at the Department of Education or the Guam  
2 Community College under the terms of temporary employment contract  
3 executed in the months of December, 1999 or January, 2000 for the purpose of  
4 teaching, as provided for in law, shall have paid to them by their respective  
5 department of employment the difference between what they received as  
6 compensation in accordance with the provisions of their temporary service  
7 contracts valid until the end of the semester, and what they would have  
8 received had they remained in government service through December 31,  
9 1999, in their normal employment status and pay grade.

10 Funds needed to accomplish this purpose shall come from within the  
11 budgets of the Guam Community College and the Department of Education,  
12 as appropriate.

13 **Section 8. Amendment to Early Retirement Incentive Program.**

14 **(a) Method of Computing Payments Due From Retirees**  
15 **Opting to Retire Early.** Contributions required from employees of  
16 the government of Guam who are retiring from government service  
17 under the early retirement provisions of Public Law Numbers 25-72, 25-  
18 74 and 25-90, and who are as a consequence purchasing additional years  
19 of service credit pursuant to those laws, shall be computed on the basis  
20 of the salary the employee is earning at the time the employee applies  
21 for the credit. Such contributions shall *not* be computed on the basis of  
22 the average of the employee's top three (3) salary years during their  
23 service career, or any other alternative basis.

24 **(b) Annuitant to Receive Immediate Full Credit For All**  
25 **Service Purchased.** Any individual who retires and purchases

1 additional years of service credit subject to the provisions of Public Law  
2 Numbers 25-72, 25-74 and 25-90 is entitled to the full application of such  
3 additional years of service immediately upon their retirement, *regardless*  
4 of when a promissory note is finalized between the Retirement Fund  
5 and the retiree. Should the Retirement Fund be unable to consummate a  
6 promissory note simultaneous to the separation of the employee from  
7 government service or their retirement from the government of Guam,  
8 the Retirement Fund shall *retroactively apply* the annuity based on the  
9 additional years of service.

10 (c) Retirement Date for Teachers Shall be on Their Date from  
11 Government Service. Notwithstanding the policies or procedures of  
12 the Government of Guam Retirement Fund, the date at which a teacher  
13 separates from government service under the Early Retirement  
14 provisions of Public Law Numbers 25-72, 25-74 and 25-90 shall also be  
15 considered their date of retirement and all annuities due to the retiring  
16 teacher shall be due to that teacher as of that date.

17 **Section 9. Lump Sum Annual Leave Payments Reimbursed by Loans.**

18 Any lump sum annual leave payments due employees who have either  
19 voluntarily separated from government service with compensation or  
20 purchased additional years of service for early retirement purposes pursuant  
21 to the provisions of Public Law Numbers 25-72, 25-74 and 25-90, that have  
22 been paid by either the General Fund or the Personnel Reserve Fund, shall be  
23 reimbursed to such funds from proceeds of the loans authorized by Public  
24 Law Numbers 25-72, 25-74 and 25-90. Upon reimbursement, such funds shall  
25 be reverted to those departments, agencies, branches or instrumentalities of

1 the government of Guam from which said employee may have voluntarily  
2 separated with compensation or retired under the provisions of the early  
3 retirement program, as detailed in Public Law Numbers 25-72, 25-74 and 25-  
4 90.

5       **Section 10. Restoration of Positions to GPD.**       The Guam  
6 Police Department is authorized to hire no more than one (1) Psychologist and  
7 one (1) Attorney IV. The Department also is authorized to hire *no more than*  
8 forty (40) "Police Officers I" to positions vacated between October 1, 1999 and  
9 December 31, 1999. All certified graduates of the Guam Community College  
10 Basic Law Enforcement Academy ('GCCBLEA') shall be given first right of  
11 refusal in writing by the Department of Administration Personnel Services  
12 Division, before the position is filled by other candidates who are *not*  
13 graduates of GCCBLEA. In the event any of these positions authorized for  
14 hiring under this Section are filled, these positions shall be paid only from  
15 funds appropriated from the General Fund to the Guam Police Department  
16 for personnel services during Fiscal Year 2000.

17       **Section 11. Personnel Reserve Fund Repeal.** Section 3 of Chapter  
18 II of Public Law Number 25-72 is hereby *repealed*, and all funds therein are  
19 transferred to the General Fund. Any reference in other Sections of Public  
20 Law Numbers 25-72, 25-74 or 25-91, shall be understood as referring to the  
21 General Fund rather than the Personnel Reserve Fund.

22       **Section 12. I Maga'lahaen Guåhan Transfer Authority.** Section  
23 6 of Chapter V of Public Law Number 25-72 is hereby *repealed and reenacted* to  
24 read as follows:

1                   **"Section 6.           I Maga'lahaen Guåhan Transfer Authority.    I**

2                   *Maga'lahaen Guåhan* is authorized to transfer *not more than* ten percent  
3                   (10%) in or out of the object categories within a department or agency of  
4                   the Executive Branch from the amounts appropriated in Fiscal Year 2000  
5                   for the object categories as listed in '**Attachment C**' of this Act.  
6                   This transfer authority shall *not* extend to the Personnel Services Object  
7                   Category. *I Maga'lahaen Guåhan* shall have *no authority* to transfer any  
8                   funds into or out of the Personnel Services Object Category. Transfers  
9                   into the Utilities Category, pursuant to this Section, are permitted;  
10                  transfers out are prohibited.

11                  *I Maga'lahaen Guåhan* is authorized to transfer *not more than* six  
12                  percent (6%) in or out of the object categories between a department or  
13                  agency of the Executive Branch from the amounts appropriated in Fiscal  
14                  Year 2000 for the object categories as listed in '**Attachment C**' of  
15                  this Act. This transfer authority shall *not* extend to the Personnel  
16                  Services Object Category. *I Maga'lahaen Guåhan* shall have no authority  
17                  to transfer any funds into or out of the Personnel Services Object  
18                  Category. Transfers into the Utilities Category, pursuant to this Section,  
19                  are permitted; transfers out are prohibited.

20                  *I Maga'lahaen Guåhan* shall report to *I Liheslaturan Guåhan* within  
21                  twenty (20) days of the end of each month all transfers pursuant to this  
22                  Section, and as provided in this Act.

23                  The Chief Justice and the Presiding Judge of the Supreme and  
24                  Superior Courts of Guam, and the Chairman of the Board of Trustees of  
25                  the Public Defender Service Corporation, respectively, are authorized to

1 transfer *not more than* ten percent (10%) in or out of object categories  
2 within their jurisdictions, *except* for Personnel Services and Utilities  
3 Object Categories, which have the following restrictions:

4 (a) no transfers whatsoever shall be made from the  
5 Personnel Services Category;

6 (b) transfers into the Utilities Category, pursuant to this  
7 Section, are permitted; *and*

8 (c) transfers out are prohibited.

9 The Chief Justice and the Presiding Judge of the Supreme and  
10 Superior Courts of Guam, respectively, shall report to *I Liheslaturan*  
11 *Guåhan* within twenty (20) days of the end of each month all transfers  
12 pursuant to this Section.”

13 **Section 13. Reorganization Amendment.** Section 20 of  
14 Chapter IV of Public Law Number 25-72 is hereby *repealed and reenacted* to  
15 read as follows:

16 **“Section 20. Government-Wide Reorganization.**

17 Beginning seven (7) days after the effective date of this Act, a process of  
18 government-wide reorganization shall commence. At a minimum, this  
19 process shall accomplish the following:

20 1. reduction in the number of government agencies and  
21 departments comprising the government of Guam by no less than  
22 fifty percent (50%);

23 2. consolidation of agencies and departments, or  
24 programs and activities contained therein, of similar function;

1           3. consolidation of agencies and departments, or  
2 programs and activities contained therein, which serve similar  
3 clientele;

4           4. reduction in personnel requirements across the  
5 government of Guam;

6           5. reduction in costs associated with the government of  
7 Guam; *and*

8           6. increase in the efficiency and effectiveness of services  
9 delivered by the government of Guam.

10           The Committee on Rules, Government Reform, Reorganization  
11 and Federal Affairs of *I Liheslaturan Guåhan* shall begin a series of  
12 roundtable panels no more than seven (7) days after the effective date of  
13 this Act to facilitate the purposes of this Section, in cooperation with the  
14 Administration and the Executive Branch, in full recognition of the need  
15 for comity and dialogue in the process of reorganizing the government  
16 of Guam. *I Maga'lahaen Guåhan* shall select such individuals and  
17 representatives of the Administration as he wishes to participate in  
18 these roundtables, which shall also be open to members of the public,  
19 who may also wish to make contribution to the specific topics of  
20 discussion and work in any given session of the roundtable. The  
21 duration and frequency of the roundtables shall be such that within One  
22 Hundred Eighty (180) days of the effective date of this Act, a single  
23 comprehensive piece of legislation is completed that accomplishes the  
24 reorganizational purposes detailed in this Section.



1           In simultaneous recognition of the complexities and potentially  
2 disruptive aspects of large-scale reorganization, as well as the  
3 overwhelming fiscal pressure that bears down upon the government of  
4 Guam, such legislation detailed herein must contain a reasonable  
5 timeline for transition and implementation that takes into account the  
6 need to minimize disruption, while maintaining sufficient haste to reap  
7 the benefits of reduced costs and increased efficiency in these difficult  
8 times.

9           The legislation detailed in this Section must also include specific  
10 performance standards for all consolidated and reorganized programs,  
11 activities, departments or agencies. Such standards, as well as the  
12 reorganized design, shall be used to establish new funding levels for  
13 each reorganized or re-designed entity that shall be reflected in the  
14 Fiscal Year 2000 budget.”

15       **Section 14.       Outsourcing Directive.**       Each head of every  
16 department or agency in the Executive Branch of the government of Guam,  
17 the Presiding Judge of the Superior Court of Guam, and the Chief Justice of  
18 the Supreme Court of Guam shall submit a report to *I Maga’lahen Guåhan* and  
19 the Speaker of *I Liheslaturan Guåhan* in no less than ninety (90) days from the  
20 effective date of this Act that details specific areas of service within the  
21 purview of their respective instrumentalities that may be outsourced to  
22 private contractors or to non-government entities, thus relieving the  
23 government of requirements to hire additional personnel in those specific  
24 service areas. Such report shall detail specifically what service areas the  
25 reporting head wishes to outsource, what personnel requirements would be

1 supplanted as a result, what the estimated cost of such proposals would be,  
2 contrasted to the cost of providing such service in-house, and what impacts  
3 upon service, *if any*, would be anticipated as a result of such action.

4 **Section 15. Dededo Buffer Strip Revolving Fund.** Section 51 of  
5 Public Law Number 25-74 is hereby *repealed and reenacted* to read as follows:

6 "Section 51. Notwithstanding provisions of §9 of  
7 Chapter III of Public Law Number 25-72, Ninety-nine Thousand Three  
8 Hundred Fifty-eight Dollars (\$99,358.00) is appropriated from the  
9 General Fund to the Dededo Buffer Strip Revolving Fund."

10 **Section 16. Worker's Compensation Amendment.** Section 2 of  
11 Public Law Number 25-91 is hereby *repealed and reenacted* to read as follows:

12 "Section 2. **Appropriation to the Government of Guam**  
13 **Special Fund for Worker's Compensation.** (a) Nine Hundred  
14 Sixty-six Thousand Three Hundred Eighty Dollars (\$966,380.00) is  
15 appropriated from the General Fund to the Government of Guam  
16 Special Fund for worker's compensation payments for the purpose set  
17 out in §9144 of Title 22 of the Guam Code Annotated to pay worker's  
18 compensation for claims by employees of the government of Guam,  
19 including outstanding prior years' obligations and future obligations  
20 associated with the provisions of this Section.

21 (b) Notwithstanding any other provision of law, the  
22 appropriation made in this Section may be used to pay for  
23 medical, surgical, and other attendance or treatment; nurse;  
24 hospital service; medicine; crutches; and apparatus required by

1 of Public Law Number 25-74. In the event any of these positions are filled, the  
2 positions shall be paid *only* from funds appropriated from the General Fund  
3 to the Department of Mental Health for personnel services during Fiscal Year  
4 2000.

5 **Section 20. DISID Hiring Authority.** The Department of  
6 Integrated Services for People with Disabilities ("DISID") is authorized to  
7 rehire *no more than* three (3) social workers to positions vacated between  
8 October 1, 1999 and December 31, 1999, or in the case of the Early Retirement  
9 Program between October 1, 1999 and January 7, 2000. In the event any of  
10 these positions are filled, the positions shall be paid only from funds  
11 appropriated from the General Fund to DISID for personnel services during  
12 Fiscal Year 2000.

13 **Section 21. Appropriations for Select Positions.** Section 14 of  
14 Public Law Number 25-74 is hereby *repealed and reenacted* to read as follows:

15 **"Section 14.** Section 16 of Chapter V of Public Law  
16 Number 25-72 is hereby *repealed and reenacted* to read as follows:

17 **'Section 16. Filling of Teaching, School Health Counselors,  
18 Nursing and License Health Care Professional Vacancies.**

19 Notwithstanding the provisions of §§19 and 24 of Chapter IV of  
20 this Act, all funds appropriated for the teaching, school health  
21 counselor and nursing positions listed in 'Attachment B' of this  
22 Act, and for positions of certified registered or licensed health care  
23 professional ancillary service personnel employed at the Guam  
24 Memorial Hospital Authority, the Department of Mental Health

1 and Substance Abuse and the Department of Public Health and  
2 Social Services, that become vacant after the enactment hereof  
3 shall *not* be automatically de-appropriated. Such funds may be  
4 used by the appointing authority to fill these vacant positions.  
5 *However*, during the period of time that a position remains vacant,  
6 all unspent funds shall be deposited into the Rainy Day Fund as  
7 provided in §§23-25 of Public Law Number 25-72. To the extent  
8 that Public Law allows the re-employment of retired employees  
9 who retired from the Government of Guam Retirement Fund to be  
10 hired for nursing, school health counselor, teaching and certified  
11 registered or licensed health care professional ancillary service  
12 positions, all such retired persons hired hereafter shall be hired at  
13 entry level 'Step 1' for the applicable vacancy."

14 **Section 22. Prohibition Against Director or Deputy Rehires.**

15 Notwithstanding any other provision of law, and in order to ensure that the  
16 law in this respect is complied with, *I Liheslaturan Guåhan* reiterates that under  
17 no circumstances shall a Director, Executive Director, General Manager,  
18 President, or head of department, or their functional equivalents; or Deputy  
19 Director, Deputy Executive Director, Assistant General Manager, Vice-  
20 President, or deputy head of department, or their functional equivalents; be  
21 they employed by a Department, Commission, Bureau, Autonomous Agency  
22 or any other government instrumentality, who elects to retire under the Early  
23 Retirement provisions of Public Law Numbers 25-72, 25-74 and 25-90 be  
24 rehired at any time thereafter under the terms of a personal services contract,  
25 or employment contract, or any contract, *unless* expressly provided for by law

1 for teachers, school health counselors, nurses, and licensed health care  
2 professional ancillary service positions. No funds shall be expended to fulfill  
3 the terms of a personal services contract, or employment contract, that has  
4 been consummated in violation of this Section.

5 This Section shall *not* be interpreted as providing any authority for  
6 personal services contracts, or employment contracts, to exist in the Executive  
7 Branch of the government of Guam, *except* as otherwise expressly and directly  
8 permitted by law for teachers, school health counselors, nurses, and licensed  
9 health care professional ancillary service positions.

10 **Section 23. Appropriations for Department of Law Positions.**

11 The Department of Law is authorized to hire attorneys to positions vacated  
12 between October 1, 1999 and December 31, 1999, or in the case of the Early  
13 Retirement Program between October 1, 1999 and January 7, 2000. These  
14 positions shall be paid *only* from funds appropriated from the General Fund  
15 to the Department of Law for personnel services during Fiscal Year 2000.

16 **Section 24. Appropriation for DOE Comptroller Position.**

17 The Department of Education is authorized to hire a Comptroller. This  
18 position shall be paid only from funds appropriated from the General Fund to  
19 the Department of Education for personnel services during Fiscal Year 2000.

20 **Section 25. Appropriation for DLM Chief of Cadastre Position.**

21 In the event that the Chief of Cadastre of the Department of Land  
22 Management ("Department") retires on or before September 30, 2000, the  
23 Department is authorized to hire one (1) Chief of Cadastre to replace him.  
24 The balance of monies appropriated for the retiring Chief of Cadastre

1 position, but not expended, shall be appropriated to cover the salary of his  
2 replacement for the remainder of Fiscal Year 2000.

3 **Section 26. Reprogramming and Re-appropriating of**  
4 **Appropriations from Completed Capital Improvement Projects.** Section  
5 1505(k) is hereby *added* to Article 5, Chapter 1 of Title 5 of the Guam Code  
6 Annotated to read as follows:

7 “(k) *Except* for Item (21), all unexpended, un-obligated and  
8 unencumbered balances of the appropriations in Subsection (i) of this  
9 Section as of September 30, 1999 shall be reprogrammed and re-  
10 appropriated as follows:

11 (1) ninety-nine percent (99%) to the Department of  
12 Education for the repair and renovation of public school buildings  
13 and structures, to be expended in the following priority:

14 (i) repair and reconstruction of C. L. Taitano  
15 Elementary School;

16 (ii) match of Federal funds made available by  
17 Federal Emergency Management Agency, or other Federal  
18 entity, in order to maximize the ability of the Department of  
19 Education to repair, reconstruct or construct school  
20 buildings; *and*

21 (iii) repair, reconstruction or construction of school  
22 buildings that have a direct impact of remedying structural  
23 deficiencies to ensure student and staff safety.

24 (2) one percent (1%) to the Guam Police Department for  
25 the renovation of its crime laboratory located in Tiyan.”

1           **Section 27.       Deadline for Early Retirement Program Extended.**

2   Section 21 of Chapter IV of Public Law Number 25-72, as amended by Public  
3   Law Numbers 25-74:13 and 25-90:2, is hereby *amended* to read as follows:

4           **“Section 21.       Early Retirement Incentive.**

5       Notwithstanding any other provision of law or terms and conditions set  
6       by the Board of Trustees of the Government of Guam Retirement Fund  
7       pursuant to §8130 of Title 4 of the Guam Code Annotated, and for a  
8       period between the effective date of this Act and January 7, 2000, any  
9       active, non-uniformed member of the Government of Guam Retirement  
10      Fund who has a minimum of twenty (20) years of creditable service, or  
11      any uniformed active member of the Retirement Fund who has a  
12      minimum of fifteen (15) years of creditable service, or any active  
13      member of the Retirement Fund of sixty (60) or more years of age who  
14      has a minimum of five (5) years of creditable service, may retire and  
15      receive the following additional benefits:

16           **1.       Up to Five (5) Years of Additional Creditable Service**

17           **Upon Application.**   The member wishing to retire, including  
18           any member who has withdrawn the member’s retirement  
19           contribution from the Fund who is paying back such amounts  
20           pursuant to a repayment agreement or promissory note pursuant  
21           to §8130 of Title 4 of the Guam Code Annotated, shall pay for the  
22           additional employee’s contribution to the Retirement Fund  
23           required for such additional service by paying in full such  
24           contributions by the time of retirement, or by executing a  
25           promissory note with the Retirement Fund for the full payment of

1 the amount of such contributions. Notwithstanding any other  
2 provision of law, in the case of a member who has withdrawn the  
3 member's retirement contribution from the Fund who is paying  
4 back such amounts pursuant to a repayment agreement or  
5 promissory note, all service credit that is being repaid through  
6 such repayment agreement of promissory note shall count for  
7 purposes of eligibility to retire under the terms and conditions set  
8 forth in this Section. The term of any such promissory note shall  
9 not exceed fifteen (15) years at an interest rate of eight percent  
10 (8%) per annum. The Retirement Fund shall allow those electing  
11 to execute promissory notes to have payments deducted from each  
12 annuitant's semi-monthly check to be used to pay the Retirement  
13 Fund Promissory Note.

14 *If* for some unforeseen reason the deductions authorized for  
15 repayment of the promissory note should cease, then the payment  
16 of the annuity benefits that arise from the provisions of Subsection  
17 1 of this Section shall likewise cease.

18 *Except* in the case of the death of the retiree, the Retirement  
19 Fund is authorized to place a 'Request for Proposal' for group life  
20 insurance to cover the unpaid balance of the promissory note. The  
21 premium for this group life insurance shall be paid by the  
22 Retirement Fund. Such premium contribution by the Fund shall  
23 *not* exceed the premium amount currently paid by the government  
24 for the basic life insurance under the government of Guam group  
25 life plan. *If* there is a difference between the premium amount



1 maximum that the retirement can pay versus the total premium,  
2 that difference shall be paid by the retiree.

3 2. The member retiring, notwithstanding any other  
4 provision of law, shall suffer no penalty or diminishing of the  
5 amount of annuity to be received on account of the age of the  
6 member retiring upon the date of retirement. *I Liheslaturan Guåhan*  
7 recognizes the responsibility of the General Fund to reimburse the  
8 Retirement Fund for the additional costs directly associated with  
9 the granting of additional creditable service to members retiring  
10 under the provisions of this Section, with respect to those costs  
11 directly associated with what would be both the employer's and  
12 employee's contributions for additional years of service credited.  
13 Of the current billing rate of 18.6% of gross payroll for active  
14 members of the Retirement Fund, 17.48% shall be allocated to  
15 payment of the bi-weekly employer's contribution of active  
16 employees and to the repayment of supplemental annuity benefits  
17 and COLA, as provided in §§2-9 of this Chapter. The remaining  
18 1.12% shall be applied to pay for the employer's contributions for  
19 those members electing to retire under the provisions of this  
20 Section. As the percentage amount set aside for the payment of  
21 the government's share of: (a) the normal cost; (b) the un-funded  
22 accrued liability cost; *and* (c) the repayment of supplemental  
23 annuity benefits and COLA, as provided in §§2-9 of this Chapter  
24 decreases annually, the balance made available will be applied to  
25 the payment of employer's contributions for persons electing to

1 retire pursuant to the provisions of this Section. The members of  
2 the Retirement Fund Board of Trustees are indemnified against  
3 any personal liability in any matter relative to the implementation  
4 of this Section. The Board of Trustees of the government of Guam  
5 Retirement Fund shall implement the provisions of this Section  
6 *immediately* upon the effective date of this Act, notwithstanding  
7 any other provision of law. In the event that it is required to  
8 implement this Section, *I Maga'lahaen Guåhan* is authorized to  
9 borrow no more than Twenty Million Dollars (\$20,000,000) with  
10 banks or other lending institutions licensed to do business on  
11 Guam, for a term of no more than twenty (20) years in order to  
12 fulfill the purposes of §21 of this Chapter. Such loan shall be used  
13 exclusively for the purposes of funding the voluntary separation  
14 payments authorized by §21 of this Act. Such loan is to be secured  
15 by the General Fund. All terms of the loan shall be negotiated by *I*  
16 *Maga'lahaen Guåhan* in the best interests of the people of Guam.

17 The loan shall be upon such terms and conditions as established  
18 by an agreement, and such other documents and instruments as are  
19 executed by *I Maga'lahaen Guåhan* containing such terms as are consistent  
20 with this Section. *I Maga'lahaen Guåhan*, on behalf of the government of  
21 Guam, is authorized to guaranty the loan and to grant the pledge of §30  
22 revenues or the General Fund, as provided below, as security for  
23 repayment of the loan.

1           (1) The loan shall be for such term, *not to be more than*  
2 twenty (20) years. The rate of interest upon the loan shall be as  
3 negotiated between the lender and *I Maga'lahaen Guahån*.

4           (2) Interest shall be computed upon the declining balance  
5 of principal outstanding from time to time upon the loan.

6           (3) The lender for making the loan may levy prepaid  
7 charges. The lender may charge and be paid either from the loan  
8 funds, or other funds of the government of Guam, its expenses  
9 incurred in making the loan, including legal fees, recording, title  
10 insurance and appraisal fees, and like expenses.

11           (4) Interest earned by the lender shall be exempt from  
12 taxation by the government of Guam, including without limitation  
13 taxation under the Guam Gross Receipts Tax and Guam Territorial  
14 Income Tax.

15           (5) The loan may be secured by:

16                   (i) pledge of §30 revenues or the General Fund;

17                   (ii) a guaranty of the government of Guam; *or*

18                   (iii) pledge of all or any part of the revenues derived  
19 by the government of Guam under §30 of the Organic Act.  
20 Any such pledge shall be made by a certificate of approval  
21 by *I Maga'lahaen Guahån* authorizing the pledge and the terms  
22 and conditions thereof. Any such pledge shall be valid and  
23 binding from the time the pledge is made, *subject* to prior  
24 pledges upon such revenues. The revenues pledged and  
25 thereafter received by the government of Guam, or by any

1 trustee appointed pursuant hereto, shall upon receipt  
2 immediately be subject to the lien of the pledge without any  
3 physical delivery thereof or further act, and the lien of such  
4 pledge shall be valid and binding against the government of  
5 Guam, irrespective of whether the parties have notice  
6 thereof.

7 *I Magalahaen Guahån* may also pledge as a source of  
8 repayment for any such loan the balance remaining from the  
9 government's employer contribution to the Retirement Fund after  
10 payment for the normal costs, the un-funded accrued liability cost  
11 and the repayment of supplemental annuity benefits, and COLA,  
12 as provided in §§2-9 of this Chapter, *subject* to legislative approval.

13 Should an annuitant who retires under the provisions of this  
14 Section choose to seek reemployment with the government of Guam,  
15 inclusive of personal services contracts, the annuitant shall continue to  
16 owe and pay the Government of Guam Retirement Fund any balance of  
17 sums remaining from the purchase of the annuitants additional credit  
18 service allowed by this Section. Upon reentering the government of  
19 Guam, the member may be reinstated into the Defined Contribution  
20 Plan."

21 **Section 28. No Positions to be Filled Until Authorized by *I***  
22 ***Lihe slaturan Guahån*.** For the month of January, 2000, no government of  
23 Guam funds shall be expended to fill any position not contained in the  
24 staffing patterns attached to Public Law Numbers 25-72 and 25-74. Each  
25 department and agency of the government of Guam shall submit a new

1 staffing pattern to *I Liheslaturan Guahån* on February 1, 2000, and *I Liheslaturan*  
2 *Guahån* shall adopt staffing patterns reduced to reflect the reduction due to  
3 the Early Retirement and Voluntary Separation Programs.

4 After February 1, 2000, no government of Guam funds shall be  
5 expended to fill any position *not* contained in the new staffing patterns  
6 approved by *I Liheslaturan Guahån*. No government of Guam funds shall be  
7 expended on any position filled after September 30, 1999, *unless* those  
8 positions have been *expressly* exempted by *I Liheslaturan Guahån* in Public Law  
9 Numbers 25-72, 25-74 or in this Act, whereby subsequent legislative action  
10 would be appropriate. No certifying officer of the government shall certify  
11 that funds are available to pay for the compensation of an employee in a  
12 position filled in contradiction with this Section.

13 **Section 29. Authorization to GEPA for Additional Personnel.**

14 The Guam Environmental Protection Agency ("GEPA") is hereby authorized  
15 to fill one (1) of each of the following positions:

- 16 (a) EHS Supervisor (Air Pollution);
- 17 (b) Chemist II;
- 18 (c) Engineer III; *and*
- 19 (d) Laboratory Technician III.

20 **Section 30. Submission of Retirement Lists.** Each and every  
21 agency, department or instrumentality of the government of Guam, including  
22 autonomous agencies, shall submit to *I Liheslaturan Guahån* a complete list of  
23 all persons who ended their employment with the government of Guam  
24 under the Early Retirement Incentive and Voluntary Separation with

1 Compensation Programs authorized by Public Law Numbers 25-72, 25-74, 25-  
2 90 and as further amended by this Act.

3 The list shall include, at a minimum, the name of the person, the  
4 position vacated, and the annual cost of the position vacated inclusive of  
5 benefits. The list shall be submitted within seven (7) days after the expiration  
6 of the Early Retirement Incentive and Voluntary Separation with  
7 Compensation Programs authorized by Public Law Numbers 25-72, 25-74, 25-  
8 90 and as further amended by this Act.

9 **Section 31. Prohibition Against Retired Employee Rehires.**

10 Notwithstanding any other provision of law, no government employee shall  
11 retire under the Early Retirement provisions of Public Law Numbers 25-72,  
12 25-74 and 25-90, and be rehired at any time thereafter under the terms of a  
13 personal services contract or any contract, *unless* expressly provided for by  
14 law for teachers, school health counselors, nurses, and licensed health care  
15 professional ancillary service positions. No funds shall be expended to fulfill  
16 the terms of a personal services contract that has been consummated in  
17 violation of this Section.

18 This Section shall *not* be interpreted as providing any authority for  
19 personal services contracts to exist in the Executive Branch of the government  
20 of Guam, *except* as otherwise expressly and directly permitted by law for  
21 teachers, school health counselors, nurses, and licensed health care  
22 professional ancillary service positions.

23 *I Liheslaturan Guahån* does *not* recognize the validity of what has been  
24 referred to as a '*personal service contract*' within the government of Guam,

1 *except for teachers, school health counselors, nurses, and licensed health care*  
2 *professional ancillary service positions."*

3       **Section 32. Attachments to this Act.**     *Except*                     for  
4 "**Attachments C and G,**" attached herein, all references in this Act to  
5 "*attachments*" refer to and shall incorporate the attachments as they existed in  
6 the Public Laws being referred to.

7       **Section 33. Severability.**     *If* any provision of this Act or its  
8 application to any person or circumstances is held invalid, the invalidity shall  
9 *not* affect other provisions or applications of this Act which can be given effect  
10 without the invalid provision or application, and to this end the provisions of  
11 this Act are severable.

## Attachment "C" - Operating Expenses

General Fund	Travel	Contractual	Office Rental	Supplies	Equipment	Misc.	Utilities	Capital Outlay	Object Totals
Department of Education	\$ 28,180	\$ 5,082,491	\$ 139,159	\$ 6,505,726	\$ 1,188,768	\$ 741,530	\$ 5,363,409	\$ 316,053	\$ 19,365,316
Public Health and Social Services	\$ 39,709	\$ 9,870,313	\$ 234,135	\$ 861,765	\$ 56,511	\$ 38,207,656	\$ 846,416	\$ 583,149	\$ 50,699,653
Guam Fire Department	\$ -	\$ 70,236	\$ -	\$ 190,913	\$ 579,828	\$ -	\$ 183,612	\$ -	\$ 1,024,590
Guam Police Department	\$ -	\$ 774,819	\$ -	\$ 668,735	\$ 7,235	\$ 224,104	\$ 521,845	\$ -	\$ 2,196,738
Department of Public Works	\$ -	\$ 540,027	\$ -	\$ 1,393,685	\$ -	\$ -	\$ 811,179	\$ -	\$ 2,744,891
Department of Corrections	\$ -	\$ 748,916	\$ -	\$ 1,313,648	\$ -	\$ 49,527	\$ 508,606	\$ -	\$ 2,620,696
Department of Revenue and Taxation	\$ 24,353	\$ 1,047,101	\$ -	\$ 60,385	\$ 2,877	\$ 5,485	\$ 219,279	\$ 123,889	\$ 1,483,369
Department of Administration	\$ -	\$ 579,699	\$ -	\$ 159,811	\$ 26,720	\$ -	\$ 362,900	\$ 38,655	\$ 1,167,785
Department of Law	\$ -	\$ 241,679	\$ 150,927	\$ 29,861	\$ -	\$ 655,680	\$ 49,237	\$ -	\$ 1,127,385
Dept. of Mental Health & Subst. Abuse	\$ -	\$ 555,669	\$ -	\$ 362,393	\$ 24,353	\$ -	\$ 304,410	\$ -	\$ 1,246,823
Department of Youth Affairs	\$ -	\$ 138,067	\$ -	\$ 134,520	\$ -	\$ 36,529	\$ 78,277	\$ -	\$ 387,393
Department of Land Management	\$ -	\$ -	\$ 2,319	\$ 1,406	\$ -	\$ 2,899	\$ 86,974	\$ -	\$ 93,599
Department of Agriculture	\$ -	\$ 27,155	\$ -	\$ 42,068	\$ 6,281	\$ 31,649	\$ 82,838	\$ -	\$ 189,992
Pl. Defender	\$ 4,639	\$ 34,790	\$ 228,485	\$ 19,328	\$ 4,832	\$ 7,731	\$ 36,867	\$ 9,664	\$ 346,335
Department of Labor	\$ 2,996	\$ 63,597	\$ -	\$ 18,973	\$ 242	\$ -	\$ 64,371	\$ 8,063	\$ 158,241
DISID	\$ 3,866	\$ 1,217,213	\$ -	\$ 9,664	\$ 9,664	\$ 5,798	\$ 38,655	\$ 9,664	\$ 1,294,523
Department of Commerce	\$ 1,450	\$ 83,814	\$ -	\$ 24,160	\$ -	\$ -	\$ 126,477	\$ -	\$ 235,900
Dept. of Parks and Recreation	\$ -	\$ 54,794	\$ -	\$ 38,655	\$ 20,294	\$ 1,450	\$ 275,418	\$ 14,496	\$ 405,106
Bureau of Budget & Mangmt Research	\$ -	\$ 30,262	\$ -	\$ 6,765	\$ -	\$ -	\$ 12,563	\$ -	\$ 49,590
Guam Library	\$ 2,743	\$ 53,842	\$ -	\$ 30,762	\$ 51,718	\$ 5,412	\$ 130,171	\$ 4,349	\$ 278,996
Civil Service Commission	\$ -	\$ 8,195	\$ -	\$ 1,859	\$ -	\$ 7,573	\$ 11,449	\$ -	\$ 29,075
Guam EPA	\$ -	\$ 21,897	\$ -	\$ 10,938	\$ -	\$ 3,479	\$ 38,976	\$ -	\$ 75,291
Bureau of Planning	\$ -	\$ 26,972	\$ -	\$ 3,866	\$ -	\$ -	\$ 19,366	\$ 11,693	\$ 61,897
Department of Chamorro Affairs	\$ 966	\$ 183,612	\$ -	\$ 31,891	\$ 12,080	\$ 16,428	\$ 82,142	\$ 31,407	\$ 358,527
Department of Military Affairs	\$ -	\$ 90,014	\$ -	\$ 43,534	\$ -	\$ 11,365	\$ 109,569	\$ 21,744	\$ 276,226
Public Auditor	\$ -	\$ 289,914	\$ 23,634	\$ 4,832	\$ 5,798	\$ 6,281	\$ 15,655	\$ -	\$ 346,115
Chamorro Land Trust Commission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Ancestral Lands Commission	\$ -	\$ -	\$ -	\$ 9,954	\$ 13,034	\$ 8,118	\$ 14,853	\$ -	\$ 45,958
CAHA	\$ 483	\$ 7,248	\$ -	\$ 2,416	\$ -	\$ 115,966	\$ 20,009	\$ 9,664	\$ 155,785
Guam Educational Telecomm. Corp	\$ -	\$ 61,056	\$ -	\$ -	\$ -	\$ -	\$ 27,059	\$ -	\$ 88,115
Guam Election Commission	\$ 483	\$ 226,974	\$ 62,162	\$ 5,789	\$ -	\$ 5,412	\$ 8,566	\$ -	\$ 309,386
Commission on Self-Determination	\$ -	\$ 179,747	\$ -	\$ 966	\$ -	\$ 966	\$ 3,866	\$ -	\$ 185,545
Chamorro Registry Advisory Board	\$ 9,664	\$ 96,638	\$ -	\$ 5,798	\$ -	\$ 14,496	\$ 3,866	\$ 14,496	\$ 144,957
Chief Medical Examiner	\$ -	\$ 35,548	\$ -	\$ 2,899	\$ -	\$ 1,295	\$ 3,215	\$ -	\$ 42,958
State Council on Vocational Ed.	\$ -	\$ -	\$ -	\$ 1,459	\$ -	\$ -	\$ 4,542	\$ -	\$ 6,001
Guam Planning Council	\$ -	\$ 682	\$ -	\$ 483	\$ -	\$ 242	\$ 6,958	\$ -	\$ 8,365
AHRD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Guam Finance Commission	\$ -	\$ 858	\$ -	\$ 5,315	\$ -	\$ 8,214	\$ 12,336	\$ -	\$ 26,723
Supreme Court	\$ 43,487	\$ 113,068	\$ -	\$ 14,225	\$ 2,416	\$ 46,145	\$ 14,496	\$ 4,832	\$ 238,669
Superior Court	\$ 36,131	\$ 386,552	\$ -	\$ 217,436	\$ -	\$ 628,147	\$ 543,627	\$ -	\$ 1,811,893
<b>Total</b>	<b>\$ 199,148</b>	<b>\$ 22,943,458</b>	<b>\$ 840,821</b>	<b>\$ 12,236,882</b>	<b>\$ 2,012,651</b>	<b>\$ 40,849,575</b>	<b>\$ 11,044,055</b>	<b>\$ 1,201,816</b>	<b>\$ 91,328,407</b>



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



**1999 (FIRST) Regular Session**

I, Antonio R. Unpingco, Speaker of *1 Mina'Bente Singko Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 372 (LS), "AN ACT TO APPROPRIATE THE BALANCE OF CERTAIN PORTIONS OF THE BUDGET OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR 1999-2000," which was introduced on December 28, 1999, and therefore waive the statutory requirements for a public hearing on Bill Number 372 (LS).

Dated: December 28, 1999



ANTONIO R. UNPINGCO  
Speaker

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



**1999 (FIRST) Regular Session**

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

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 12/29/99

## VOTING SHEET

A Bill No. 372 (LS)

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

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

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	11	✓			
BERMUDES, Eulogio C.					EA
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.	<del>11</del>	✓			
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

11    3    \_\_\_\_\_    \_\_\_\_\_    1

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

LS

Bill No. 372 (COR)

Introduced by:

The Committee on Rules,  
Government Reform,  
Reorganization and Federal Affairs

**AN ACT TO APPROPRIATE THE BALANCE OF CERTAIN  
PORTIONS OF THE BUDGET OF THE GOVERNMENT OF GUAM  
FOR FISCAL YEAR 1999 -2000**

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

2           **Section 1. Amendment to Section 1 of Chapter II of Public Law**  
3 **25-72, as amended.** Section 1 of Chapter II of Public Law 25-72, as  
4 amended by Public Law 25-74, is further amended to read:

5           **“Section 1. Personnel Appropriations.** Eighty-six  
6 Million Five Hundred Forty-four Thousand One Hundred Seventy-six  
7 Dollars (\$86,544,176) is appropriated for the personnel requirements  
8 as detailed in **Attachment B** for the period beginning October 1, 1999  
9 and ending December 31, 1999. This sum is composed of Seventy-  
10 nine Million Four Hundred Ninety-seven Thousand Two Hundred  
11 Sixty-four Dollars (\$79,497,264) from the General Fund; Four Million  
12 Two Hundred Forty-four Thousand Four Hundred Thirty-nine Dollars  
13 (\$4,244,439) from Special Funds; and Two Million Eight Hundred  
14 Two Thousand Four Hundred Fifty-two Dollars (\$2,802,452) from  
15 Federal Matching Grants-in-Aid. The appropriation shall be  
16 expended as contained in **Attachment B**, and as further detailed in the

1 right most column in the attached staffing patterns for each  
2 department or agency. Two Hundred Thirteen Million Five  
3 Hundred Two Thousand Six Hundred Eighty Nine Dollars  
4 (\$213,502,689) is appropriated for the personnel requirements as  
5 detailed in Attachment G for the period beginning January 1, 2000  
6 and ending September 30, 2000. This sum is composed of One  
7 Hundred Ninety Four Million Three Hundred Seventy Five Thousand  
8 Four Hundred Thirteen Dollars (\$194,375,413) from the General  
9 Fund; Eleven Million Five Hundred Twenty Thousand Six Hundred  
10 Twenty Dollars (\$11,520,620) from Special Funds; and Seven Million  
11 Six Hundred Six Thousand Six Hundred Fifty Five Dollars  
12 (\$7,606,655) from Federal Matching Grants-in-Aid. The  
13 appropriation shall be expended as contained in Attachment G."

14 **Section 2. Repeal and Re-enactment of Section 2 of Chapter II of**  
15 **Public Law 25-72.** Section 2 of Chapter II of Public Law 25-72, inclusive  
16 of "Attachment C ", is repealed and re-enacted to read:

17 "Section 2. **Executive Branch Operating Expenses.** One  
18 Hundred Nineteen Million Seven Hundred Sixty Thousand Three  
19 Hundred Forty Seven Dollars (\$119,760,347) is appropriated for  
20 operating expenses for the Executive Branch for the fiscal year ending  
21 September 30, 2000. This sum is composed of Ninety One Million  
22 Three Hundred Twenty Eight Thousand Four Hundred Seven Dollars  
23 (\$91,328,407) from the General Fund, which shall be expended as  
24 contained in "**Attachment C**"; Ten Million Five Hundred  
25 Ninety-six Thousand Eight Hundred Fifty-six Dollars (\$10,596,856)  
26 from Special Funds, which shall be expended as contained in  
27 "**Attachment D**"; and Seventeen Million Eight Hundred

1 Thirty-five Thousand Eighty-two Dollars (\$17,835,082) from Federal  
2 Matching Grants-in-Aid, which shall be expended as contained in  
3 **"Attachment E."**

4 **Section 3. Miscellaneous Appropriations.** Chapter III of Public  
5 Law Number 25-72, as amended by Public Law 25-74, is repealed and  
6 reenacted to read:

7 **"Chapter III**

8 **Miscellaneous Appropriations**

9 **Section 1. Appropriation to the Department of Youth Affairs.**

10 Three Hundred Eighty Six Thousand Five Hundred Fifty Two Dollars  
11 (\$386,552) is appropriated from the General Fund to the Department of  
12 Youth Affairs ("DYA") for Sanctuary, Inc. for their Fiscal Year 2000  
13 operations. DYA shall make a report of the expenditures of the funds of this  
14 appropriation to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* within  
15 sixty (60) days following the end of the fiscal year covered herein.

16 **Section 2. Appropriations for Scholarships and Training**  
17 **Programs for the University of Guam.** (a) Student

18 Scholarship, Financial Assistance and Program Administration. Two  
19 Million Four Hundred Sixty Seven Thousand Four Hundred Twenty Nine  
20 Dollars (\$2,467,429) is appropriated from the General Fund to the  
21 University of Guam to be expended for the following student scholarships,  
22 financial assistance programs and program administrations: Merit Awards,  
23 Student Loans, Nurse Training Programs, Professional and Technical  
24 Awards, Reserve Officer Training Corp. ("ROTC"), Regent Scholarships,  
25 Marine Lab Graduates Assistance Programs, Doctoral Fellowships,  
26 Advanced High School Placement Programs and administration of all  
27 student financial assistance programs. The University of Guam shall

1 determine the allocation of this appropriation in order to fund the various  
2 student scholarships, financial assistance programs and program  
3 administration.

4       **(b) Pedro “Doc” Sanchez Scholarship Program.** Two  
5 Hundred Seventy Thousand Five Hundred Eighty Six Dollars (\$270,586) is  
6 appropriated from the General Fund to the University of Guam for the Pedro  
7 “Doc” Sanchez Scholarship Program to be spent in accordance with its rules  
8 and regulations and §15107 of Title 17 of the Guam Code Annotated, as  
9 amended.

10       **(c) Dr. Antonio C. Yamashita Educator Corps.** Two Million  
11 Four Hundred Sixty Seven Thousand Ninety Five Dollars (\$2,467,095) is  
12 appropriated from the General Fund to the University of Guam, which shall  
13 disburse the funds pursuant to the directives and policies of the Educator  
14 Corps Council, for stipends for the Dr. Antonio C. Yamashita Educator  
15 Corps, and for the administration of the Educator Corps Council, in  
16 accordance with the provisions of Public Law Number 24-231 and §15107  
17 of Title 17 of the Guam Code Annotated, as amended.

18       **(d) Chamorro Teaching Degree Institute.** One Hundred Nine  
19 Thousand Nine Hundred Eighty Dollars (\$109,980) is appropriated from the  
20 General Fund to the University of Guam for the operations of the Chamorro  
21 Teaching Degree Institute. This appropriation shall continue until expended  
22 for the operations and other purposes of the Institute.

23       **Section 3. Appropriations to the University of Guam.** (a)

24       Twenty Four Million Eight Hundred Three Thousand One Hundred  
25 Eighty Eight Dollars (\$24,803,188) is appropriated from the General Fund to  
26 the University of Guam for their operations.

1 (b) Three Hundred Thirty Nine Thousand Six Hundred Seventeen  
2 Dollars (\$339,617) is appropriated from the General Fund to the University  
3 of Guam ("UOG") for the International Tourism Program.

4 **Section 4. Appropriations to the Guam Community College.**

5 (a) Eight Million Eighteen Thousand Two Hundred Fifty Five Dollars  
6 (\$8,018,255) is appropriated from the General Fund to the Guam  
7 Community College for their operations.

8 (b) One Million Two Hundred Seventy Four Thousand Seventy  
9 Five Dollars (\$1,274,075) is appropriated from the General Fund to the  
10 Guam Community College for the School of Business, Social Science and  
11 Tourism.

12 (c) The unencumbered balances and Fiscal Year 2000 revenues of  
13 the Pari-mutuel Fund is appropriated to the Guam Community College for  
14 their operations. This appropriation shall *not* exceed Nine Hundred  
15 Thousand Dollars (\$900,000).

16 (d) Nine Hundred Two Thousand Two Hundred Eight Dollars  
17 (\$902,208) is appropriated to the Guam Community College from the  
18 Manpower Development Fund to be expended in accordance with Public  
19 Law Number 23-106.

20 **Section 5. Appropriation for Water and Environmental**  
21 **Research Institute of the Western Pacific.** There is hereby appropriated  
22 from the General Fund to the University of Guam to fund the Water and  
23 Environmental Research Institute of the Western Pacific ("WERI") the sum  
24 of Two Hundred Twenty Four Thousand Two Hundred Dollars (\$224,200)  
25 for the sole purpose of funding the Guam Hydrologic Survey ("GHS").  
26 WERI shall continue to administer the Guam Hydrological Survey for the



1 same purposes that have previously been established by the laws of Guam.  
2 Such funds may *not* be transferred or used for any other purpose.

3 **Section 6. Appropriation for the Comprehensive Water**  
4 **Resource Monitoring Program.** There is hereby appropriated from the  
5 General Fund to the University of Guam to fund the Water and  
6 Environmental Research Institute of the Western Pacific ("WERI") the sum  
7 of One Hundred Seventy Three Thousand Nine Hundred Forty Eight Dollars  
8 (\$173,948) for the sole purpose of funding the Comprehensive Water  
9 Resource Monitoring Program. Said funds shall be used to match the  
10 Federal funding for said program. WERI shall continue to administer the  
11 Comprehensive Water Resource Monitoring Program for the same purposes  
12 that have previously been established by the laws of Guam. Such funds may  
13 *not* be transferred or used for any other purpose.

14 **Section 7. Appropriation for ADA Compliance in the**  
15 **Department of Education's Personnel Services Division.** The sum of  
16 Ten Thousand Six Hundred Thirty Dollars (\$10,630) is hereby appropriated  
17 from the General Fund to the Department of Education for equipment,  
18 supplies and capital outlay to bring the Personnel Services Division in  
19 compliance with the Americans with Disabilities Act ("ADA").

20 **Section 8. Appropriation to the Department of Education for**  
21 **Academic Coaches' Stipends and Accreditation Costs.** The Sum of One  
22 Hundred Forty Four Thousand Nine Hundred Fifty Seven Dollars  
23 (\$144,957) is hereby appropriated from the General Fund to the Department  
24 of Education for academic coaches' stipends for team competitions and  
25 accreditation costs.

26 **Section 9. Appropriation to the Dededo Buffer Strip Revolving**  
27 **Fund.**

1 The sum of Twenty Four Thousand Three Hundred Seventy Dollars  
2 (\$24,370) is hereby appropriated from the General Fund to the *Dededo*  
3 *Buffer Strip Revolving Fund* ("Fund") to reimburse the *Fund*.

4 **Section 10. Appropriations for the Summer School**  
5 **Program.**

6 There is hereby appropriated such sums as are necessary from the *Summer*  
7 *School Fund* established pursuant to §6118 of Title 17 of the Guam Code  
8 Annotated to the Department of Education to fund the operations of the 1999  
9 and 2000 Summer School Program.

10 **Section 11. Appropriation for Overtime Due to Division of**  
11 **Solid Waste, Department of Public Works.** The sum of Two  
12 Hundred Eighteen Thousand Dollars (\$218,000) is appropriated from the  
13 Fiscal Year 1999 August and September revenues of the Solid Waste  
14 Operations Fund to the Division of Solid Waste, Department of Public  
15 Works to pay for Fiscal Year 1999 accumulated overtime hours.

16 **Section 12. Appropriation for Equipment Rental to the**  
17 **Division of Solid Waste, Department of Public Works.** The amount  
18 of Eighty Thousand Five Hundred Dollars (\$80,500) is appropriated from  
19 the August and September revenues of the Solid Waste Operations Fund to  
20 the Division of Solid Waste, Department of Public Works, to pay for Fiscal  
21 Year 1999 equipment rental at the Ordod Landfill.

22 **Section 13. Appropriation for the First Quarter Operations**  
23 **of the Solid Waste Division, Department of Public Works.** (a) One  
24 Million Dollars (\$1,000,000) is hereby appropriated from the General Fund  
25 to the Division of Solid Waste of the Department of Public Works to serve

1 as the advanced initial budget of the Division of Solid Waste for operational  
2 purposes in Fiscal Year 2000.

3 (b) The Department of Public Works shall reimburse the General  
4 Fund this total amount from the revenues collected from tipping/user fees,  
5 by setting aside *at least* Twenty-five Percent (25%) of the monthly collected  
6 revenues in the Solid Waste Operations Fund to pay back the General Fund  
7 on a quarterly basis until such time that the total amount of the appropriated  
8 loan under Subsection (a) is paid up.

9 **Section 14.** Section 16 of Chapter III of Public Law Number  
10 25-03 is hereby *repealed and reenacted* to read as follows:

11 **"Section 16. Appropriation to DPW From the Village**  
12 **Streets Fund.** (a) One Million Five Hundred Thousand  
13 Dollars (\$1,500,000) is appropriated from the Village Streets Fund  
14 created pursuant to §25 of Chapter IV of Public Law Number 23-128  
15 to the Department of Public Works for expenditures as authorized  
16 pursuant to §1504(k) of Title 5 of the Guam Code Annotated.

17 (b) Notwithstanding any other provision of law, the  
18 Department of Public Works shall use One Million Five  
19 Hundred Thousand Dollars (\$1,500,000) from the money  
20 appropriated in Subsection (a) of this Section for the following  
21 purposes:

22 (1) the repair, including, but not limited to,  
23 widening, paving and sidewalks, of Clara Street in Toto,  
24 leading to J. Q. San Miguel Elementary School; *and*

25 (2) monetary compensation or land exchange on  
26 value-per-value basis to private landowners whose

1 properties are condemned as a result of the provisions of  
2 this Subsection."

3 **Section 15. Mayor's Council Appropriation.** (a) The  
4 Sum of Three Hundred Thirty-three Thousand Nine Hundred Fifty-  
5 four Dollars (\$333,954) is hereby appropriated from the Village  
6 Streets Fund to the Mayors' Council of Guam only for the purpose of  
7 maintaining Village streets. This sum shall *not* be used for hiring of  
8 additional personnel, nor shall it be used to supplement any personnel  
9 costs or services.

10 (b) The Sum of Six Million Four Hundred Thirty One  
11 Thousand Ninety Five Dollars (\$6,431,095) is appropriated from the  
12 General Fund to the Mayors' Council of Guam for their personnel and  
13 operating expenses for Fiscal Year 2000.

14 (c) **Exemption from BBMR Control.** The budget of the  
15 Mayor's Council is *not* subject to the allotment process or control of  
16 the Bureau of Budget and Management Research or its successor  
17 Agency; nor shall *I Maga'lahaen Guåhan* impound or transfer funds  
18 appropriated to the Mayor's Council. The Mayor's Council shall  
19 receive from the Department of Administration or its successor  
20 agency an amount totaling no less than one twelfth (1/12) of the  
21 balance of the appropriation on the first of every month of the Fiscal  
22 Year until such appropriation has been exhausted. On a month were  
23 more than two (2) pay periods occur, the Department of  
24 Administration shall release such funds required for the purpose of  
25 meeting the operational needs of the Mayor's Council for that month,  
26 *provided* a sufficient balance of the appropriation remains.

1 (d) **Mayor's Council Fund.** There is created a  
2 Mayor's Council Operations Fund. The annual budget of the  
3 Mayor's Council shall be deposited in the Mayors' Council  
4 Operations Fund.

5 (e) **Annual Review.** The Mayors' Council  
6 shall continue to submit its annual budget to *I Liheslaturan*  
7 *Guåhan* for review on the 30<sup>th</sup> day of March of each year.

8 (f) **Lapses.** Lapses in the Mayors' Council annual  
9 Budget shall *not* revert back to the General Fund, but shall be  
10 carried over into the next Fiscal Year.

11 **Section 16. Transfer of Funds and Employees from DOA to**

12 **DPW.** (a) Notwithstanding any other provision of law, and  
13 effective October 1, 1999, the twelve (12) employees of the Housing  
14 Management Division of the Department of Administration ("DOA") are  
15 transferred to the Division of Building Maintenance of the Department of  
16 Public Works ("DPW").

17 (b) The amount of One Hundred Sixty Thousand Four Hundred  
18 Eight Dollars (\$160,408) from the Housing Revolving Fund is hereby  
19 appropriated to the Division of Building Maintenance, DPW, in accordance  
20 with the provision of Subsection (a) to fund the following categories in FY  
21 2000.

<b>Personnel</b>		<b>1<sup>st</sup> Qtr. FY 2000</b>
<b><u>Position #</u></b>	<b><u>Titles</u></b>	<b><u>Salaries &amp; Benefits</u></b>
24 69101	Administrator	\$15,210
25 69102	Administrative Officer	14,151
26 69105	Word Processing Secretary	7,091

1	69104	Building Maintenance Supervisor	13,452
2	69109	Building Maintenance Leader	10,412
3	69105	Carpenter I	8,996
4	69107	Electrician II	9,567
5	69110	Carpenter I	9,309
6	69111	Cabinet Maker/Mason	13,885
7	69112	Plumber II	11,407
8	69114	Painter II	13,439
9	69115	Maintenance Worker	8,004
10		<b>TOTAL</b>	\$135,443

11 **Supplies & Materials:**

12	Supplies & Materials for Housing Repair	\$23,965
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13 **Contractual Services:**

14	Tools & Equipment Maintenance	\$1,000
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15	<b>GRAND TOTAL:</b>	\$160,408
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16 (c) The amount appropriated in this Subsection shall be used  
17 by DPW only for the purposes expressed in this Subsection and *not*  
18 subject to any transfer authority of *I Maga'lahaen Guåhan*.

19 (d) Notwithstanding any provision of law, and effective  
20 October 1, 1999, public building maintenance responsibilities of the  
21 Housing Management Division of DOA are transferred to the  
22 Division of Building Maintenance of DPW.

23 **Section 17. Appropriation to GCC's Professional**  
24 **Technological Institute for Fiscal Year 2000 Only.** There is  
25 appropriated from the Tourist Attraction Fund the sum of Fifty Thousand  
26 Dollars (\$50,000) to the Guam Community College for the Professional

1 Technological Institute for the purpose of paying the advance costs of  
2 hosting the IACP Asia-Pacific Executive Policing Conference on Guam  
3 from March 12 -14, 2000.

4 There is created the “*IACP Steering Committee Revolving Account*”  
5 (“Account”) in which this appropriation and any other moneys received shall  
6 be deposited. The Executive Director of the Professional Technological  
7 Institute shall be the Certifying Officer for authorizing the disbursement of  
8 funds from the Account. Any monies recovered from registration fees or  
9 other sources during the conduct of the IACP Conference shall be deposited  
10 in the Account. Any fund balances remaining from this appropriation, shall  
11 revert back to the Tourist Attraction Fund at the end of the Fiscal Year.

12 **Section 18. Appropriations for Visitor Industry-Related**  
13 **Projects for Fiscal Year 2000 Only.** Nine Hundred Sixty-six Thousand  
14 Dollars (\$966,000) is appropriated from the Tourist Attraction Fund to the  
15 Guam Visitors Bureau for the following visitor industry-related projects for  
16 Fiscal Year 2000 only:

17 (a) Four Hundred Thousand Dollars (\$400,000) for Tumon  
18 and Hagatna Beach cleaning and maintenance;

19 (b) One Hundred Fifty-six Thousand Dollars (\$156,000) for  
20 Tumon landscaping maintenance;

21 (c) Fifty Thousand Dollars (\$50,000) for the Two Lovers’  
22 Point jogging/biking trail;

23 (d) Ten Thousand Dollars (\$10,000) for Donations for Work;

24 (e) Fifty Thousand Dollars (\$50,000) for Tumon Beach  
25 beautification;

26 (f) One Hundred Thousand Dollars (\$100,000) for  
27 Tournament of Champion Matching Funds;

1 (g) One Hundred Thousand Dollars (\$100,000) for the  
2 Tropical Fantasy on Guam Fireworks; *and*

3 (h) One Hundred Thousand Dollars (\$100,000) for the Guam  
4 Micronesian Island Fair.

5 This appropriation shall be kept in a separate account and *not*  
6 combined with the Bureau's administration account. The funds appropriated  
7 shall be used specifically for the projects outlined therein. A quarterly report  
8 shall be prepared and submitted by the Guam Visitors Bureau to the Bureau  
9 of Budget Management and Research, to the Speaker of *I Liheslaturan*  
10 *Guåhan* and to the Standing Committee having oversight over the Guam  
11 Visitors Bureau.

12 **Section 19. Appropriation to the Chamorro Land Trust**  
13 **Commission.** Notwithstanding any other provision of law, One  
14 Hundred Eighty-two Thousand Five Hundred Fifty-four Dollars (\$182,554)  
15 is appropriated from the Chamorro Land Trust Account Number 141110361  
16 to the Chamorro Land Trust Commission to be expended as detailed in  
17 "**Attachment D.**" This appropriation shall *not* be subject to *I*  
18 *Maga'lahen Guåhan's* Transfer Authority.

19 **Section 20. Appropriation to the *Komitea Para Tiyan.***

20 (a) Notwithstanding any other provisions of law,  
21 Eighty-two Thousand Five Hundred Two Dollars (\$82,502) is  
22 appropriated to the *Komitea Para Tiyan* from the *Komitea Para*  
23 *Tiyan* Fund for operating expenses in for the period beginning  
24 October 1, 1999 and ending December 31, 1999. One Hundred  
25 Seven Thoudand Five Hundred Six Dollars (\$107,506) is appropriated  
26 to the *Komitea Para Tiyan* from the *Komitea Para Tiyan* Fund,



1 Revenue Account Number 310054301 for operating expenses for the  
2 period beginning January 1, 2000 and ending September 30, 2000.  
3 This appropriation shall *not* be subject to *I Maga'lahaen Guahan's*  
4 Transfer Authority.

5 (b) Five Hundred Seven Thousand Four Hundred Six  
6 Dollars (\$507,406) is appropriated from the General Fund to the  
7 *Komitea Para Tiyan* for personnel expenses for the period  
8 beginning October 1, 1999 and ending December 31, 1999. Five  
9 Hundred Ninety Eight Thousand Four Hundred Fourteen Dollars  
10 (\$598,414) is appropriated to the *Komitea Para Tiyan* from the  
11 *Komitea Para Tiyan* Fund, Revenue Account Number 310054301 for  
12 a portion of personnel expenses for the period beginning January 1,  
13 2000 and ending September 30, 2000. This appropriation shall *not*  
14 be subject to *I Maga'lahaen Guahan's* Transfer Authority.

15 (c) Six Hundred Thousand Dollars (\$600,000) is  
16 appropriated to the *Komitea Para Tiyan* from the General Fund to  
17 fund the remaining portion of personnel expensed for the period  
18 beginning January 1, 2000 and ending September 30, 2000. This  
19 appropriation shall not be subject to *I Maga'lahaen Guahan's* Transfer  
20 Authority.

21 **Section 21. Appropriation to DOA for the Residential**  
22 **Treatment Fund.** One Million Three Hundred Fifty Two Thousand Nine  
23 Hundred Thirty Two Dollars (\$1,352,932) is appropriated from the General  
24 Fund to the Department of Administration ("DOA") to pay authorized  
25 expenses for persons under the jurisdiction of the Superior Court of Guam  
26 for residential care arising from physical, mental or emotional handicaps, or

1 from severe emotional disturbances. All patients and escorts referred off-  
2 Island shall submit to the Director of DOA supporting documents to justify  
3 reimbursement of their travel expenses.

4 **Section 22. Family Violence Task Force Appropriation.**

5 Of the One Million Two Hundred Forty Thousand Dollars  
6 (\$1,240,000) authorized by Public Law Number 25-03:II:36, Four Hundred  
7 Thirty Four Thousand Eight Hundred Seventy One Dollars (\$434,871) shall  
8 be appropriated and shall be allocated as follows: Eighty-five Thousand  
9 Five Hundred Dollars (\$85,500) to the Office of the Attorney General;  
10 Eighty-five Thousand Five Hundred Dollars (\$85,500) to the Guam Police  
11 Department; One Hundred Three Thousand Five Hundred Dollars  
12 (\$103,500) to the Superior Court of Guam; Twenty-seven Thousand Dollars  
13 (\$27,000) to Guam Legal Services Corporation; Twenty-two Thousand Five  
14 Hundred Dollars (\$22,500) to the Public Defenders' Corporation; Twenty-  
15 seven Thousand Dollars (\$27,000) to Child Protective Services of the  
16 Department of Public Health and Social Services; Sixty-seven Thousand  
17 Five Hundred Dollars (\$67,500) to the Department of Mental Health and  
18 Substance Abuse; and Thirty-one Thousand Five Hundred Dollars (\$31,500)  
19 to the Guam Community College.

20 This appropriation shall continue until fully expended. Upon adoption  
21 of the Public Health Plan, *I Maga'lahaen Guåhan* may transmit a request to *I*  
22 *Liheslaturan Guåhan* for additional funding of up to Seven Hundred Ninety  
23 Thousand Dollars (\$790,000) for further implementation of the Plan's  
24 components.

25 **Section 23. Appropriation for *I Liheslaturan Guåhan*.**

26 (a) **Appropriation.** The sum of Seven Million Seven  
27 Hundred Twenty Thousand Dollars (\$7,720,000) is appropriated from

1 the General Fund for the operations of *I Liheslaturan Guåhan* for  
2 Fiscal Year 2000.

3 (b) **Limits on Senatorial Budgets.** No Senatorial Office  
4 budget shall exceed Two Hundred Sixteen Thousand Dollars  
5 (\$216,000) annually, *except* that this limit shall *not* apply to the  
6 Speaker's Office. All Senatorial Office budgets shall be equal in  
7 amount, without regard to party affiliation. No Senatorial Office shall  
8 employ more than eight (8) positions, whether full-time or part-time,  
9 *except* that the Speaker's Office shall be exempted from this  
10 restriction. Nothing herein shall prevent any Senatorial Office from  
11 employing full-time students enrolled in degree programs in  
12 recognized universities or colleges on Guam or in the United States  
13 during recognized summer or other school breaks as interns.

14 (c) **Limits on Standing Committee Budgets.** No Standing  
15 Committee of *I Liheslaturan Guåhan* shall have an annual budget in  
16 excess of One Hundred Seventy-one Thousand Dollars (\$171,000).  
17 No Standing Committee shall employ more than three (3) persons,  
18 whether full-time or part-time.

19 (d) **Limit on Central Office Positions.** The Central  
20 Office of *I Liheslaturan Guåhan* shall be limited to Fifty-two (52)  
21 positions, whether they be full-time or part-time.

22 (e) Funds appropriated to and available to *I Liheslaturan*  
23 *Guåhan* for Fiscal Year 1999 are available to *I Liheslaturan Guåhan*  
24 for Fiscal Year 2000 operations.

25 **Section 24. Overtime Fund.** (a) There is hereby created the  
26 *Overtime Fund* to be administered by *I Maga'lahaen Guåhan*. This fund  
27 shall be used exclusively to pay for overtime expense incurred within

1 Executive Branch agencies of the government of Guam directly supported  
2 by the General Fund. The Overtime Fund shall *not* be used to support  
3 overtime expenses incurred by autonomous agencies. Disbursements of the  
4 Overtime Fund shall be as determined and authorized by *I Maga'laha*  
5 *Guåhan*.

6 (b) There is hereby appropriated to the Overtime Fund from the  
7 General Fund the sum of Two Million Two Hundred Seventy Three  
8 Thousand Eight Hundred Ninety Two Dollars (\$2,273,892).

9 (c) *Except* as provided for in this Section, no funds are  
10 appropriated from the General Fund for the purpose of funding overtime  
11 expenses within the Executive Branch.

12 **Section 25. Off-Island Travel Fund.** (a) There is  
13 hereby created the "*Off-Island Travel Fund*" to be administered by *I*  
14 *Maga'laha Guåhan*. This fund shall be used exclusively to pay for off-  
15 Island travel expense incurred within Executive Branch agencies of the  
16 government of Guam directly supported by the General Fund. The Off-  
17 Island Travel Fund shall *not* be used to support off-Island travel expenses  
18 incurred by autonomous agencies. Disbursements of the Off-Island Travel  
19 Fund shall be as determined and authorized by *I Maga'laha Guåhan*.

20 (b) There is hereby appropriated to the Off-Island Travel Fund  
21 from the General Fund the sum of Two Hundred Thousand Nine Hundred  
22 Fourteen Dollars (\$289,914).

23 (c) *Except* as provided for in this Section, no funds are  
24 appropriated from the General Fund for the purpose of funding off-Island  
25 travel expenses within the Executive Branch.

26 **Section 26. Appropriation to DOE for Substitute Teachers.**

1 The sum of Four Hundred Eighty Three Thousand One Hundred Ninety  
2 Dollars (\$483,190) is hereby appropriated from the General Fund for Fiscal  
3 Year 2000 to the Department of Education for the employment of substitute  
4 teachers.

5 **Section 27. Appropriation to DOE for *Non-Personnel* Operating**  
6 **Expenses.** All monies collected by the Department of Education from the  
7 school lunch program, lost textbooks and Federal Funds paid to the  
8 government of Guam for reimbursement under the National School Lunch  
9 and Breakfast Program are hereby appropriated to the Department of  
10 Education for *non-personnel* operating expenses.

11 **Section 28. Appropriation to DOA for Government Claims**  
12 **Fund.** Two Hundred Eighty Nine Thousand Nine Hundred Fourteen Dollars  
13 (\$289,914) is appropriated from the General Fund for Fiscal Year 2000 to  
14 the Government Claims Fund under the Department of Administration for  
15 the payment of eligible and approved Government Claims.

16 **Section 29. Appropriation to Office of *I Maga'laha***  
17 ***Guåhan*.** Five Million Six Hundred Eighty Three Thousand Four  
18 Hundred Seven Dollars (\$5,683,407) is appropriated from the General Fund  
19 to the Office of *I Maga'laha Guåhan* for salaries and operation expenses  
20 for Fiscal Year 2000.

21 **Section 30. Appropriation to Commission on**  
22 **Decolonization and Task Forces.** (a) Four Hundred Fifty Nine  
23 Thousand Eight Hundred Four Dollars (\$459,804) is appropriated from the  
24 General Fund to the Commission on Decolonization for operations for Fiscal  
25 Year 2000.

1 (b) Nineteen Thousand Three Hundred Twenty Eight Dollars  
2 (\$19,328) is appropriated from the General Fund to the Free  
3 Association Task Force for Fiscal Year 2000.

4 (c) Nineteen Thousand Three Hundred Twenty Eight Dollars  
5 (\$19,328) is appropriated from the General Fund to the Independence  
6 Task Force for operations for Fiscal Year 2000.

7 (d) Nineteen Thousand Three Hundred Twenty Eight Dollars  
8 (\$19,328) is appropriated from the General Fund to the Statehood  
9 Task Force for operations for Fiscal Year 2000.

10 **Section 31. Appropriation to Guam Visitors Bureau.**

11 Thirteen Million Six Hundred Seventy Four Thousand Three Hundred  
12 Twenty Three Dollars (\$13,674,323) is appropriated from the Tourist  
13 Attraction Fund to the Guam Visitors Bureau for Fiscal Year 2000 for the  
14 following:

15 (a) Three Hundred Seventy-eight Thousand Two Hundred  
16 Thirty-eight Dollars (\$378,238) for First Quarter salaries and benefits,  
17 as detailed in the attached Guam Visitors Bureau staffing pattern; and  
18 One Million Twenty Six Thousand Six Hundred Forty-Six Dollars  
19 (\$1,026,646) for Salaries and Benefits for the period beginning  
20 January 1, 2000 and ending September 30, 2000;

21 (b) Twelve Million Twenty-four Thousand Seven Hundred  
22 Nineteen Dollars (\$12,024,719) for contractual services, which shall  
23 be expended pursuant to the Budget Digest provided in  
24 “**A t t a c h m e n t F**” of this Act;

25 (c) Fifty Thousand Dollars (\$50,000) for warehouse storage  
26 space;

1 (d) Ten Thousand Dollars (\$10,000) for supplies and  
2 materials;

3 (e) Forty Thousand Dollars (\$40,000) for miscellaneous;

4 (f) One Hundred Fourteen Thousand Seven Hundred  
5 Twenty Dollars (\$114,720) for utilities; *and*

6 (g) Thirty Thousand Dollars (\$30,000) for capital outlay.

7 **Section 32. Department of Agriculture’s DAWR Appropriation.**

8 Twenty Seven Thousand Seven Hundred Eighty Three Dollars  
9 (\$27,783) is hereby appropriated from the General Fund to the Department  
10 of Agriculture’s Division of Aquatic and Wildlife Resources (‘DAWR’) for  
11 the following purposes:

12 1. *Coordination and Administration Program:*

13 *Supplies and Materials* \$1,000

14 2. *Conservation of Wildlife (Law Enforcement) Program:*

15 *Contractual* \$9,000

16 *Supplies and Materials* \$10,000

17 *Equipment* \$8,750”

18 **Section 4.** Section 22 of Chapter IV of Public Law 25-72 is amended  
19 as follows:

20 **“Section 22. Transfer of Employees.** Notwithstanding any other  
21 provision of law, and recognizing that the provisions of this Act may cause  
22 shortages of personnel in certain areas of the government, and in order to  
23 facilitate the reorganization of the government, and for the purpose of  
24 ensuring that the minimum number of new employees shall be required for  
25 the operation of the government, I Maga’lahen Guahan is authorized to

1 transfer employees within or between any department or agency of the  
2 government of Guam, except that:

- 3 1. the provisions of this Section shall not apply to any employee  
4 of the Legislative or Judicial Branches of the government and
- 5 2. the transfer of any employee shall not result in a loss of pay or  
6 salary.

7 The transfer of any employee pursuant to this Section shall be  
8 accompanied by accompanied with the authorized funding for the  
9 transferred employees position, which was made to the department or  
10 agency they are being transferred from, pursuant to any personnel  
11 funding authorized by Public Law 25-72 or Public Law 25-74. Any  
12 transfer not in conformance with this Section shall be considered null  
13 and void on the effective date of this Act. Any compensation due to  
14 an employee transferred under the provisions of this Section and for  
15 whom no accompanying transfer of funding has been made, shall be  
16 charged to the department or agency of origin by the Department of  
17 Administration. No certifying officer of the government shall certify  
18 that funds are available to pay for the compensation of a transferred  
19 employee unless certain that funds and budgetary authority have been  
20 transferred for that employee as detailed in this section.

21 No transfer of an employee shall occur from an autonomous agency of  
22 the government of Guam to a line department of the government of  
23 Guam, or any agency or department of the government of Guam  
24 whose funding is appropriated, in part or whole, from the General  
25 Fund. It is the intent of I Liheslaturan Guahan that in every  
26 circumstance, a transfer of personnel from an appropriate agency  
27 shall be the first alternative exercised in such circumstances where it



1           is been determined by *I Maga'lahaen Guahan* that a need for personnel  
2           in an area of the government exists.

3           **Section 5. Moratorium on Limited Term Appointments.**

4   Notwithstanding the provisions of Section 4103, 4GCA, or any other  
5   provision of law, no person may be employed on a temporary or limited  
6   term basis by any instrumentality of the Government of Guam during this  
7   fiscal year, except for the following:

- 8           1. Attorneys at the Department of Law
- 9           2. Nurses and Doctors
- 10          3. Persons employed 100% by federal funds
- 11          4. Census workers
- 12          5. Temporary survey workers employed by the Department of Labor for  
13           the purpose of conducting employment surveys.

14   In any case, no person employed on the basis of these exceptions can be  
15   employed for a period of more than ninety (90) days, subject to no more than  
16   two (2) renewals. No more than seven (7) days after the hiring of any  
17   individual subject to the exceptions contained in this section, the head of the  
18   government instrumentality where such hiring has occurred shall report, in  
19   writing, such hiring to the Speaker of *I Liheslaturan Guahan*.

20           **Section 6. Reporting Requirements; Expenditures and Staffing**  
21   **Patterns.** Beginning February 1, 2000, and continuing on the first of each  
22   month thereafter, each agency or department head in the executive branch  
23   of the government of Guam and the Presiding Judge of the Superior Court of  
24   Guam and the Chief Justice of the Supreme Court shall submit to the  
25   Speaker of *I Liheslaturan Guahan* a monthly report, in writing, detailing the  
26   full and complete staffing pattern for their respective instrumentality. Such  
27   staffing pattern shall include at a minimum the name, position, salary and

1 benefits for each person employed, as well as the funding source for the  
2 salary and benefits of all employees. In a separate section of the report, the  
3 head of the reporting instrumentality shall detail any changes from the prior  
4 month's report, in either the number of personnel contained in the staffing  
5 pattern or levels of compensation for persons contained in the staffing  
6 pattern.

7 Thirty (30) days after the end of the each quarter of Fiscal Year 1999-  
8 2000, each agency or department head in the executive branch of the  
9 government of Guam and the Presiding Judge of the Superior Court of  
10 Guam and the Chief Justice of the Supreme Court shall submit to the  
11 *Speaker of I Liheslaturan Guahan* a monthly report, in writing, detailing the  
12 full and complete expenditures for their respective instrumentality for the  
13 preceding quarter, inclusive of sources of funding for such expenditures. The  
14 Guam Power Authority, Guam Memorial Hospital Authority, Guam  
15 Telephone Authority, Guam Economic Development Authority, Guam  
16 Airport Authority and Port Authority of Guam are exempt from the  
17 provisions of this section.

18 **Section 7. Balance of Salary Due Teachers Who Retired Prior or**  
19 **on December 10, 1999.** Any teacher of the Department of Education or the  
20 Guam Community College, who separated from government service for the  
21 purposes of utilizing the early retirement program pursuant to Public Laws  
22 25-72, 25-74 and 25-90, and who subsequently signed a temporary contract  
23 with either the Guam Community College or the Department of Education  
24 for the balance of the school semester, or shall return to teach at the  
25 Department of Education or the Guam Community College under the terms  
26 of temporary employment contract executed in the months of December,  
27 1999 or January 2000 for the purpose of teaching, as provided for in law,

1 shall have paid to them by their respective department of employment the  
2 difference between what they received as compensation in accordance with  
3 the provisions of their temporary service contracts valid until the end of the  
4 semester, and what they would have received had they remained in  
5 government service through December 31, 1999, in their normal  
6 employment status and pay grade. Funds needed to accomplish this purpose  
7 shall come from within the budgets of the Guam Community College and  
8 the Department of Education, as appropriate.

9 **Section 8. Amendment to Early Retirement Incentive Program.**

10 **(a) Method of Computing Payments Due From Retirees Opting to**  
11 **Retire Early.** Contributions required from employees of the government of  
12 Guam who are retiring from government service under the early retirement  
13 provisions of Public Law 25-72, 25-74 and 25-90, and who are as a  
14 consequence purchasing additional years of service credit pursuant to those  
15 laws, shall be computed on the basis of the salary the employee is earning at  
16 the time the employee applies for the credit. Such contributions shall not be  
17 computed on the basis of the average of the employee's top three salary  
18 years during their service career, or any other alternative basis.

19 **(b) Annuitant to Receive Immediate Full Credit For All Service**  
20 **Purchased.** Any individual who retires and purchases additional years of  
21 service credit subject to the provisions of Public Laws 25-72, 25-74 and 25-  
22 90 is entitled to the full application of such additional years of service  
23 immediately upon their retirement, regardless of when a promissory note is  
24 finalized between the Retirement Fund and the retiree. Should the  
25 Retirement Fund be unable to consummate a promissory note simultaneous  
26 to the separation of the employee from government service or their

1 retirement from the government of Guam, the Retirement Fund shall  
2 retroactively apply the annuity based on the additional years of service.

3       **Section 9. Lump Sum Annual Leave Payments Shall be**  
4 **Reimbursed by Loans.** Any lump sum payments due employees who have  
5 either voluntarily separated from government service with compensation or  
6 purchased additional years of service for early retirement purposes pursuant  
7 to the provisions of Public Laws 25-72, 25-74 and 25-90, that have been  
8 paid by either the General Fund or the Personnel Reserve Fund, shall be  
9 reimbursed to such funds from proceeds of the loans authorized by Public  
10 Laws 25-72, 25-74 and 25-90. Upon reimbursement, such funds shall be  
11 reverted to those departments, agencies, branches or instrumentalities of the  
12 government of Guam from which said employee may have voluntarily  
13 separated with compensation or retired under the provisions of the early  
14 retirement program, as detailed in Public Laws 25-72, 25-74, and 25-90.

15       **Section 10. Restoration of positions to Guam Police Department.**

16       The Guam Police Department is authorized to hire no more than one  
17 (1) Psychologist and one (1) Attorney IV. The Department also is authorized  
18 to hire no more than forty (40) Police Officers to positions vacated between  
19 October 1, 1999 and December 31, 1999. For the Police officer positions  
20 authorized for hiring in this Section, all eligible graduates of the Guam  
21 Community College Basic Law Enforcement Academy (GCCBLEA) shall  
22 be given first right of refusal before the position is filled by other candidates  
23 who are not graduates of GCCBLEA. In the event any of these positions  
24 authorized for hiring under this section are filled, these positions shall be  
25 paid only from funds appropriated from the General Fund to the Guam  
26 Police Department for personnel services during Fiscal Year 2000.

1           **Section 11. Repeal of Personnel Reserve Fund.** Section 3 of  
2 Chapter II of Public Law 24-72 is hereby repealed, and all funds therein are  
3 transferred to the general Fund. Any reference in other sections of Public  
4 Law 25-72 or Public Law 25-74 or Public Law 25-91, shall be understood as  
5 referring to the General Fund rather than the Personnel Reserve Fund.

6           **Section 12. Transfer Authority.** Section 6 of Chapter V of  
7 Public Law 25-72 is hereby *repealed and reenacted* to read as follows:

8           **“Section 6. Transfer Authority.** *I Maga’lahen Guåhan* is  
9 authorized to transfer *not more than* ten percent (10%) in or out of the object  
10 categories *within* a department or agency of the Executive Branch from the  
11 amounts appropriated in Fiscal Year 2000 for the object categories as listed  
12 in Attachment C of this Act. This transfer authority *shall not* extend to the  
13 Personnel Services object category. *I Maga’lahen Guåhan* shall have *no*  
14 authority to transfer any funds into or out of the Personnel Services object  
15 category. Transfers *into* the Utilities category, pursuant to this Section, are  
16 permitted; transfers *out* are prohibited.

17           *I Maga’lahen Guåhan* is authorized to transfer *not more than* six  
18 percent (6%) in or out of the object categories *between* a department or  
19 agency of the Executive Branch from the amounts appropriated in Fiscal  
20 Year 2000 for the object categories as listed in Attachment C of this Act.  
21 This transfer authority *shall not* extend to the Personnel Services object  
22 category. *I Maga’lahen Guåhan* shall have *no* authority to transfer any funds  
23 in to or out of the Personnel Services object category. Transfers *into* the  
24 Utilities category, pursuant to this Section, are permitted; transfers *out* are  
25 prohibited.

1            *I Maga'lahañ Guåhan* shall report to *I Liheslaturan Guåhan* within  
2 twenty (20) days of the end of the month all transfers pursuant to this  
3 Section, and as provided in this Act.

4            The Chief Justice and the Presiding Judge of the Supreme and  
5 Superior Courts, respectively, are authorized to transfer not more than ten  
6 percent (10%) in or out of object categories within their jurisdictions, *except*  
7 for Personnel Services and Utilities object categories, which have the  
8 following restrictions: no transfers whatsoever shall be made from the  
9 Personnel Services category; transfers into the Utilities category, pursuant to  
10 this Section, are permitted; and transfers out are prohibited. The Chief  
11 Justice and the Presiding Judge of the Supreme and Superior Courts,  
12 respectively, shall report to *I Liheslaturan Guahan* within twenty (20) days  
13 of the end of the month all transfers pursuant to this Section.”

14            **Section 13. Reorganization Amendment.** Section 20 of Chapter IV  
15 of Public Law 25-72 is repealed and reenacted to read as follows:

16            **“Section 20. Government-Wide Reorganization.** Beginning  
17 seven (7) days after the effective date of this Act, a process of government-  
18 wide reorganization shall commence. At a minimum, this process shall  
19 accomplish the following:

- 20            1. reduction in the number of government agencies and  
21            departments comprising the government of Guam by *no less*  
22            *than* fifty percent (50%);
- 23            2. consolidation of agencies and departments, or programs  
24            and activities contained therein, of similar function;
- 25            3. consolidation of agencies and departments, or programs  
26            and activities contained therein, which serve similar clientele;

1           4.    reduction in personnel requirements across the  
2 government of Guam;

3           5.    reduction in costs associated with the government of  
4 Guam; *and*

5           6.    increase in the efficiency and effectiveness of services  
6 delivered by the government of Guam.

7           The Committee on Rules, Government Reform, Reorganization and  
8 Federal Affairs of *I Liheslaturan Guåhan* shall begin a series of roundtable  
9 panels no more than seven (7) days after the effective date of this Act to  
10 facilitate the purposes of this Section, in cooperation with the Administration  
11 and the Executive Branch, in full recognition of the need for comity and  
12 dialogue in the process of reorganizing the government of Guam. *I*  
13 *Maga'lahaen Guåhan* shall select such individuals and representatives of the  
14 Administration as he wishes to participate in these roundtables, which shall  
15 also be open to members of the public, who may also wish to make  
16 contribution to the specific topics of discussion and work in any given  
17 session of the roundtable. The duration and frequency of the roundtables  
18 shall be such that within One Hundred Eighty (180) days of the effective  
19 date of this Act, a single comprehensive piece of legislation is completed  
20 that accomplishes the reorganizational purposes detailed in this Section.

21           In simultaneous recognition of the complexities and potentially  
22 disruptive aspects of large-scale reorganization, as well as the overwhelming  
23 fiscal pressure that bears down upon the government of Guam, such  
24 legislation detailed herein must contain a reasonable timeline for transition  
25 and implementation that takes into account the need to minimize disruption,  
26 while maintaining sufficient haste to reap the benefits of reduced costs and  
27 increased efficiency in these difficult times.

1           The legislation detailed in this Section must also include specific  
2 performance standards for all consolidated and reorganized programs,  
3 activities, departments or agencies. Such standards, as well as the  
4 reorganized design, shall be used to establish new funding levels for each  
5 reorganized or re-designed entity that shall be reflected in the Fiscal Year  
6 2000 budget.”

7           **Section 14. Outsourcing Directive.** Each head of every department  
8 or agency in the executive branch of the government of Guam, the Presiding  
9 Judge of the Superior Court of Guam, and the Chief Justice of the Supreme  
10 Court of Guam shall submit a report to *I Maga’lahen Guahan* and the  
11 *Speaker of I Liheslaturan Guahan* in no less than Ninety (90) days from the  
12 effective date of this Act that details specific areas of service within the  
13 purview of their respective instrumentalities that may be outsourced to  
14 private contractors or to non-government entities, thus relieving the  
15 government of requirements to hire additional personnel in those specific  
16 service areas. Such report shall detail specifically what service areas the  
17 reporting head wishes to outsource, what personnel requirements would be  
18 supplanted as a result, what the estimated cost of such proposals would be,  
19 contrasted to the cost of providing such service in-house, and what impacts  
20 upon service, if any, would be anticipated as a result of such action.

21           **Section 15. Dededo Buffer Strip Revolving Fund.** Section 51  
22 of Public Law 25-74 is repealed and reenacted to read:

23           **“Section 51.** Notwithstanding provisions of §9 of Chapter III of  
24 Public Law Number 25-72, Ninety Nine Thousand Three Hundred Fifty  
25 Eight Dollars (\$99,358) is *appropriated* from the General Fund to the  
26 Dededo Buffer Strip Revolving Fund.”



1           **Section 16. Worker’s Compensation.**           Section 2 of Public Law  
2 25-91 is repealed and reenacted to read:

3           **“Section 2. Appropriation to the Government of Guam Special**  
4 **Fund for Worker’s Compensation.** (a) Nine Hundred Sixty Six  
5 Thousand Three Hundred Eighty Dollars (\$966,380) is appropriated from  
6 the General Fund to the Government of Guam Special Fund for worker’s  
7 compensation payments for the purpose set out in §9144 of Title 22 of the  
8 Guam Code Annotated to pay worker’s compensation for claims by  
9 employees of the government of Guam, including outstanding prior years’  
10 obligations and future obligations associated with the provisions of this  
11 Section.

12           (b) Notwithstanding any other provision of law, the appropriation  
13 made in this Section may be used to pay for medical, surgical, and other  
14 attendance or treatment; nurse; hospital service; medicine; crutches; and  
15 apparatus required by the claimant for such period as the nature of the  
16 injury, or the process of recovery, may require.”

17           **Section 17.** Such sums, as are necessary, are hereby appropriated  
18 from the Solid Waste Operations Funds established by Section 51118 of  
19 Chapter 51, Part 2, Division 2, of Title 10 of the Guam Code Annotated to  
20 the Solid Waste Division of the Department of Public Works for the  
21 operations of the Solid Waste Division. The Director of the Department of  
22 Public Works shall submit a detailed report outlining all collections and  
23 expenditures of the Solid Waste Operations Fund. The report shall be  
24 submitted to the Speaker of *I Liheslaturan Guahan* on a Quarterly basis.

25           **Section 18. DISID Appropriation for Local Matching Funds.** An  
26 additional Three Hundred Fifty Thousand Dollars (\$350,000) is appropriated  
27 from the Personnel Reserve Fund to the Department of Integrated Services

1 for Individuals with Disabilities (DISID) to provide for local matching funds  
2 to the Division of Vocational Rehabilitation Basic Support Section for Fiscal  
3 Year 2000.

4       **Section 19.** The Department of Mental Health is authorized to hire no  
5 more than seven (7) Psychiatric Technician and two (2) social workers to  
6 positions vacated between October 1, 1999 and December 31, 1999. The  
7 Department of Mental Health is also authorized to hire no more than four (4)  
8 nurses and one (1) Program Director for the Healing Hearts Program as new  
9 positions not previously included in the staffing pattern listed in Exhibit A of  
10 Public Law 25-74. In the event any of these positions are filled, the  
11 positions shall be paid only from funds appropriated from the General Fund  
12 to the Department of Mental Health for personnel services during Fiscal  
13 Year 2000.

14       **Section 20.** The Department of Integrated Services for People with  
15 Disabilities (DISID) is authorized to re-hire no more than three social  
16 workers to positions vacated between October 1, 1999 and December 31,  
17 1999. In the event any of these positions are filled, the positions shall be  
18 paid only from funds appropriated from the General Fund to the Department  
19 of Integrated Services for People with Disabilities (DISID) for personnel  
20 services during Fiscal Year 2000.

21       **Section 21.** Section 14 of Public Law Number 25-74 is repealed and  
22 reenacted to read as follows:

23       **"Section 14.**               Section 16 of Chapter V of Public Law  
24 Number 25-72 is hereby *repealed and re-enacted* to read as follows:

25               **"Section 16.     Filling of Teaching, School Health**  
26               **Counselors, Nursing and License Health Care Professional**

1       **Vacancies.** Notwithstanding the provisions of §§19 and 24 of  
2 Chapter IV of this Act, all funds appropriated for the teaching,  
3 school health counselor and nursing positions listed in  
4 **Attachment B** of this Act, *and* for positions of certified  
5 registered or licensed health care professional ancillary service  
6 personnel employed at the Guam Memorial Hospital  
7 Authority, the Department of Mental Health and Substance  
8 Abuse *and* the Department of Public Health and Social Services,  
9 that become vacant after the enactment hereof shall *not* be  
10 *automatically de-appropriated*. Such funds may be used by the  
11 appointing authority to fill these vacant positions. *However,*  
12 *during the period of time that a position remains vacant, all*  
13 *unspent funds shall be deposited into the Rainy Day Fund as*  
14 *provided in §§23-25 of Public Law Number 25-72. To the extent*  
15 *that Public Law allows the re-employment of retired employees*  
16 *who retired from the Government of Guam Retirement Fund to*  
17 *be hired for nursing, school health counselor, teaching and*  
18 *certified registered or licensed health care professional ancillary*  
19 *service positions, all such retired persons hired hereafter shall*  
20 *be hired at entry level 'Step 1' for the applicable vacancy. ” ”*

21       **Section 22.** Notwithstanding any other provision of law, and in order  
22 to ensure that the law in this respect is complied with, *I Liheslaturan*  
23 *Guahan* reiterates that under no circumstances shall a director or deputy  
24 director who elects to retire under the Early Retirement provisions of Public  
25 Laws 25-72, 25-74 and 25-90 be rehired under the terms of a personal  
26 services contract or any contract. No funds shall be expended to fulfill the

Attachment "G"					
Personnel Appropriations Last Three Quarters FY2000					
Department/Agency	General Fund	Special Fund	Note	Federal Fund Match	Total
Department of Education	\$ 96,858,477				\$96,858,477
Public Health and Social Services	\$ 8,880,715			\$ 5,211,464	\$14,092,179
Guam Fire Department	\$ 13,405,751				\$13,405,751
Guam Police Department	\$ 11,643,212	\$ 336,153	1		\$11,979,365
Department of Public Works	\$ 10,199,416	\$ 2,158,164	2		\$12,357,579
DPW - Solid Waste	\$ -	\$ 3,189,739	3		\$3,189,739
Superior Court	\$ 9,913,382			\$ 95,831	\$10,009,212
Department of Corrections	\$ 7,766,624				\$7,766,624
Department of Revenue and Taxation	\$ 4,663,139				\$4,663,139
Department of Administration	\$ 3,848,537				\$3,848,537
Department of Law	\$ 3,883,651			\$ 624,997	\$4,508,648
Dept. of Mental Health & Subst. Abuse	\$ 3,456,547				\$3,456,547
Department of Youth Affairs	\$ 2,314,820				\$2,314,820
Department of Land Management	\$ 1,821,922				\$1,821,922
Department of Agriculture	\$ 1,682,699	\$ 872,502	4	\$ 349,182	\$2,904,383
Public Defender	\$ 1,433,780				\$1,433,780
Department of Labor	\$ 1,506,448			\$ 85,060	\$1,591,508
DISID	\$ 494,804				\$494,804
Supreme Court	\$ 1,157,827				\$1,157,827
Department of Commerce	\$ 879,868				\$879,868
Dept. of Parks and Recreation	\$ 2,465,593				\$2,465,593
Bureau of Budget & Mangmt Research	\$ 795,288				\$795,288
Guam Library	\$ 520,714				\$520,714
Civil Service Commission	\$ 759,152				\$759,152
Guam EPA	\$ 522,963			\$ 975,813	\$1,498,776
Bureau of Planning	\$ 633,144				\$633,144
Department of Chamorro Affairs	\$ 443,937				\$443,937
Department of Military Affairs	\$ 446,482			\$ 264,309	\$710,791
Public Auditor	\$ 160,112				\$160,112
Chamorro Land Trust Commission	\$ 338,247				\$338,247
Ancestral Lands Commission	\$ 221,361				\$221,361
CAHA	\$ 233,906				\$233,906
Guam Educational Telecomm. Corp	\$ 243,172				\$243,172
Guam Election Commission	\$ 92,981				\$92,981
Commission on Self-Determination	\$ 134,619				\$134,619
Chamorro Registry Advisory Board	\$ -				\$0
Chief Medical Examiner	\$ 226,292				\$226,292
State Council on Vocational Ed.	\$ 108,936				\$108,936
Guam Planning Council	\$ 50,711				\$50,711
AHRD	\$ 94,500				\$94,500
Guam Finance Commission	\$ 71,682				\$71,682
Guam Mass Transit Authority	\$ -	\$ 446,856	2		\$446,856
Customs & Quarantine	\$ -	\$ 4,292,746	4		\$4,292,746
PEALS Board	\$ -				\$0
Guam Contractors License Board	\$ -	\$ 224,461	5		\$224,461
<b>TOTAL</b>	<b>\$ 194,375,413</b>	<b>\$11,520,620</b>		<b>\$7,606,655</b>	<b>\$213,502,689</b>
<b>Notes</b>					
1 - Police Services Fund					
2 - Territorial Highway Fund					
3 - Solid Waste Operations Fund					
4 - Customs, Agricultural and Quarantine Inspection Services Fund					
5 - Contractors License Board Fund					