



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

NOV 07 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:38am</u>
Date	<u>11/07/01</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 205 (COR) "AN ACT TO CLARIFY THE 'ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND,' AND FOR OTHER APPROPRIATIONS AND PURPOSES" which was vetoed and subsequently overridden by i Liheslatura, the Legislature. This legislation is now designated as **Public Law No. 26-55**.

Notwithstanding the override, the previous objections to this legislation still stand:

"There are simply too many problems with this legislation. While some classified employees are restored to their classified positions in the bill, so many others are not. This creates additional inequality of treatment under law. While the new appropriations in this bill for the 911 Emergency System are closer to the allocation previously made by the order of the Public Utilities Commission under law, the changes still do not match the program requirements. These changes still render the PUC's previous work void. Finally, a number of the provisions of this legislation are currently under scrutiny by our Supreme Court of Guam. These provisions are an encroachment on the Executive Branch's authority, and should not stand. This legislation cannot stand, either.

I. Emergency 911 System. By way of legislative history, the Legislature mandated in Public Law No. 25-55 that the Public Utilities Agency (PUC) establish a 911 System. After considerable time and effort, not to speak of expense, preparing and justifying a 911 budget with the PUC consultant, Georgetown Consulting, and the PUC commissioners, a budget was approved by the PUC on September 13, 2001. The fee established by the PUC was \$1.00 per month, and the public feels comfortable with this small fee for this important purpose. Now, in this legislation and in Public Law No. 26-35, the Legislature is taking over the power to

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appropriate this money. The 911 fund is now no different than the General Fund and the established fee will be changed according to the whims of the Legislature.

In the FY 2002 Budget, Public Law No. 26-35, the Legislature appropriated the same 911 System funds that were apportioned by the PUC to a completely different apportionment in the Guam Fire Department.

This legislation again appropriates the same 911 funding, again in a different apportionment from the legislative apportionment in Public Law No. 26-35 and from the PUC apportionment, established after much study. This third apportionment of the funding authorizes 29 positions to be filled, but does not provide the funding for 7 of these positions. This third apportionment decreases the funding for personnel to \$795,518, instead of the \$843,679 required by the PUC. While the Legislature may have intended to legislatively appropriate the same funding in the same way as the PUC previously approved, this did not happen. The third version only adds new confusion, especially when the PUC has set a rulemaking, scheduled for December PUC session, to review the various regulatory and legal deficiencies in the current laws and regulations concerning the 911 System.

The inconsistencies and variations in every piece of legislation concerning an emergency 911 System is not acceptable. Our people deserve an emergency 911 System that is properly funded by an independent agency, the PUC, and will fulfill the needs of the island's emergencies.

II. Staffing Pattern Changes and Supplemental Appropriations to Departments and Agencies. This legislation also makes numerous supplemental appropriations to various departments and agencies and amends the staffing patterns of approximately 17 departments and agencies. These appropriations and changes in staffing patterns correct numerous mistakes and deficiencies contained in the Fiscal Year 2002 Budget Act, as amended. Previous to this legislation, 8 departments and agencies had their staffing patterns amended. The number of adjustments that had to be made indicate that approximately 61% of the staffing patterns of the departments and agencies that had budgets passed by the Legislature had to be amended within 2 weeks of initial passage.

These numerous amendments point out the essential fallacy of trying to use a staffing pattern that enumerates each and every position, and ties the expenditure of funds to these individual positions contained in the staffing pattern. "Executive government by committee," without the proper role played by a Chief Executive, will lead to the realization in our government of the old joke, "Looks like it was something created by a committee". A mish-mash is the result, as experience teaches us.

Even after 5 separate budget acts were passed (Public Law Nos. 26-35, 26-36, 26-47, 26-49, and this legislation, Public Law No. 26-5?), there are still numerous positions that were not taken care of. There are numerous omissions and problems still remaining. Below is a listing:

1. **Department of Administration** – Marilyn Q. Reyes change of position title from WPS I to WPS II and pay adjustment were not addressed. Also, Arleen U. Pierce's pay adjustment was not addressed and cannot be paid. There are no lapses to pay these pay adjustments.
2. **Department of Agriculture** – Anthony A. Benevente, an equipment operator II, is listed incorrectly as an agricultural gardener.
3. **Guam Council on the Arts and Humanities Agency** – Sherrie Barcinas' position should be Program Coordinator I instead of Performing Arts Special Projects.
4. **Department of Commerce** – Jeffrey A. San Nicolas's position should be Administrative Assistant instead of Word Processing Secretary II and the pay should be adjusted; Mydia H. Llarenas' position should be Administrative Assistant instead of Statistical Technician II and the pay should be adjusted; Janett T. Gozalo's position should be Statistician II instead of Statistician I and the pay should be adjusted; Richard J. Rice should have a pay adjustment; and James Cushing, Jr. should have a pay adjustment. There is insufficient funding in this department to make any pay adjustments.
5. **Guam Public Library System** – Cynthia B. Kintol's position was not listed.
6. **Department of Labor** – Virginia A. Mendiola's position, Terrence L. Johnson's position, and Rosita S. Aguon's position were not funded. These are federal programs but must be funded by the General Fund. There are no funds to pay them. Ernest V. Santos' position title should be changed; Jimmy Camacho's position should be Engineer Technician II instead of Engineer Aide II and the pay should be adjusted; Pierce J. Castro's position should be Engineer Technician I instead of Engineer Aide I and the pay should be adjusted.
7. **Department of Land Management** – Ernest V. Santos' position was not addressed as land agent. Donald C. Pangelinan's position was not addressed.
8. **Department of Military Affairs** – Vicente Guerrero's position as Veteran's Affairs Administrator was changed from classified to unclassified; Vickie Laganse's position as Veteran's Affairs Assistant Administrator was also changed from classified to unclassified.
9. **Department of Public Health and Social Services** – Linda U. Del Rosario's position should be changed from Quality Control Reviewer Supervisor to Management Analyst III; Lourdes Dugules' position should be changed from CDC Supervisor to CDC Coordinator Supervisor; Nenita Crisostomo's position should be changed from LPN II to CHN II; and Alvin R. Berg's position should be changed from Program Coordinator III to Program Coordinator IV.
10. **Department of Public Works** – Amor A. Pakingan's position was not listed and the position is Administrative Services Officer; Anthony Cruz' position should be listed as E. O. III instead of SW Tech.
11. **Department of Revenue and Taxation** – Numerous positions were not funded, but can be funded by lapses. These are Gerald J. Salas, Russell J. Maratita, Maryann Palomo, Herbert S. Fukuda, Veronica Quan, John Q. Carlos, Benedict Atiogue, Gabriel M.T. Certeza, and Jesus H. Aguon. If these positions are funded from lapses,

however, this will mean that a Director or a Deputy Director cannot be hired for the Department. There will not be enough funding for both.

The above listing contains the mistakes and omissions that are readily apparent in this legislation. There are other problems and areas in the legislation where a position is accounted for but funding is not provided. There are other areas where the staffing pattern as listed does not take into account the individual's change of status. The Legislature was provided with actual GG-1's of employees, and there should be no mistakes.

III. Continuing reliance on staffing patterns as "law", restricts all management decisions on personnel. Since government is a dynamic organization, as is every private business, in these trying economic times constant changes will most likely be the norm, rather than the exception. Outside influences, such as terror attacks and poorly recovering Asian economies, which affect our tourism economy, require us to adjust frequently to changing times. Flexibility is called for, not rigidity. Rigidity is what we have in the past 5 budget bills. I would challenge any businessman to run a viable business with these sorts of restrictions.

This flexibility is the essence of management decisions, and is the prerogative of the Executive Branch. This precise issue is currently before the Supreme Court of Guam. Signing a new staffing pattern into "law" is not appropriate."

Please note that none of the individuals whose positions are still eliminated or incorrect in some way have not been addressed by this legislation.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam


Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session


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

This is to certify that Substitute Bill No. 205 (COR), "AN ACT TO CLARIFY THE "ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND," AND FOR OTHER APPROPRIATIONS AND PURPOSES," returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 5th day of November, 2001, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of fourteen (14) members.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of November
2001, at 3:20 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 205 (COR)

As substituted in the
Committee of the Whole
and amended.

Introduced by:

V. C. Pangelinan
J. F. Ada
A. R. Unpingco
K. S. Moylan
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
A. L.G. Santos
J. T. Won Pat

**AN ACT TO CLARIFY THE "ENHANCED 911
EMERGENCY REPORTING SYSTEM FUND," AND
FOR OTHER APPROPRIATIONS AND PURPOSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the creation of the "*Enhanced 911 Emergency Reporting System Fund*"
4 ("Fund"), which is administered by the Department of Administration
5 ("DOA"), has *not* clearly identified who has the authority to access and
6 appropriate from such Fund.

1 Further, *I Liheslaturan Guåhan* finds that the vagueness of Public Law
2 Number 25-55 may result into misinterpretation of what was the original
3 intention of the law, as well possible legal actions on who has the right to
4 access and appropriate from the Fund.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that such
6 misinterpretation of law will *not* occur through the clarification of Public Law
7 Number 25-55.

8 **Section 2.** Section 4 of Public Law Number 25-55 is hereby *amended* to
9 read as follows:

10 **"Section 4. Creation of Special Fund.** There is hereby
11 created, separate and apart from all other funds of the government, the
12 '*Enhanced 911 Emergency Reporting System Fund*' ('Fund') to be
13 administered by the Department of Administration, and shall be subject
14 to legislative appropriation. The Fund is created to provide a source of
15 funding for costs associated with an enhanced '911' Emergency
16 Reporting System. All the '911' surcharges collected by each LEC and
17 CMRS provider shall be paid into the Fund. The money collected and
18 interest earned shall be used by the Department solely for enhanced
19 '911' equipment and system costs as described under this Act."

20 **Section 3. Appropriation to GFD E911 Program.** *I Liheslaturan*
21 *Guåhan* hereby appropriates the sum of One Million Four Hundred Eleven
22 Thousand Nine Hundred Twenty-three Dollars (\$1,411,923) from the
23 "*Enhanced 911 Emergency Reporting System Fund*" to the Guam Fire
24 Department ("GFD") Integrated "E911" Communication Center Program, to

1 be expended for the GFD Integrated "E911" Communication Center Program,
2 as contained in the attached **APPENDIX B**; and for the GFD Staffing
3 Pattern, as contained in the attached **APPENDIX C**.

4 The GFD Integrated "E911" Communication Center Program, contained
5 in Appendix B, and the GFD Staffing Pattern, contained in Appendix C, both
6 of Public Law Number 26-35 shall hereby be amended as set forth in the
7 attached **APPENDIXES B and C**, respectively, to this Act. Neither
8 this Act nor Public Law Number 26-35 shall be construed or interpreted to
9 constitute a double appropriation.

10 **Section 4. Amendments and Supplemental Appropriations to Public**
11 **Law Number 26-35.**

12 (a) **Legislative Findings.** *I Liheslaturan Guåhan* finds that
13 since the enactment of Public Law Number 26-35 (General
14 Appropriations Act for FY2002), a number of government of Guam
15 classified employees have been served notices of termination, demotion,
16 and/or other pay deduction advice, and were further encouraged to file
17 appeal actions with the Civil Service Commission by the
18 Administration.

19 *I Liheslaturan Guåhan* supports any employee's right to appeal. It
20 also wishes to make clear its intentions as to the operations of **Appendix**
21 **C** of Public Law Number 26-35, and present its findings regarding
22 staffing pattern issues as it affects government of Guam classified
23 employees. The gross misrepresentation by the Administration of the
24 details of **Appendix C** in the Budget Act as it affects classified

1 employees, ranging from the Guam Fire Department one hundred six
2 (106) hours payment, to the simple applicability of other types of
3 routine pay, is unfortunate and a gross injustice to these hard working
4 employees. In spite of the threats, the employees remain confident that
5 their issues will be resolved and deserve no less from its leaders.

6 *I Liheslaturan Guåhan* fully intended to right the wrong done and
7 proceeded with a call to session on Friday, October 5, 2001, to which
8 Administration and/or agency heads were invited to present their
9 issues on the budget overall, and especially on the staffing pattern as it
10 affects classified employees. After six (6) days delay, to include a
11 weekend, a holiday, and "no shows" by agency heads, Personnel
12 Actions requested to validate staffing issues, were finally received at 5
13 p.m. Wednesday, October 10, 2001. The detailed review of all one
14 hundred seven (107) Personnel Actions presented to *I Liheslaturan*
15 *Guåhan* was completed on Friday, October 12, 2001. The review
16 indicated that, of the one hundred seven (107) Personnel Actions,
17 seventy (70) were funding issues already covered under § 1 of Chapter
18 V (Administrative Provisions) of Public Law Number 26-35, as
19 amended by Public Law Number 26-47, and further amended in this
20 Act. The remaining thirty-seven (37) Personnel Actions were found to
21 indeed require adjustments to **Appendix C** of the Budget Act.

22 These were found to be justified due to their total omission from
23 agency requests or erroneous placement in one hundred percent (100%)
24 Federal Programs, which have either expired or do *not* allow for such

1 staffing. All one hundred seven (107) Personnel Action issues were
2 found to be the result of Department omissions, or lack of update on
3 employee status ranging from outdated increment dates/amounts to
4 promotions, reclassification and other types of pay adjustments never
5 before reported.

6 *I Liheslaturan Guåhan*, however, deems it noteworthy that the
7 staffing pattern adjustments of less than one percent, .56%, of the total
8 positions entertained during the budget process is an impressive record
9 and is also to the credit of the agencies who prepared them. While the
10 process of a detail staffing pattern is painstaking, it should be a routine
11 budget item as it represents over seventy percent (70%) of government
12 expenditures annually.

13 Therefore, *I Liheslaturan Guåhan* reinforces its intention to protect
14 classified employees throughout the budget process and provides
15 appropriate amendments and the following appropriations to restore
16 these employees to their rightful place in the various government of
17 Guam agencies.

18 **(b) Supplemental Appropriations.**

19 **(1) Appropriations to DOA.** The sum of Two
20 Hundred Fourteen Thousand Five Hundred Forty Dollars
21 (\$214,540.00) is hereby appropriated from the General Fund to the
22 Department of Administration ("DOA") for supplemental funding
23 for the DOA Staffing Pattern, as contained in the attached
24 **APPENDIX C.** The DOA Staffing Pattern contained in

1 **Appendix C** of Public Law Number 26-35 shall hereby be
2 amended as set forth in the attached **APPENDIX C** to this
3 Act. Neither this Act nor Public Law Number 26-35 shall be
4 construed or interpreted to constitute a double appropriation.

5 **(2) Appropriations to Department of Agriculture.**

6 The sum of Forty Thousand Six Hundred Fourteen Dollars
7 (\$40,614.00) is hereby appropriated from the General Fund to the
8 Department of Agriculture (“DOA”) for supplemental funding for
9 the DOA Staffing Pattern, as contained in the attached
10 **APPENDIX C**. The DOA Staffing Pattern contained in
11 **Appendix C** of Public Law Number 26-35 shall hereby be
12 amended as set forth in the attached **APPENDIX C** to this
13 Act. Neither this Act nor Public Law Number 26-35 shall be
14 construed or interpreted to constitute a double appropriation.

15 **(3) Appropriations to CME.** The sum of Twenty
16 Thousand Nine Hundred Twenty-seven Dollars (\$20,927.00) is
17 hereby appropriated from the General Fund to the Chief Medical
18 Examiner (“CME”) for supplemental funding for the CME Staffing
19 Pattern, as contained in the attached **APPENDIX C**. The
20 CME Staffing Pattern contained in **Appendix C** of Public Law
21 Number 26-35 shall hereby be amended as set forth in the
22 attached **APPENDIX C** to this Act. Neither this Act nor
23 Public Law Number 26-35 shall be construed or interpreted to
24 constitute a double appropriation.

1 (4) **Appropriations to GCLB.** The sum of Twenty-five
2 Thousand Eight Hundred Ninety-six (\$25,896.00) is hereby
3 appropriated from the Guam Contractors License Board Fund to
4 the Guam Contractors License Board ("GCLB") for supplemental
5 funding for the GCLB Staffing Pattern, as contained in the
6 attached **APPENDIX C**. The GCLB Staffing Pattern
7 contained in **Appendix C** of Public Law Number 26-35 shall
8 hereby be amended as set forth in the attached **APPENDIX**
9 **C** to this Act. Neither this Act nor Public Law Number 26-35
10 shall be construed or interpreted to constitute a double
11 appropriation.

12 (5) **Appropriations to GEPA.** The sum of Fifty-six
13 Thousand Nine Hundred Nine Dollars (\$56,909.00) which is
14 composed of Fifteen Thousand Three Hundred Sixty-six Dollars
15 (\$15,366.00) from the General Fund, and Forty-one Thousand Five
16 Hundred Forty-three Dollars (\$41,543.00) of Federal Grants-in-Aid
17 is hereby appropriated to the Guam Environmental Protection
18 Agency ("GEPA") for supplemental funding for the GEPA
19 Staffing Pattern, as contained in the attached **APPENDIX**
20 **C**. The GEPA Staffing Pattern contained in **Appendix C** of Public
21 Law Number 26-35 shall hereby be amended as set forth in the
22 attached **APPENDIX C** to this Act. Neither this Act nor
23 Public Law Number 26-35 shall be construed or interpreted to
24 constitute a double appropriation.

1 (6) **Appropriations to DOL.** The sum of Fifteen
2 Thousand Eight Hundred Twenty Dollars (\$15,820.00) is hereby
3 appropriated from the General Fund to the Department of Labor
4 (“DOL”) for supplemental funding for the DOL Staffing Pattern,
5 as contained in the attached **APPENDIX C**. The DOL
6 Staffing Pattern contained in Appendix C of Public Law Number
7 26-35 shall hereby be amended as set forth in the attached
8 **APPENDIX C** to this Act. Neither this Act nor Public Law
9 Number 26-35 shall be construed or interpreted to constitute a
10 double appropriation.

11 (7) **Appropriations to DLM.** The sum of Sixty Four
12 Thousand One Hundred Eighteen Dollars (\$64,118.00) is hereby
13 appropriated from the General Fund to the Department of Land
14 Management (“DLM”) for supplemental funding for the DLM
15 Staffing Pattern, as contained in the attached **APPENDIX**
16 **C**. The DLM Staffing Pattern contained in Appendix C of Public
17 Law Number 26-35 shall hereby be amended as set forth in the
18 attached **APPENDIX C** to this Act. Neither this Act nor
19 Public Law Number 26-35 shall be construed or interpreted to
20 constitute a double appropriation.

21 (8) **Appropriations to DOL.** The sum of Three
22 Hundred Sixty-two Thousand Four Dollars (\$362,004.00), which is
23 composed of Three Hundred Twenty-two Thousand Eight
24 Hundred Forty Dollars (\$322,840.00) from the General Fund and

1 Thirty Nine Thousand One Hundred Sixty-four Dollars
2 (\$39,164.00) of Federal Grants-in-Aid, is hereby appropriated to
3 the Department of Law ("DOL") for supplemental funding for the
4 DOL Staffing Pattern, as contained in the attached
5 **APPENDIX C**. The DOL Staffing Pattern contained in
6 **Appendix C** of Public Law Number 26-35 shall hereby be
7 amended as set forth in the attached **APPENDIX C** to this
8 Act. Neither this Act nor Public Law Number 26-35 shall be
9 construed or interpreted to constitute a double appropriation.

10 (9) **Appropriations to DMA.** The sum of Seventy-one
11 Thousand Seven Hundred Thirty-one Dollars (\$71,731.00), which
12 is composed of Fifty-three Thousand Six Hundred Sixty-two
13 Dollars (\$53,662.00) from the General Fund and Eighteen
14 Thousand Sixty-nine Dollars (\$18,069.00) of Federal Grants-in-
15 Aid, is hereby appropriated to the Department of Military Affairs
16 ("DMA") for supplemental funding for the DMA Staffing Pattern,
17 as contained in the attached **APPENDIX C**. The DMA
18 Staffing Pattern contained in **Appendix C** of Public Law Number
19 26-35 shall hereby be amended as set forth in the attached
20 **APPENDIX C** to this Act. Neither this Act nor Public Law
21 Number 26-35 shall be construed or interpreted to constitute a
22 double appropriation.

23 (10) **Appropriations to GPD.** The sum of One Hundred
24 Twenty-eight Thousand Five Hundred Eight-one Dollars

1 (\$128,581.00) is hereby appropriated from the General Fund to the
2 Guam Police Department ("GPD") for supplemental funding for
3 the GPD Staffing Pattern, as contained in the attached
4 **APPENDIX C**. The GPD Staffing Pattern contained in
5 **Appendix C** of Public Law Number 26-35 shall hereby be
6 amended as set forth in the attached **APPENDIX C** to this
7 Act. Neither this Act nor Public Law Number 26-35 shall be
8 construed or interpreted to constitute a double appropriation.

9 (11) **Appropriations to DPW.** The sum of Twenty-one
10 Thousand Five Hundred Seventy-four Dollars (\$21,574.00) is
11 hereby appropriated from the General Fund to the Department of
12 Public Works ("DPW") for supplemental funding for the DPW
13 Staffing Pattern, as contained in the attached **APPENDIX**
14 **C**. The DPW Staffing Pattern contained in **Appendix C** of Public
15 Law Number 26-35 shall hereby be amended as set forth in the
16 attached **APPENDIX C** to this Act. Neither this Act nor
17 Public Law Number 26-35 shall be construed or interpreted to
18 constitute a double appropriation.

19 (12) **Appropriations to DRT.** The sum of Sixty-two
20 Thousand Eight Hundred Twenty-nine Dollars (\$62,829.00) is
21 hereby appropriated from the General Fund to the Department of
22 Revenue and Taxation ("DRT") for supplemental funding for the
23 DRT Staffing Pattern, as contained in the attached
24 **APPENDIX C**. The DRT Staffing Pattern contained in

1 **Appendix C** of Public Law Number 26-35 shall hereby be
2 amended as set forth in the attached **APPENDIX C** to this
3 Act. Neither this Act nor Public Law Number 26-35 shall be
4 construed or interpreted to constitute a double appropriation.

5 **(13) Appropriations to the Supreme Court of Guam.**

6 The sum of Seventy-nine Thousand Six Hundred Fifty-four
7 Dollars (\$79,654.00) is hereby appropriated from the General Fund
8 to the Supreme Court of Guam for supplemental funding for the
9 Supreme Court of Guam Staffing Pattern, as contained in the
10 attached **APPENDIX C**. The Supreme Court of Guam
11 Staffing Pattern contained in **Appendix C** of Public Law Number
12 26-35 shall hereby be amended as set forth in the attached
13 **APPENDIX C** to this Act. Neither this Act nor Public Law
14 Number 26-35 shall be construed or interpreted to constitute a
15 double appropriation.

16 **Section 5.** The Staffing Patterns contained in **APPENDIX C** of
17 Public Law Number 26-35, as amended by Public Law Number 26-36 and
18 Public Law Number 26-47, for the following agencies are hereby *amended* to
19 read as attached to this Act for the respective agencies:

- 20 (a) Department of Military Affairs;
21 (b) Guam Police Department;
22 (c) Department of Public Works;
23 (d) Department of Revenue and Taxation;
24 (e) Department of Labor;

- 1 (f) Department of Land Management;
- 2 (g) Department of Law;
- 3 (h) Guam Environmental Protection Agency;
- 4 (i) Guam Contractors License Board;
- 5 (j) Chief Medical Examiner;
- 6 (k) Department of Agriculture;
- 7 (l) Department of Administration;
- 8 (m) Supreme Court of Guam;
- 9 (n) Superior Court of Guam;
- 10 (o) Department of Public Health and Social Services;
- 11 (p) Guam Customs and Quarantine Agency; *and*
- 12 (q) Guam Fire Department.

13 **Section 6. Congregate Meals Program.** The sum of Eighty-One
14 Thousand Dollars (\$81,000.00) is hereby appropriated from the General Fund
15 to the Department of Public Health and Social Services (“DPH&SS”) for
16 supplemental funding, as contained in the attached **APPENDIX B**.
17 Page 36-23 of **Appendix B** of Public Law Number 26-35 shall hereby be
18 amended as set forth in the attached **APPENDIX B** to this Act. Neither
19 this Act nor Public Law Number 26-35 shall be construed or interpreted to
20 constitute a double appropriation.

21 **Section 7. *Manamko yan Manhoben Program.*** Page 36-
22 17 of **Appendix B** of Public Law Number 26-35 (*Manamko yan Manhoben*
23 *Program*) shall hereby be amended as set forth in the attached

1 **APPENDIX B** to this Act. Neither this Act nor Public Law Number 26-
2 35 shall be construed or interpreted to constitute a double appropriation.

3 **Section 8.** Section 1 of Chapter V, *Administrative Provisions*, of
4 Public Law Number 26-35, as amended by Public Law Number 26-47, is
5 hereby *amended* to read as follows:

6 **“Section 1. Restrictions on Expenditures.** The
7 following restrictions shall apply for appropriations contained in
8 **APPENDIX B** of this Act:

9 (a) Personnel Services (Regular Salaries/Other Pay and
10 Benefits) appropriations shall be expended *only* for positions
11 contained in **APPENDIX C**, corresponding with each
12 Division/Section/Program breakdown contained in
13 **APPENDIX B.**

14 (1) Authorized classified positions contained in
15 **APPENDIX C** may be under-filled by classified
16 appointments in the same or like classification series/group.

17 (2) The combined funding levels of all positions,
18 within each department, program, division, or section as
19 grouped in **APPENDIX C**, may be used to fund *any*
20 position authorized therein, to the extent that funds may be
21 lapsing due to vacancies in the course of the fiscal year. An
22 un-funded, but authorized position, within each
23 department, program, division, or section as grouped in
24 **APPENDIX C**, does *not* preclude an appointment to

1 that position, as long as funding is available resulting from
2 lapses from other authorized positions, within the same
3 department, program, division, or section grouped in
4 **APPENDIX C.**

5 (3) The payment of accumulated annual leave for
6 separating employees, funded by this Act, shall be made
7 from funds available and in the following order of
8 application:

9 (i) from balances of appropriations for the
10 approved or occupied position of the separating
11 employee; and/or

12 (ii) from appropriation lapses of all other
13 vacancies of other approved positions within the same
14 department, program, division, or section.

15 Payments made pursuant to this Section shall be
16 reported to *I Liheslaturan Guåhan* by the agency head from
17 which the employee separated, *no later than* thirty (30) days
18 after the effective date of the employee's separation. The
19 report shall detail a 'position specific' impact as may be
20 applicable.

21 (4) The Guam Public Library System may utilize *all*
22 carry-over authorizations from previous appropriation acts
23 to fund authorized positions for the Guam Public Library
24 System contained within **APPENDIX C.**

1 (5) The step within a pay grade level of positions
2 contained in **APPENDIX C** are based upon
3 information provided by agencies in their budget requests,
4 some of which were in error for incumbent classified
5 employees, and those employees shall *not* be penalized.
6 Therefore, any position contained in **APPENDIX C**,
7 occupied as of the passage of this Act, which indicates a step
8 within a pay grade level inconsistent with the incumbent's
9 step level as of September 30, 2001, shall *not* preclude the
10 payment at the employee's correct salary level, utilizing the
11 funding flexibility outlined in Subsection 2 of this Section.

12 (6) The payment of night differential and hazardous
13 pay for those positions determined eligible by the Civil
14 Service Commission may be paid from lapses in
15 appropriations due to vacancies in the course of the fiscal
16 year within the same department, program, division, or
17 section grouped in **APPENDIX C.**"

18 **Section 9.** Section 2(c) of Public Law Number 26-47 is hereby *amended*
19 to read as follows:

20 “(c) The sum of Five Hundred Thousand Dollars (\$500,000.00) is
21 hereby appropriated from the General Fund, *specifically* from amounts
22 received in *excess* of the adopted Section 30 revenues of Forty-five
23 Million Dollars (\$45,000,000) contained within Public Law Number 26-
24 35 to GPD, the Department of Youth Affairs ('DYA'), the Department of

1 Corrections ('DOC'), the Guam Fire Department ('GFD'), and the
2 Department of Mental Health and Substance Abuse ('DMH&SA') to
3 fund 'Holiday Pay' for the first quarter of the fiscal year ending
4 September 30, 2002."

5 **Section 10.** Section 4(b)(1) of Chapter of IV, *Miscellaneous*
6 *Provisions*, of Public Law Number 26-35 is hereby *amended* to read as follows:

7 **"(1) Above-step Recruitment.** Notwithstanding any other
8 provisions of law, rule or regulation, effective October 1, 2001, there is
9 hereby put into effect a government-wide moratorium on
10 reclassifications and above-step recruitments, *except* for teachers in
11 DOE, academic positions in the Guam Community College ('GCC') and
12 the University of Guam ('UOG'), licensed and allied health care
13 professionals, attorneys and positions determined by the Civil Service
14 Commission ('CSC') as difficult to recruit, which shall remain in effect
15 through September 30, 2002, and shall be applicable to all positions
16 within every branch of government, public corporations, all government
17 of Guam departments, bureaus, and agencies, instrumentalities, entities
18 or sub-entities of the Executive, Legislative or Judicial Branches, the
19 Mayor's Council, *and* Mayor's Offices."

20 **Section 11. Department of Law Family Division.**

21 **(a) Appropriation.** The sum of Three Hundred Seven
22 Thousand Two Hundred Ninety Dollars and Sixty-five Cents
23 (\$307,290.65) is hereby appropriated from the General Fund to the
24 Family Division of the Department of Law for the First Quarter local

1 match requirement of the Child Support Enforcement Program and
2 office lease space for the Child Support Division. These sums shall be
3 expended *only* in the Contractual Category of the Program Budget and
4 as specifically provided for in this Section.

5 **(b) Appropriation for November and December, 2001 Rents.**

6 Of the appropriation contained in Subsection (a), above, the Department
7 of Law is authorized to expend *up to* the amount of Eighteen Thousand
8 Sixty-one Dollars and Sixty-five Cents (\$18,061.65) in local funds, and
9 Thirty-five Thousand Sixty Dollars and Eighty-five Cents (\$35,060.85) in
10 Federal Matching Funds for the months of November and December,
11 2001 for the lease of their Child Support Division office, presently
12 located at 130 E Marine Drive, Hagåtña, Guam. No other funds shall be
13 authorized to be used for any rental or lease payments of whatever
14 nature, *except* as otherwise authorized under this Act, including
15 Subsection (c) herein, until further authorized and appropriated by *I*
16 *Liheslaturan Guåhan*.

17 **(c) Lease Terms and Conditions.**

18 Notwithstanding
19 any other provisions of law, the Attorney General of Guam shall bid
20 out, pursuant to the Guam Procurement Law, the premises to be leased
21 for the Department of Law's Family Division. The current lease at 130 E
22 Marine Drive, Hagåtña, Guam shall be terminated for lack of funds as of
23 the end of December, 2001. The new lease agreement shall contain, at a
minimum, the following terms and conditions:

1 (i) the premises shall be leased up to a *maximum* amount
2 of Two Dollars and Twenty-five Cents (\$2.25) per square foot
3 (includes local and Federal matching funds) for up to a *maximum*
4 square footage of *only* eight thousand five hundred (8,500) square
5 feet;

6 (ii) power, water, security services and trash collection
7 shall be included as part of the up to Two Dollars and Twenty-five
8 Cents (\$2.25) per square foot maximum consideration authorized
9 in the preceding Subsection;

10 (iii) the landlord shall be responsible for its own gross
11 receipts taxes; *and*

12 (iv) the new lease term shall commence on January 1, 2002.

13 For the month of January, 2002, the Department of Law is hereby
14 authorized to transfer such sums as are necessary from the
15 appropriation authorized in Subsection (a) to pay for that month's rental
16 payment (local matching funds only), which is negotiated pursuant to
17 the terms and conditions set forth in this Subsection. Thereafter, the
18 Department of Law shall request an appropriation from *I Liheslaturan*
19 *Guåhan* to satisfy the remainder of the Fiscal Year 2002 lease term for
20 their newly negotiated lease.

21 **Section 12. Appropriations to GC&QA.** The sum of Two
22 Hundred Sixty-eight Thousand One Hundred Ninety Dollars (\$268,190.00) is
23 hereby appropriated from the Customs, Agricultural and Quarantine
24 Inspection Services Fund to the Guam Customs and Quarantine Agency

1 (“GC&QA”) for supplemental funding for the GC&QA Staffing Pattern, as
2 contained in the attached **APPENDIX C**. The GC&QA Staffing Pattern
3 contained in **Appendix C** of Public Law Number 26-35 shall hereby be
4 amended as set forth in the attached **APPENDIX C** to this Act.
5 Neither this Act nor Public Law Number 26-35 shall be construed or
6 interpreted to constitute a double appropriation.

7 **Section 13. Director’s Office, GC&QA.** Page 16-1 of **Appendix B**
8 of Public Law Number 26-35 (Guam Customs and Quarantine Agency
9 Director’s Office) shall hereby be amended as set forth in the attached
10 **APPENDIX B** to this Act. Neither this Act nor Public Law Number
11 26-35 shall be construed or interpreted to constitute a double appropriation.

12 **Section 14. Inspection and Control – Airport Operations,**
13 **GC&QA.**
14 Page 16-3 of **Appendix B** of Public Law Number 26-35 (Guam Customs and
15 Quarantine Agency Inspections and Control – Airport Operations) shall
16 hereby be amended as set forth in the attached **APPENDIX B** to this
17 Act. Neither this Act nor Public Law Number 26-35 shall be construed or
18 interpreted to constitute a double appropriation.

19 **Section 15. Certifying Officers.** Section 14107 of Article 1,
20 Chapter 14 of Title 4 of the Guam Code Annotated, as repealed and reenacted
21 by § 7 of Chapter IV of Public Law Number 26-35, is hereby *amended* to read
22 as follows:

23 “Section 14107. Designating a Certifying Officer. Upon
24 approval by the Director of the Department of Administration; the

1 Administrative Director of the Superior Court of Guam; the Executive
2 Officer of the Supreme Court of Guam; or the Executive Director of *I*
3 *Liheslaturan Guåhan* for each of their respective organizations only, an
4 employee can be designated as a Certifying Officer. To accomplish this,
5 all required forms (Designation for Certifying Officers) must be
6 completed by the employee, approved by the designated official and
7 forwarded to the Treasurer of Guam. To designate Certifying Officers,
8 the approving official must have a delegated authority form (Delegation
9 of Authority) on file with the Treasurer of Guam. The Treasurer of
10 Guam must maintain an automated system to manage all delegations
11 and designations of authority for disbursement related functions.
12 Designations of Certifying Officers are valid for two (2) years from the
13 effective date unless revoked earlier.

14 Upon the respective approval by the Director of the Department of
15 Administration for the Executive Branch, the Director of *I Liheslaturan*
16 *Guåhan* for the Legislative Branch, as specified in the Judicial Council of
17 the Superior Court of Guam policies for the Superior Court of Guam,
18 and the Executive Director for the Guam Supreme Court, an employee
19 can be designated as a Certifying Officer for their respective entity.”

20 **Section 16. Appropriations to the Superior Court of Guam.**

21 The sum of Fifty-eight Thousand Five Hundred Thirty Dollars (\$58,530.00) is
22 hereby appropriated from the General Fund to the Superior Court of Guam
23 for supplemental funding for the Superior Court of Guam Staffing Pattern, as
24 contained in the attached **APPENDIX C**. The Superior Court of Guam

1 Staffing Pattern contained in **Appendix C** of Public Law Number 26-35 shall
2 hereby be amended as set forth in the attached **APPENDIX C** to this
3 Act. Neither this Act nor Public Law Number 26-35 shall be construed or
4 interpreted to constitute a double appropriation.

5 **Section 17. Integrated E911 Communications Center.**

6 Page 19-5 of **Appendix B** of Public Law Number 26-35 (Integrated E911
7 Communications Center) shall hereby be amended as set forth in the attached
8 **APPENDIX B** to this Act. Neither this Act nor Public Law Number
9 26-35 shall be construed or interpreted to constitute a double appropriation.

10 **Section 18. Severability.** *If* any provision of this Law or its
11 application to any person or circumstance is found to be invalid or contrary to
12 law, such invalidity shall *not* affect other provisions or applications of this
13 Law which can be given effect without the invalid provisions or application,
14 and to this end the provisions of this Law are severable.

**APPENDIX B
AMENDED BY BILL 205**

Function:	E911 Communications Bureau					
Agency:	Guam Fire Department					
Program #	Intergrated E911 Communications Center					
		A	B	C	D	
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s)	FY 2002 Other Fund 1/	FY 2002 Total (A+B+C)	
	PERSONNEL SERVICES					
0029	Regular Salaries & Other Pay	0	0	628,779	628,779	
0049		0	0		0	
0034	Benefits	0	0	166,739	166,739	
	TOTAL PERSONNEL SERVICES	0	0	795,518	795,518	
	OPERATIONS					
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	45,000	45,000	
0299	CONTRACTUAL SERVICES:	0	0	328,000	328,000	
0349	OFFICE SPACE RENTAL:	0	0	30,000	30,000	
0399	SUPPLIES & MATERIALS:	0	0	50,305	50,305	
0449	EQUIPMENT:	0	0	80,000	80,000	
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	
0799	MISCELLANEOUS - Public Awareness & Ed Programs		0	10,000	10,000	
	TOTAL OPERATIONS	0	0	543,305	543,305	
	UTILITIES					
0499	Power	0	0	35,000	35,000	
0549	Water/ Sewer/Trash	0	0	3,000	3,000	
0599	Telephone/ Toll	0	0	27,600	27,600	
	TOTAL UTILITIES	0	0	65,600	65,600	
0899	INDIRECT COST	0	0	0	0	
0649	CAPITAL OUTLAY	0	0	7,500	7,500	
	TOTAL APPROPRIATIONS	0	0	1,411,923	1,411,923	
	1/ Enhanced 911 Emergency Reporting Systems Fund					
	FULL TIME EQUIVALENCIES (FTEs)					
	UNCLASSIFIED	0	0	0	0	
	CLASSIFIED	0	0	29	29	
	TOTAL FTEs	0	0	29	29	

**APPENDIX B
AMENDED BY BILL 205**

Function	Health				
Agency	Public Health & Social Services				
Program	Manamko Yan Manhoben				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s) 1/	FY 2002 Other Fund 2/	FY 2002 Total (A+B+C)
	PERSONNEL SERVICES				
0029	Regular Salaries & Other Pay	0	0	0	0
0049		0	0	0	0
0034	Benefits	0	0	0	0
	TOTAL PERSONNEL SERVICES	0	0	0	0
	OPERATIONS				
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	0	0
0299	CONTRACTUAL SERVICES:	30,773	0	0	30,773
0349	OFFICE SPACE RENTAL:	0	0	0	0
0399	SUPPLIES & MATERIALS:	2,500	0	0	2,500
0449	EQUIPMENT:	0	0	0	0
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0
0799	MISCELLANEOUS:	0	0	0	0
	TOTAL OPERATIONS	33,273	0	0	33,273
	UTILITIES				
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	0	0
	TOTAL UTILITIES	0	0	0	0
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	0	0
	TOTAL APPROPRIATIONS	33,273	0	0	33,273
	2/ Specify Fund Source				
	FULL TIME EQUIVALENCIES (FTEs)				
	UNCLASSIFIED	0	0	0	0
	CLASSIFIED	0	0	0	0
	TOTAL FTEs	0	0	0	0

**APPENDIX B
AMENDED BY BILL 205**

Function	Public Safety				
Agency	Guam Customs and Quarantine Agency				
Program	Director's Office				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s)	FY 2002 Other Fund 1/	FY 2002 Total (A+B+C)
PERSONNEL SERVICES					
0029	Regular Salaries & Other Pay	0	0	772,566	772,566
0049		0	0	0	0
0034	Benefits	0	0	228,540	228,540
	TOTAL PERSONNEL SERVICES	0	0	1,001,107	1,001,107
OPERATIONS					
0249	TRAVEL- Off-Island (Recertification Training)	0	0	0	0
0299	CONTRACTUAL SERVICES:	0	0	403,869	403,869
0349	OFFICE SPACE RENTAL:	0	0	357,874	357,874
0399	SUPPLIES & MATERIALS:	0	0	140,443	140,443
0449	EQUIPMENT:	0	0	3,200	3,200
0749	SUB-RECIPIENT/SUBGRANT:	0	0		0
0799	MISCELLANEOUS: Uniforms @ \$300/officer	0	0	46,800	46,800
	TOTAL OPERATIONS	0	0	952,186	952,186
UTILITIES					
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	77,540	77,540
	TOTAL UTILITIES	0	0	77,540	77,540
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	87,489	87,489
	TOTAL APPROPRIATIONS	0	0	2,118,322	2,118,322
	1/ Customs, Agricultural & Quarantine Inspection Services Fund				
FULL TIME EQUIVALENCIES (FTEs)					
	UNCLASSIFIED	0	0	1	1
	CLASSIFIED	0	0	26	26
	TOTAL FTEs	0	0	27	27

**APPENDIX B
AMENDED BY BILL 205**

Function	Public Safety				
Agency	Guam Customs and Quarantine				
Program	Inspection and Control-Airport Operations				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s)	FY 2002 Other Fund 1/	FY 2002 Total (A+B+C)
PERSONNEL SERVICES					
0029	Regular Salaries & Other Pay	0	0	2,378,876	2,378,876
0049		0	0	0	0
0034	Benefits	0	0	709,677	709,677
	TOTAL PERSONNEL SERVICES	0	0	3,088,553	3,088,553
OPERATIONS					
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	0	0
0299	CONTRACTUAL SERVICES:	0	0	0	0
0349	OFFICE SPACE RENTAL:	0	0	1,518,855	1,518,855
0399	SUPPLIES & MATERIALS:	0	0	0	0
0449	EQUIPMENT:	0	0	0	0
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0
0799	MISCELLANEOUS:	0	0	0	0
	TOTAL OPERATIONS	0	0	1,518,855	1,518,855
UTILITIES					
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	0	0
	TOTAL UTILITIES	0	0	0	0
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	0	0
	TOTAL APPROPRIATIONS	0	0	4,607,408	4,607,408
1/ Customs, Agricultural & Quarantine Inspection Services Fund					
FULL TIME EQUIVALENCIES (FTEs)					
	UNCLASSIFIED	0	0	0	0
	CLASSIFIED	0	0	77	77
	TOTAL FTEs	0	0	77	77



MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

2001 (FIRST) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais 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 safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 205 (COR), "AN ACT TO CLARIFY THE 'ENHANCED 911 EMERGENCY REPORTING SYSETM FUND,' THROUGH THE AMENDMENT OF PUBLIC LAW NO. 25-55, RELATIVE TO THE '911' EMERGENCY TELEPHONE SYSTEM," which was introduced on this date, October 12, 2001, and therefore waive the statutory requirements for a public hearing on Bill Number 205 (COR).

Dated: October 12, 2001

ANTONIO R. UNPINGCO
Speaker and Presiding Officer

Overridden

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 11/5/01

VOTING SHEET

Voted
Bill No. 205

Resolution No.

Question: Notwithstanding the objections of the Governor, should the Legislature override the Governor's veto?

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.					✓
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL 14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 26 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	1:31
Date	10/26/01

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 205 (COR) "AN ACT TO CLARIFY THE 'ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND,' AND FOR OTHER APPROPRIATIONS AND PURPOSES" which I have vetoed.

There are simply too many problems with this legislation. While some classified employees are restored to their classified positions in the bill, so many others are not. This creates additional inequality of treatment under law. While the new appropriations in this bill for the 911 Emergency System are closer to the allocation previously made by the order of the Public Utilities Commission under law, the changes still do not match the program requirements. These changes still render the PUC's previous work void. Finally, a number of the provisions of this legislation are currently under scrutiny by our Supreme Court of Guam. These provisions are an encroachment on the Executive Branch's authority, and should not stand. This legislation cannot stand, either.

I. Emergency 911 System. By way of legislative history, the Legislature mandated in Public Law No. 25-55 that the Public Utilities Agency (PUC) establish a 911 System. After considerable time and effort, not to speak of expense, preparing and justifying a 911 budget with the PUC consultant, Georgetown Consulting, and the PUC commissioners, a budget was approved by the PUC on September 13, 2001. The fee established by the PUC was \$1.00 per month, and the public feels comfortable with this small fee for this important purpose. Now, in this legislation and in Public Law No. 26-35, the Legislature is taking over the power to appropriate this money. The 911 fund is now no different than the General Fund and the established fee will be changed according to the whims of the Legislature.

0547

In the FY 2002 Budget, Public Law No. 26-35, the Legislature appropriated the same 911 System funds that were apportioned by the PUC to a completely different apportionment in the Guam Fire Department.

This legislation again appropriates the same 911 funding, again in a different apportionment from the legislative apportionment in Public Law No. 26-35 and from the PUC apportionment, established after much study. This third apportionment of the funding authorizes 29 positions to be filled, but does not provide the funding for 7 of these positions. This third apportionment decreases the funding for personnel to \$795,518, instead of the \$843,679 required by the PUC. While the Legislature may have intended to legislatively appropriate the same funding in the same way as the PUC previously approved, this did not happen. The third version only adds new confusion, especially when the PUC has set a rulemaking, scheduled for December PUC session, to review the various regulatory and legal deficiencies in the current laws and regulations concerning the 911 System.

The inconsistencies and variations in every piece of legislation concerning an emergency 911 System is not acceptable. Our people deserve an emergency 911 System that is properly funded by an independent agency, the PUC, and will fulfill the needs of the island's emergencies.

II. Staffing Pattern Changes and Supplemental Appropriations to Departments and Agencies. This legislation also makes numerous supplemental appropriations to various departments and agencies and amends the staffing patterns of approximately 17 departments and agencies. These appropriations and changes in staffing patterns correct numerous mistakes and deficiencies contained in the Fiscal Year 2002 Budget Act, as amended. Previous to this legislation, 8 departments and agencies had their staffing patterns amended. The number of adjustments that had to be made indicate that approximately 61% of the staffing patterns of the departments and agencies that had budgets passed by the Legislature had to be amended within 2 weeks of initial passage.

These numerous amendments point out the essential fallacy of trying to use a staffing pattern that enumerates each and every position, and ties the expenditure of funds to these individual positions contained in the staffing pattern. "Executive government by committee," without the proper role played by a Chief Executive, will lead to the realization in our government of the old joke, "Looks like it was something created by a committee". A mish-mash is the result, as experience teaches us.

Even after 5 separate budget acts were passed (Public Law Nos. 26-35, 26-36, 26-47, 26-49, and this legislation, Public Law No. 26-5?), there are still numerous positions that were not taken care of. There are numerous omissions and problems still remaining. Below is a listing:

1. **Department of Administration** -- Marilyn Q. Reyes change of position title from WPS I to WPS II and pay adjustment were not addressed. Also, Arleen U. Pierce's

- pay adjustment was not addressed and cannot be paid. There are no lapses to pay these pay adjustments.
2. **Department of Agriculture** – Anthony A. Benevente, an equipment operator II, is listed incorrectly as an agricultural gardener.
 3. **Guam Council on the Arts and Humanities Agency** – Sherrie Barcinas' position should be Program Coordinator I instead of Performing Arts Special Projects.
 4. **Department of Commerce** – Jeffrey A. San Nicolas's position should be Administrative Assistant instead of Word Processing Secretary II and the pay should be adjusted; Mydia H. Llarenas' position should be Administrative Assistant instead of Statistical Technician II and the pay should be adjusted; Janett T. Gozalo's position should be Statistician II instead of Statistician I and the pay should be adjusted; Richard J. Rice should have a pay adjustment; and James Cushing, Jr. should have a pay adjustment. There is insufficient funding in this department to make any pay adjustments.
 5. **Guam Public Library System** – Cynthia B. Kintol's position was not listed.
 6. **Department of Labor** – Virginia A. Mendiola's position, Terrence L. Johnson's position, and Rosita S. Aguon's position were not funded. These are federal programs but must be funded by the General Fund. There are no funds to pay them. Ernest V. Santos' position title should be changed; Jimmy Camacho's position should be Engineer Technician II instead of Engineer Aide II and the pay should be adjusted; Pierce J. Castro's position should be Engineer Technician I instead of Engineer Aide I and the pay should be adjusted.
 7. **Department of Land Management** – Ernest V. Santos' position was not addressed as land agent. Donald C. Pangelinan's position was not addressed.
 8. **Department of Military Affairs** – Vicente Guerrero's position as Veteran's Affairs Administrator was changed from classified to unclassified; Vickie Laganse's position as Veteran's Affairs Assistant Administrator was also changed from classified to unclassified.
 9. **Department of Public Health and Social Services** – Linda U. Del Rosario's position should be changed from Quality Control Reviewer Supervisor to Management Analyst III; Lourdes Dugules' position should be changed from CDC Supervisor to CDC Coordinator Supervisor; Nenita Crisostomo's position should be changed from LPN II to CHN II; and Alvin R. Berg's position should be changed from Program Coordinator III to Program Coordinator IV.
 10. **Department of Public Works** – Amor A. Pakingan's position was not listed and the position is Administrative Services Officer; Anthony Cruz' position should be listed as E. O. III instead of SW Tech.
 11. **Department of Revenue and Taxation** – Numerous positions were not funded, but can be funded by lapses. These are Gerald J. Salas, Russell J. Maratita, Maryann Palomo, Herbert S. Fukuda, Veronica Quan, John Q. Carlos, Benedict Atiogue, Gabriel M.T. Certeza, and Jesus H. Aguon. If these positions are funded from lapses, however, this will mean that a Director or a Deputy Director cannot be hired for the Department. There will not be enough funding for both.

Legislative Secretary
SB208;veto
October, 2001
Page 4

The above listing contains the mistakes and omissions that are readily apparent in this legislation. There are other problems and areas in the legislation where a position is accounted for but funding is not provided. There are other areas where the staffing pattern as listed does not take into account the individual's change of status. The Legislature was provided with actual GG-1's of employees, and there should be no mistakes.

III. Continuing reliance on staffing patterns as "law", restricts all management decisions on personnel. Since government is a dynamic organization, as is every private business, in these trying economic times constant changes will most likely be the norm, rather than the exception. Outside influences, such as terror attacks and poorly recovering Asian economies, which affect our tourism economy, require us to adjust frequently to changing times. Flexibility is called for, not rigidity. Rigidity is what we have in the past 5 budget bills. I would challenge any businessman to run a viable business with these sorts of restrictions.

This flexibility is the essence of management decisions, and is the prerogative of the Executive Branch. This precise issue is currently before the Supreme Court of Guam. Signing a new staffing pattern into "law" is not appropriate.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker


MINA'BENTE SAIS NA LIHESLATURAN GUAHAN
2001 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 205 (COR), "AN ACT TO CLARIFY THE 'ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND,' AND FOR OTHER APPROPRIATIONS AND PURPOSES," was on the 15th day of October, 2001, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

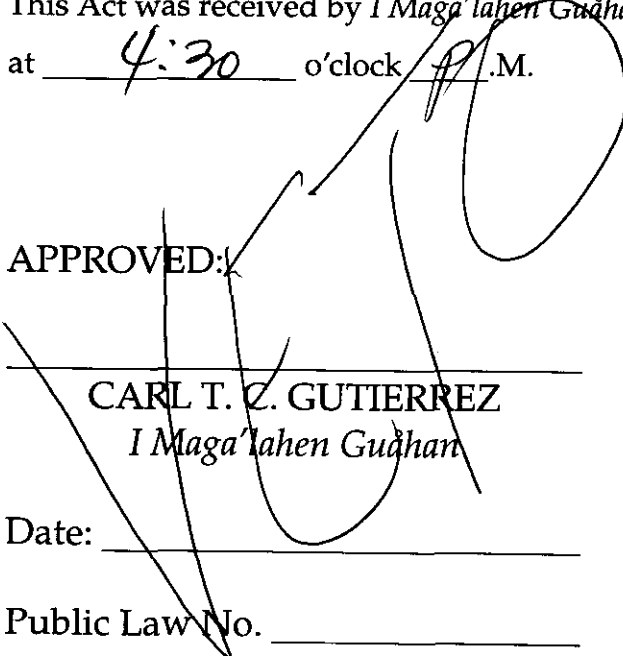
Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this 16th day of October, 2001,
at 4:30 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 10/15/01

VOTING SHEET

Reconsideration

5 *27* Bill No. 005

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 10/15/01

VOTING SHEET

5 Bill No. 205 (COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C. //	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.				✗	✓
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T. /	✓				

TOTAL 14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 205 (COR)

Introduced by:

V. C. Pangelinan

J. F. Ada

A. R. Unpingco

K. S. Moylan

**AN ACT TO CLARIFY THE "ENHANCED 911
EMERGENCY REPORTING SYSTEM FUND,"
THROUGH THE AMENDMENT OF PUBLIC LAW
NUMBER 25-55, RELATIVE TO THE "911"
EMERGENCY TELEPHONE SYSTEM AND FOR
OTHER APPROPRIATIONS AND PURPOSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the creation of the "Enhanced 911 Emergency Reporting System
4 Fund," which is administered by the Department of Administration, has not
5 clearly identified who has the authority to access and appropriate from such
6 Fund.

7 Further, *I Liheslaturan Guåhan* finds that the vagueness of Public Law
8 Number 25-55 may result into misinterpretation of what was the original
9 intention of the law as well possible legal actions on who has the right to
10 access and appropriate from the "Enhanced 911 Emergency Reporting
11 Systems Fund."

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that such
2 misinterpretation of law will not occur through the clarification of Public Law
3 25-55.

4 **Section 2.** Section 4 of Public Law Number 25-55 is hereby *amended* to
5 read as follows:

6 **“Section 4. Creation of Special Fund.** There is hereby
7 created, separate and apart from all other funds of the government, the
8 *“Enhanced 911 Emergency Reporting System Fund”* (“Fund”) to be
9 administered by the Department of Administration, and shall be subject
10 to legislative appropriation. The Fund is created to provide a source of
11 funding for costs associated with an enhanced “911” Emergency
12 Reporting System. All the “911” surcharges collected by each LEC and
13 CMRS provider shall be paid into the Fund. The money collected and
14 interest earned shall be used by the Department solely for enhanced
15 “911” equipment and system costs as described under this Act.”

16 **Section 3.** *I Liheslaturan Guåhan* hereby appropriates from the
17 *“Enhanced 911 Emergency Reporting System Fund* to the Guam Fire Department,
18 Integrated “E911” Communication Center Program, as approved by the
19 Public Utilities Commission, to be expended as contained in
20 **APPENDIX B** (Guam Fire Department) of Public Law Number 26-35,
21 as amended by this Act.

22 **Section 4. Amendments and Supplemental Appropriations to the**
23 **General Appropriations Act (Public Law Number 26-35).**

1 (a) **Legislative Findings.** *I Liheslaturan Guåhan* finds that since
2 enactment of Public Law Number 26-35 (General Appropriations Act for FY
3 2002), a number of government of Guam classified employees have been
4 served notices of termination, demotion, and/or other pay deduction advice,
5 and were further encouraged to file appeal actions with the Civil Service
6 Commission by the Administration. *I Liheslaturan Guåhan* supports any
7 employee's right to appeal. It also wishes to make clear its intentions as to the
8 operations of **APPENDIX C** of Public Law Number 26-35 and present
9 its findings regarding staffing pattern issues as it affects government of Guam
10 classified employees. The gross misrepresentation of the details of
11 **APPENDIX C** in the Budget Act as it affects classified employees,
12 ranging from the Fire 106 hours payment to the simple applicability of other
13 types of routine pay, is unfortunate and a gross injustice to these hard
14 working employees. In spite of the threats, the employees remain confident
15 that their issues will be resolved and deserve no less from its leaders.

16 *I Liheslaturan Guåhan* fully intended to right the wrong done and
17 proceeded with a call to session on Friday, October 5, 2001, to which
18 Administration and/or agency heads were invited to present their issues on
19 the budget overall and especially on the staffing pattern as it affects classified
20 employees. After six (6) days delay, to include a weekend, a holiday, and "no
21 shows" by agency heads, Personnel Actions requested to validate staffing
22 issues, were finally received at 5 p.m. Wednesday, October 10, 2001. The
23 detail review of all one hundred seven (107) Personnel Actions presented to *I*
24 *Liheslaturan Guåhan* was completed on Friday, October 12, 2001. The review

1 indicated that, of the one hundred seven (107) Personnel Actions, seventy (70)
2 were funding issues already covered under Chapter V, Section 1
3 (Administrative Provisions) of Public Law Number 26-35, as amended by
4 Public Law Number 26-47, and further amended in this Act. The remaining
5 thirty-five (35) Personnel Actions were found to indeed require adjustments
6 to **APPENDIX C** of the Budget Act. These were found to be justified
7 due to their total omission from agency requests or erroneous placement in
8 one hundred percent (100%) Federal Programs, which have either expired or
9 do not allow for such staffing. All one hundred seven (107) Personnel Action
10 issues were found to be the result of department omissions or lack of update
11 on employee status ranging from outdated increment dates/amounts to
12 promotions, reclassification, and other types of pay adjustments never before
13 reported.

14 *I Liheslaturan Guåhan*, however, deems it noteworthy that the staffing
15 pattern adjustments of less than one percent (.56%) of the total positions
16 entertained during the budget process is an impressive margin of error and is
17 also to the credit of the agencies who prepared them. While the process of a
18 detail staffing pattern is painstaking, it should be a routine budget item as it
19 represents over seventy percent (70%) of government expenditures annually.

20 Therefore, *I Liheslaturan Guåhan* reinforces its intention to protect
21 classified employees throughout the budget process and provides appropriate
22 amendments and the following appropriations to restore these employees to
23 their rightful place in the various government of Guam agencies.

1 **(b) Supplemental Appropriations. (1) Appropriations to**
2 **Department of Administration.** The sum of Two Hundred Fourteen
3 Thousand Five Hundred Forty Dollars (\$214,540) is appropriated from
4 the General Fund to the Department of Administration for
5 supplemental funding required by **APPENDIX C** of Public Law
6 Number 26-35 (Department of Administration Staffing Pattern), as
7 amended by this Act.

8 **(2) Appropriations to Department of Agriculture.** The sum
9 of Forty Thousand Six Hundred Fourteen Dollars (\$40,614) is
10 appropriated from the General Fund to the Department of Agriculture
11 for supplemental funding required by **APPENDIX C** of Public
12 Law Number 26-35 (Department of Agriculture Staffing Pattern), as
13 amended by this Act.

14 **(3) Appropriations to Chief Medical Examiner.** The sum of
15 Twenty Thousand Nine Hundred Twenty-seven Dollars (\$20,927) is
16 appropriated from the General Fund to the Chief Medical Examiner for
17 supplemental funding required by **APPENDIX C** of Public Law
18 Number 26-35 (Chief Medical Examiner Staffing Pattern), as amended
19 by this Act.

20 **(4) Appropriations to Guam Contractors License Board.**
21 The sum of Twenty Five Thousand Eight Hundred Ninety-six
22 (\$25,896) is appropriated from the Guam Contractors License Board
23 Fund to the Guam Contractors License Board for supplemental funding
24 required by **APPENDIX C** of Public Law Number 26-35 (Guam
25 Contractors License Board Staffing Pattern), as amended by this Act.

1 (5) **Appropriations to Guam Environmental Protection**
2 **Agency.** The sum of (\$56,909) which is composed of \$15,366 from the
3 General Fund and \$41,543 of Federal Grants-in-Aid is appropriated to
4 the Guam Environmental Protection Agency for supplemental funding
5 required by **APPENDIX C** of Public Law Number 26-35 (Guam
6 Environmental Protection Agency Staffing Pattern), as amended by this
7 Act.

8 (6) **Appropriations to Department of Labor.** The sum of
9 Fifteen Thousand Eight Hundred Twenty Dollars (\$15,820) is
10 appropriated from the General Fund to the Department of Labor for
11 supplemental funding required by **APPENDIX C** of Public Law
12 Number 26-35 (Department of Labor Staffing Pattern), as amended by
13 this Act.

14 (7) **Appropriations to Department of Land Management.**
15 The sum of Sixty Four Thousand One Hundred Eighteen Dollars
16 (\$64,118) is appropriated from the General Fund to the Department of
17 Land Management for supplemental funding required by
18 **APPENDIX C** of Public Law Number 26-35 (Department of
19 Land Management Staffing Pattern), as amended by this Act.

20 (8) **Appropriations to Department of Law.** The sum of
21 (\$362,004) which is composed of \$322,840 from the General Fund and
22 \$39,164 of Federal Grants-in-Aid is appropriated to the Department of
23 Law for supplemental funding required by **APPENDIX C** of
24 Public Law Number 26-35 (Department of Law Staffing Pattern), as
25 amended by this Act.

1 **(9) Appropriations to Department of Military Affairs.**

2 The sum of Seventy-one Thousand Seven Hundred Thirty-one
3 Dollars (\$71,731) which is composed of \$53,662 from the General Fund
4 and \$18,069 of Federal Grants-in-Aid is appropriated to the Department
5 of Military Affairs for supplemental funding required by
6 **APPENDIX C** of Public Law Number 26-35 (Department of
7 Military Affairs Staffing Pattern), as amended by this Act.

8 **(10) Appropriations to Guam Police Department.**

9 The sum
10 of One Hundred Twenty-eight Thousand Five Hundred Eight-one
11 Dollars (\$128,581) is appropriated from the General Fund to the Guam
12 Police Department for supplemental funding required by
13 **APPENDIX C** of Public Law Number 26-35 (Guam Police
14 Department Staffing Pattern), as amended by this Act.

15 **(11) Appropriations to Department of Public Works.**

16 The sum
17 of Twenty-one Thousand Five Hundred Seventy-four Dollars (\$21,574)
18 is appropriated from the General Fund to the Department of Public
19 Works for supplemental funding required by **APPENDIX C** of
20 Public Law Number 26-35 (Department of Public Works Staffing
21 Pattern), as amended by this Act.

22 **(12) Appropriations to Department of Revenue and Taxation.**

23 The sum of Sixty-two Thousand Eight Hundred Twenty-nine
24 Dollars (\$62,829) is appropriated from the General Fund to the
Department of Revenue and Taxation for supplemental funding
required by **APPENDIX C** of Public Law Number 26-35

1 (Department of Revenue and Taxation Staffing Pattern), as amended by
2 this Act.

3 (13) **Appropriations to the Supreme Court of Guam.** The sum
4 of Seventy-nine Thousand Six Hundred Fifty-four Dollars (\$79,654) is
5 appropriated from the General Fund to the Supreme Court of Guam for
6 supplemental funding required by **APPENDIX C** of Public Law
7 Number 26-35 (Supreme Court of Guam Staffing Pattern), as amended
8 by this Act.

9 **Section 5. Department of Public Health and Social Services Staffing**
10 **Pattern.** **APPENDIX C** of Public Law Number 26-36 (Public Health
11 and Social Services Staffing Pattern) is hereby amended as contained in this
12 Act.

13 **Section 6. Title III(c)1 Congregate Meals Program.** The sum of
14 (\$81,000) is appropriated from the General Fund to the Department of Public
15 Health and Social Services for supplemental funding required by
16 **APPENDIX B**, Page 36-23 of Public Law Number 26-35, as amended
17 by this Act.

18 **Section 7. *Manamko yan Manhoben* Program.** **APPENDIX**
19 **B**, page 36-17 of Public Law Number 26-35 (*Manamko yan Manhoben*
20 **Program**) is hereby amended as contained in this Act.

21 **Section 8. Amendment to Administrative Provisions of Budget Act.**
22 **Section 1 of CHAPTER V, Administrative Provisions** of Public Law Number
23 26-35, as amended by Public Law Number 26-47 is further amended to read as
24 follows:

1 “Section 1. **Restrictions on Expenditures.** The following
2 restrictions shall apply for appropriations contained in
3 **APPENDIX B** of this Act:

4 (a) Personnel Services (Regular Salaries/Other Pay and
5 Benefits) appropriations shall be expended *only* for positions
6 contained in **APPENDIX C**, corresponding with each
7 Division/Section/Program breakdown contained in
8 **APPENDIX B**.

9 (1) Authorized classified positions contained in
10 Appendix C may be underfilled by classified appointments
11 in the same or like classification series/group.

12 (2) The combined funding levels of all positions,
13 within each department, program, division, or section as
14 grouped in Appendix C, may be used to fund *any* position
15 authorized therein, to the extent that funds may be lapsing
16 due to vacancies in the course of the fiscal year. An
17 unfunded, but authorized position, within each department,
18 program, division, or section as grouped in
19 **APPENDIX C**, does not preclude an appointment to
20 that position, as long as funding is available resulting from
21 lapses from other authorized positions, within the same
22 department, program, division, or section grouped in
23 **APPENDIX C**.

24 (3) The payment of accumulated annual leave for
25 separating employees, funded by this Act, shall be made

1 from funds available and in the following order of
2 application:

3 (i) from balances of appropriations for the
4 approved or occupied position of the separating
5 employee; and/or

6 (ii) from appropriation lapses of *all other*
7 vacancies of other approved positions *within the same*
8 *department, program, division, or section;*

9 (iii) Payments made pursuant to this Section
10 shall be reported to *I Liheslaturan Guåhan* by the agency
11 head from which the employee separated, no later
12 than thirty (30) days after the effective date of the
13 employee separation. The report shall detail a
14 "position specific" impact as may be applicable.

15 (4) The Guam Public Library System may utilize *all*
16 carry-over authorization from previous appropriation acts to
17 fund authorized positions for the Guam Public Library
18 System contained within **APPENDIX C**.

19 (5) The step within a pay grade level of positions
20 contained in Appendix C are based on information provided
21 by agencies in their budget requests, some of which were in
22 error for incumbent classified employees and those
23 employees shall not be penalized. Therefore, any position
24 contained in Appendix C, occupied as of the passage of this

1 Act, which indicates a step within a pay grade level
2 inconsistent with the incumbent's step level as of September
3 30, 2001, shall not preclude the payment at the employee's
4 correct salary level, utilizing the funding flexibility outlined
5 in subsection 2 of this Section.

6 (6) The payment of night differential and hazardous
7 pay for those positions determined eligible by the Civil
8 Service Commission may be paid from lapses in
9 appropriations due to vacancies in the course of the fiscal
10 year within the same department, program, division, or
11 section grouped in **APPENDIX C.**

12 **Section 9.** Section 2(c) of Public Law Number 26-47 is hereby
13 *amended to read as follows:*

14 “(c) The sum of Five Hundred Thousand Dollars (\$500,000.00) is
15 hereby appropriated from the General Fund, *specifically* from amounts
16 received in *excess* of the adopted Section 30 revenues of Forty-five
17 Million Dollars (\$45,000,000) contained within Public Law Number 26-
18 35 to GPD, the Department of Youth Affairs (“DYA”), the Department
19 of Corrections (“DOC”), and the Guam Fire Department (“GFD”), and
20 the Department of Mental Health and Substance Abuse to fund “*Holiday*
21 *Pay*” for the first quarter of the fiscal year ending September 30, 2002.”

22 **Section 10.** Section 4(b)(1) of Chapter of IV, Miscellaneous
23 Provisions, of Public Law Number 26-35 is hereby *amended* to read as follows:

24 “(b) **Above-step Recruitment and Reclassification Moratorium.**

1 **(1) Above-step Recruitment.** Notwithstanding any
2 other provisions of law, rule or regulation, effective October 1,
3 2001, there is hereby put into effect a government-wide
4 moratorium on reclassifications and above-step recruitments,
5 *except* for teachers in DOE, academic positions in the Guam
6 Community College and the University of Guam, licensed and
7 allied health care professionals, attorneys and positions
8 determined by the Civil Service Commission ("CSC") as difficult
9 to recruit, which shall remain in effect through September 30,
10 2002, and shall be applicable to all positions within every branch
11 of government, public corporations, all government of Guam
12 departments, bureaus, and agencies, instrumentalities, entities or
13 sub-entities of the Executive, Legislative or Judicial Branches, the
14 Mayor's Council, *and* Mayor's Offices."

15 **Section 11. Appropriations to Department of Law.** The sum
16 of Two Hundred Eighty-nine Thousand Two Hundred Twenty-nine Dollars
17 (\$289,229) is appropriated from the General Fund to the Family Division of
18 the Department of Law for the First (1st) Quarter local match requirement of
19 the Child Support Enforcement Program. These sums shall be expended only
20 in the Contractual category of the Program budget.

21 **Section 12. Appropriations to Guam Customs and Quarantine**
22 **Agency.** The sum of Two Hundred Sixty-eight Thousand One Hundred
23 Ninety Dollars (\$268,190) is appropriated from the Customs, Agricultural and
24 Quarantine Inspection Services Fund to the Guam Customs and Quarantine

1 Agency for supplemental funding required by **APPENDIX C** of Public
2 Law Number 26-35 (Customs Staffing Pattern), as amended by this Act.

3 **Section 13. Director's Office, Customs and Quarantine Agency.**
4 **APPENDIX B**, page 16-1 of Public Law Number 26-35
5 (Director's Office) is hereby amended as contained in this Act.

6 **Section 14. Inspection and Control - Airport Operations,**
7 **Customs and Quarantine Agency. APPENDIX B**, page 16-3 of
8 Public Law Number 26-35 (Inspections and Control - Airport Operations) is
9 hereby amended as contained in this Act.

10 **Section 15. Severability.** *If any provision of this Law or its*
11 *application to any person or circumstance is found to be invalid or contrary to*
12 *law, such invalidity shall not affect other provisions or applications of this*
13 *Law which can be given effect without the invalid provisions or application,*
14 *and to this end the provisions of this Law are severable.*

**APPENDIX B
AMENDED BY BILL 205**

Function:	E911 Communications Bureau				
Agency:	Guam Fire Department				
Program #	Intergrated E911 Communications Center				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s)	FY 2002 Other Fund 1/	FY 2002 Total (A+B+C)
	PERSONNEL SERVICES				
0029	Regular Salaries & Other Pay	0	0	628,779	628,779
0049		0	0		0
0034	Benefits	0	0	166,739	166,739
	TOTAL PERSONNEL SERVICES	0	0	795,518	795,518
	OPERATIONS				
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	45,000	45,000
0299	CONTRACTUAL SERVICES:	0	0	328,000	328,000
0349	OFFICE SPACE RENTAL:	0	0	30,000	30,000
0399	SUPPLIES & MATERIALS:	0	0	50,305	50,305
0449	EQUIPMENT:	0	0	80,000	80,000
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0
0799	MISCELLANEOUS - Public Awareness & Ed Programs		0	10,000	10,000
	TOTAL OPERATIONS	0	0	543,305	543,305
	UTILITIES				
0499	Power	0	0	35,000	35,000
0549	Water/ Sewer/Trash	0	0	3,000	3,000
0599	Telephone/ Toll	0	0	27,600	27,600
	TOTAL UTILITIES	0	0	65,600	65,600
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	7,500	7,500
	TOTAL APPROPRIATIONS	0	0	1,411,923	1,411,923
	1/ Enhanced 911 Emergency Reporting Systems Fund				
	FULL TIME EQUIVALENCIES (FTEs)				
	UNCLASSIFIED	0	0	0	0
	CLASSIFIED	0	0	29	29
	TOTAL FTEs	0	0	29	29

**APPENDIX B
AMENDED BY BILL 205**

Function	Health				
Agency	Public Health & Social Services				
Program	Title IIIC1, Congregate Meals				
		A	B	C	D
Oracle					
Budget		FY 2002	FY 2002	FY 2002	FY 2002
Account		General	Federal	Other	Total
Code	Appropriation Classification	Fund	Fund(s) 1/	Fund 2/	(C+D+E)
	PERSONNEL SERVICES				
0029	Regular Salaries & Other Pay	0	0	0	0
0049		0	0	0	0
0034	Benefits	0	0	0	0
	TOTAL PERSONNEL SERVICES	0	0	0	0
	OPERATIONS				
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	0	0
0299	CONTRACTUAL SERVICES:	355,005	933,495	0	1,288,500
0349	OFFICE SPACE RENTAL:	0	0	0	0
0399	SUPPLIES & MATERIALS:	0	0	0	0
0449	EQUIPMENT:	0	0	0	0
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0
0799	MISCELLANEOUS:	0	0	0	0
	TOTAL OPERATIONS	355,005	933,495	0	1,288,500
	UTILITIES				
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	0	0
	TOTAL UTILITIES	0	0	0	0
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	0	0
	TOTAL APPROPRIATIONS	355,005	933,495	0	1,288,500
	1/ Title III-C1 Congregate Meals 85/15%				
	FULL TIME EQUIVALENCIES (FTEs)				
	UNCLASSIFIED	0	0	0	0
	CLASSIFIED	0	0	0	0
	TOTAL FTEs	0	0	0	0

**APPENDIX B
AMENDED BY BILL 205**

Function	Health				
Agency	Public Health & Social Services				
Program	Manamko Yan Manhoben				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s) 1/	FY 2002 Other Fund 2/	FY 2002 Total (A+B+C)
	PERSONNEL SERVICES				
0029	Regular Salaries & Other Pay	0	0	0	0
0049		0	0	0	0
0034	Benefits	0	0	0	0
	TOTAL PERSONNEL SERVICES	0	0	0	0
	OPERATIONS				
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	0	0
0299	CONTRACTUAL SERVICES:	30,773	0	0	30,773
0349	OFFICE SPACE RENTAL:	0	0	0	0
0399	SUPPLIES & MATERIALS:	2,500	0	0	2,500
0449	EQUIPMENT:	0	0	0	0
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0
0799	MISCELLANEOUS:	0	0	0	0
	TOTAL OPERATIONS	33,273	0	0	33,273
	UTILITIES				
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	0	0
	TOTAL UTILITIES	0	0	0	0
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	0	0
	TOTAL APPROPRIATIONS	33,273	0	0	33,273
	2/ Specify Fund Source				
	FULL TIME EQUIVALENCIES (FTEs)				
	UNCLASSIFIED	0	0	0	0
	CLASSIFIED	0	0	0	0
	TOTAL FTEs	0	0	0	0

**APPENDIX B
AMENDED BY BILL 205**

Function	Public Safety				
Agency	Guam Customs and Quarantine Agency				
Program	Director's Office				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s)	FY 2002 Other Fund 1/	FY 2002 Total (A+B+C)
PERSONNEL SERVICES					
0029	Regular Salaries & Other Pay	0	0	772,566	772,566
0049		0	0	0	0
0034	Benefits	0	0	228,540	228,540
	TOTAL PERSONNEL SERVICES	0	0	1,001,107	1,001,107
OPERATIONS					
0249	TRAVEL- Off-Island (Recertification Training)	0	0	0	0
0299	CONTRACTUAL SERVICES:	0	0	403,869	403,869
0349	OFFICE SPACE RENTAL:	0	0	357,874	357,874
0399	SUPPLIES & MATERIALS:	0	0	140,443	140,443
0449	EQUIPMENT:	0	0	3,200	3,200
0749	SUB-RECIPIENT/SUBGRANT:	0	0		0
0799	MISCELLANEOUS: Uniforms @ \$300/officer	0	0	46,800	46,800
	TOTAL OPERATIONS	0	0	952,186	952,186
UTILITIES					
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	77,540	77,540
	TOTAL UTILITIES	0	0	77,540	77,540
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	87,489	87,489
	TOTAL APPROPRIATIONS	0	0	2,118,322	2,118,322
1/ Customs, Agricultural & Quarantine Inspection Services Fund					
FULL TIME EQUIVALENCIES (FTEs)					
	UNCLASSIFIED	0	0	1	1
	CLASSIFIED	0	0	26	26
	TOTAL FTEs	0	0	27	27

**APPENDIX B
AMENDED BY BILL 205**

Function	Public Safety				
Agency	Guam Customs and Quarantine				
Program	Inspection and Control-Airport Operations				
		A	B	C	D
Oracle Budget Account Code	Appropriation Classification	FY 2002 General Fund	FY 2002 Federal Fund(s)	FY 2002 Other Fund 1/	FY 2002 Total (A+B+C)
PERSONNEL SERVICES					
0029	Regular Salaries & Other Pay	0	0	2,378,876	2,378,876
0049		0	0	0	0
0034	Benefits	0	0	709,677	709,677
	TOTAL PERSONNEL SERVICES	0	0	3,088,553	3,088,553
OPERATIONS					
0249	TRAVEL- Off-Island/Local Mileage Reimburs.	0	0	0	0
0299	CONTRACTUAL SERVICES:	0	0	0	0
0349	OFFICE SPACE RENTAL:	0	0	1,518,855	1,518,855
0399	SUPPLIES & MATERIALS:	0	0	0	0
0449	EQUIPMENT:	0	0	0	0
0749	SUB-RECIPIENT/SUBGRANT:	0	0	0	0
0799	MISCELLANEOUS:	0	0	0	0
	TOTAL OPERATIONS	0	0	1,518,855	1,518,855
UTILITIES					
0499	Power	0	0	0	0
0549	Water/ Sewer	0	0	0	0
0599	Telephone/ Toll	0	0	0	0
	TOTAL UTILITIES	0	0	0	0
0899	INDIRECT COST	0	0	0	0
0649	CAPITAL OUTLAY	0	0	0	0
	TOTAL APPROPRIATIONS	0	0	4,607,408	4,607,408
1/ Customs, Agricultural & Quarantine Inspection Services Fund					
FULL TIME EQUIVALENCIES (FTEs)					
	UNCLASSIFIED	0	0	0	0
	CLASSIFIED	0	0	77	77
	TOTAL FTEs	0	0	77	77