




Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker
vicente (ben) c. pangelinan

SEP 22 2003

TIME: 9:26 (AM) (PM)
RECEIVED BY: 

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

SEP 22 2003

The Honorable Vicente C. Pangelinan
Speaker
I Mina'Bente Siete Na Liheslaturan Guahån
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No.92 (COR), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," which I have signed into law on September 19, 2003, as Public Law No. 27-29.

It is with great trepidation and reservation that I have signed Bill 92(COR) into law as Public law 27-29, which I have dubbed the "Blackmail Budget of FY 2004."

The majority leadership of the 27th Guam Legislature intentionally placed an urgent and vital piece of legislation as a provision of this budget measure in order to force my hand at signing it into law. During the review of Bill No. 92(COR), it became clear why the leadership of the Legislature held the Airport Bond and the entire island community hostage to the passage of this budget bill. Bill No. 92(COR) was carelessly crafted and contains numerous deficiencies that depict *I Liheslaturan Guahån's* clear intent to ignore the financial realities of our government and to erode my organic powers as Chief Executive to manage critical services to our people and to reorganize this government.

If not for the Airport bond deadline and the threat of a government shutdown, I can assure you that my actions on Bill No. 92(COR) would have been different. It is truly a sad day in a representative democracy when protecting the public interest is held hostage by self-serving politics, whose complacency will only perpetuate the "business as usual" attitude that put this government in financial crisis in the first place.

The annual government budget is the single most important responsibility of the Legislative Branch. The Legislature's budget debacle shows its disregard for the well-being of the people Guam. The irresponsible move to recess from the Committee of the Whole, in the middle of the most critical budget discussions, was devised to push the



timeline for action to the very last minute, forcing me to sign this bill into law or face your threat of a government shutdown, endangering the health and safety of a community that has already suffered too much. This is a blatant disregard of the trust and confidence placed upon the Legislature to address the critical needs of our island.

As for the specific budgetary problems, it starts with the most fundamental principles of budgeting. We are unable to determine the methodology used by the Legislature in deriving the General Fund revenue level of \$409,915,378, in light of reductions due to the Bush tax initiative and Section 30 funds, which amount to nearly \$30 million combined.

I also have some serious concerns on the revenue levels adopted in the Special Funds category. For example, the projected level for the Tourist Attraction Fund is overly optimistic considering we have experienced the largest decline in visitor arrivals this fiscal year. Moreover, hotels will carry forward their excess losses to the next fiscal year. Based on actual visitor arrivals through August 2003, the hotel occupancy tax is expected to reach a low of approximately \$13.1 million or nearly \$4 million less than what this budget reflects.

The Tumon Redevelopment Bond Fund Interest is also of grave concern as the entire \$3.3 million is virtually non-existent; the most optimistic projection of interest earned through the balance of the project (June 2004) is only \$500,000.

On the expenditure side and in relation to the rest of the government of Guam, the Legislature gave a 30% cut to most agencies, while they reduced their budget by only 2.3%. A Democratic member of the Legislature recently said publicly that they considered themselves a critical agency. This blackmail budget clearly shows that the Legislature believes it is more critical than our schools, our public safety and even our health department.

The Legislature also exempted itself from BBMR's management of allotments when they should be setting the example of fiscal discipline. Then the Legislature proceeded to exempt the Attorney General, the Public Auditor, the Mayors' Council and the Department of Education from this same management of allotments. These entities combined make up nearly 60% of the Executive Branch budget, leaving only 40% at my discretion to manage, severely limiting my ability for effective cash management. While these entities will receive their FULL cash allotments, essential agencies will carry the full burden of this government's continuing cash challenges. By this action, the Legislature has effectively stated that they are untouchable or, at least, unwilling to share in the sacrifice that they continue to impose upon the Guam Police Department, the Guam Fire Department, Public Health, Mental Health, DISID and all other agencies.

Adding further weight to the unfair burden placed upon essential agencies, the Legislature appropriated to the Department of Education about \$5 million from phantom sources. I have submitted within my transmittal of the "Blackmail Budget," a proposed

measure correcting the Legislature's debt service provision error and to appropriate to the Department of Education what they short-changed our children.

Instead of alleviating the burden, the Legislature has only hampered fiscal recovery. On three separate occasions this year, I formally requested that the Legislature address legislation that would allow for the reorganization of the government of Guam and the privatization and outsourcing of many of its services. Each time, you and your colleagues refused to act on my request, and instead offered alternatives that only further complicated and delayed the reorganization process.

In this budget, we see that your alternative to our reorganization efforts is to drastically cut the budgets of nearly every government agency, without providing the tools to adjust to those drastic changes. The consequence of this action is that services will be jeopardized and employees are now placed in harms way by this deficient bill.

The leadership of the Legislature wants my Administration to ignore its obligation to address the real issue of the government's debt to the Retirement Fund by shifting the depository for supplemental annuities and its administration to DOA. This flagrant attempt to circumvent a legal responsibility exposes this government to potential legal challenge. The leadership of the Guam Legislature must confront this issue directly and find a reasonable, legal and realistic solution for our retirees. What was proposed in Bill No. 92(COR) is simply not acceptable.

There are many other issues of concern that I have outlined below. Your "Blackmail Budget" is now law. However, in passing this measure, you have crossed the line from establishing policy to dictating through coercion. Rest assured, I will call upon you throughout this Fiscal year 2004 to address the many inadequacies you created by this measure.

Let this be a warning to the leadership of the 27th Guam Legislature. I will not allow your approach of policy by extortion to go unchecked. I will not let you endanger the school children, the employees of this government, the retirees and the people of Guam with the failures contained in your "blackmail budget." I will respond with bills and solutions. ***In failing to do your job, it has become evident that I will have to do it for you.*** You have effectively forced me to sign Bill 92(COR) into law in order to prevent a government shutdown and the ensuing havoc on October 1, 2003. Your decision to include the Airport Bond refunding as a provision of the budget, even after I called the Legislature into Special Session to address this urgent issue and even after my request that it be removed and addressed separately from the budget, is incomprehensible.

I want to commend the members of the Legislative Minority for their continued efforts to uphold the integrity and responsibilities of the budget process. You have fought the good fight and the people of Guam thank you for your work. I urge you to continue to hold the legislative leadership accountable by exposing through deliberation their political agendas at the expense of the greater good of our people.

The following are specific areas of this “Blackmail Budget” that we have found to be objectionable and problematic.

I. Chapter IV. Miscellaneous Appropriations

1. Section 9. Appropriation to the Department of Education for Non-Personnel Operating Expenses.

The Department of Education has indicated that approximately \$3.8 to \$4.8 million from the National School Lunch and Breakfast Program and State Administrative Expense Funds is expected annually, however, they have been unable to ascertain this claim nor have they been able to verify the amount of prior year lapses currently available for operations. This emphasizes the need for wholesale restructuring of their financial affairs.

2. Section 10. Appropriation for Textbooks.

Section 10 is in direct conflict with Section 22 of Chapter VI. Section 10 of Chapter IV mandates BBMR to “release such allotments as are required,” however, Section 22 of Chapter VI removes BBMR’s allotment authority over DOE.

3. Section 15. Appropriations to the Department of Administration for Sliding Scale Supplemental Annuity Benefits and to the Government of Guam Retirement Fund for Other Costs.

This action on the part of the Guam Legislature is indicative of their unwillingness to address the real issue of the General Fund’s liability to the Retirement Fund, which contributed to the Retirement Fund’s unfunded liability now over \$1 billion.

On the other hand, I proposed in my original bond bill that we earmark \$42.5 million for payments owed the Retirement Fund as follows: \$17.5 million for the outstanding amounts due from the Guam Memorial Hospital, \$15.8 million due from the Department of Education and \$10.1 million due from the Department of Administration. Public law 27-19 eliminated the payment to the Retirement Fund owed by the Guam Memorial Hospital. In this regard, I urge the Legislature to incorporate my original proposal in its disposition of the bond indenture (Bill No. 152).

4. Section 21. Appropriation for Office Space Rental for Government of Guam Departments and Agencies that Relocated from *Tiyan* and Civil Service Commission.

This appropriation was reduced by \$250,000 from my request of \$600,000 down to \$350,000 and is grossly insufficient to address office space rental requirements. This amount funds only six months of rent and still leaves some critical agencies’ rental needs unaddressed, such as the Guam Fire Department and the Department of Revenue and Taxation.

5. Section 22. Appropriation to the Guam Economic Development and Commerce Authority for *I Sengsong Chamorro* Operations.

The appropriation does not provide for operating expenses at *I Sengsong Chamorro*. Clearly, *I Sengsong Chamorro* will require an operating expense budget and this omission will compromise its mission. I urge the Legislature to revisit this section to provide *I Sengsong Chamorro* with funds for operations.

6. Section 28. Appropriations to GVB.

I have exercised my line item veto authority to reduce the appropriation in this section to \$200,000. As you know, excess interest earned up to June 2003 from the Tumon Redevelopment Bond Fund was recently reverted to the Tourist Attraction Fund and ultimately transferred to the Guam Visitors Bureau to fund current operations. Therefore, the appropriation of \$3,294,000 cannot be supported by the current available balance of \$200,000.

7. Section 30. Appropriation for Government of Guam Annual Single-Audit.

I have exercised my line item veto authority to zero the appropriation in this section. This appropriation to the Department of Administration appears to have been misdirected in that the cost of the Single Audit has always been included in the total operational budget of the Office of the Public Auditor. The OPA's budget was funded \$686,150 in FY 2001, \$967,483 in FY 2002, \$887,859 in FY 2003, and \$868,132 for FY 2004. All of the OPA's prior year budgets included the cost of the single audits. The \$300,000 could be more appropriately spent on the Department of Education.

8. Section 31. Court-Appointed Attorney Fees for Indigent Persons Program.

I have exercised my line item veto authority to zero the appropriation in this section. Historically, the court-appointed attorney fees for indigent persons were funded internally by the courts through their operational budget. Pursuant to 7 G.C.A. § 9502(c), the court is authorized to establish a line of credit in which funds shall be deposited in the Appointed Counsel Trust Fund for fees and expenses related to the defense of indigent persons. Therefore, this provision is an unnecessary burden on the General Fund. Again, this \$700,000 can be more appropriately applied to the Department of Education.

9. Section 34. Appropriation to Guam Memorial Hospital.

I have allowed this provision to take effect with great consternation as it sets back years of progress in supporting full self-sufficiency for the Guam Memorial Hospital. This section proffers to appropriate \$3.8 million to GMH to offset the proposed 5% rate increase by the hospital, which is tantamount to a subsidy to pay for operational expenses. If the Legislature had acted on my version of Bill 83, GMH may not now be faced with having to raise its rates to meet operational needs.

10. Section 35 and 36. Appropriation to the Department of Education from the Territorial Educational Facilities Fund for Operations and Appropriation to Y Kuentan Salappe' Prinsepat (Principal's Fund), respectively.

I have exercised my line item veto authority to zero the appropriation in these sections. As discussed previously in this message, these are appropriations from phantom sources. All real property collections, which by law (P.L. 23-14) are deposited into the TEFF, are pledged for debt service that already exceeds the potential revenue of the TEFF.

12. Section 43(c). Guam Police Department Appropriations from the Village Street Fund to GPD for the purchase of marked equipped vehicles that are standard police cruisers and motorcycles, for use by the Neighborhood Patrol Division.

I have exercised my line item veto authority to zero the appropriation in this section. There are insufficient funds in the *Village Street Fund*. The funds in the VSF come from the Surplus Fund of the Guam Highway Fund. Before funds are placed in the Surplus Fund, the Guam Highway Fund must first pay for debt service on the Highway Bond, the Bond Reserve Fund, the Maintenance Operation Fund, the Maintenance and Operation Reserve Fund. After all these obligations have been accommodated, the balance left in the Surplus Fund, if any, is then deposited by law (5 G.C.A. § 1556(k)) into the Village Streets Fund of which fifty-percent (50%) is given to the Mayors Council of Guam. By our estimates, only \$26,000 will be available after all distributions, therefore, the revenue is insufficient to accommodate the \$700,000 appropriation proposed in this section.

13. Section 45. Appropriation to Department of Public Works from the Abandoned Vehicle and Street Light Fund.

I have exercised my line item veto authority to zero the appropriations in (a) and (b) of this section. These appropriations are unnecessary as 16 G.C.A. § 7161 already provides for the continuing appropriation of ninety percent (90%) of sums collected and deposited into the Abandoned Vehicle and Streetlight Fund to the Guam Power Authority for the payment of public streetlights and ten percent (10%) for the removal of abandoned vehicles. To allow passage of this section constitutes a double appropriation. Furthermore, it places a cap on the authorized amount that may become available for the payment of streetlights.

14. Section 46. University of Guam Capital Improvements Fund.

I have exercised my line item veto authority to zero the appropriation in this section. This appropriation is unnecessary as Public Law 26-48 already provides for the continuing appropriation of \$500,000 to the University of Guam Capital Improvements Fund.

III. Chapter V. Miscellaneous Provisions.

1. Section 4. Revenue Tracking and Deficit Prevention Measures.

Section 4(c) of Chapter V is in direct conflict with other provisions of this bill. Section 4(c) provides that the Bureau of Budget and Management Research shall adjust allotments based on actual cash collections. However, Section 22 of Chapter VI precludes fiscal control from certain “select” departments, namely:

Guam Legislature and the Office of Finance and Budget, Office of Public Auditor, Office of the Attorney General, Mayors Council and the Department of Education.

Combined these departments account for sixty-percent (60%) of the total Executive Branch General Fund appropriations per this bill. Yet, in Section 10 of Chapter IV, which appropriates \$3.5 million for textbooks, the Bureau of Budget and Management Research is mandated to release such allotments. This is in direct conflict with Section 22 of Chapter VI.

2. Section 12. Restrictions on Executive Branch Hiring of Unclassified Employees.

The Department of Administration, Department of Revenue and Taxation, and Public Health & Social Services rely heavily on information technology. Personnel in this field are highly technical in nature and are difficult, if impossible, to replace by classified positions. I request that the Legislature add this cadre of employees to the exemption list.

3. Section 16. Subsection (b) of 4 G.C.A. § 4109.2. The Voluntary Transfer of Sick Leave or Annual Leave.

This section attempts to extend the maximum number of days in which the leave sharing program can be utilized. Presently it is set at 90 working days; this section extends it to 180 working days, translating to 36 weeks, or 70% of the work year. Conceivably, an employee without leave can expect to continue to receive a salary for 18 consecutive pay periods. While we are sensitive to the needs of our employees, the government’s financial condition does not lend itself to such a generous benefit program. Also given the new caps set for maximum accumulation of annual, this section may be subject to abuses.

4. Section 27. Prohibition on Lobbying Contracts.

This provision is a prime example of the Legislative Branch impinging on the Executive Branch because it prevents it from effectively accomplishing its organically assigned functions. The Legislature has the power to appropriate money however the Chief Executive has the authority and responsibility to administer the funds appropriated in order to fulfill his organic duty to faithfully execute the laws. By prohibiting the government from expending its funds to hire lobbyists, the Legislature has clearly violated the doctrine of separation of powers.

5. Section 28. Wireless Communications.

This provision endangers the lives of the people of Guam especially during times of emergency and clearly risks the lives of our first responders who will have to encounter dangerous situations without the use of communication. Recent world events – such as the September 11 attacks – have heightened the need for strong and reliable communication capabilities for our front-line responders. Your provision sends us backwards from the need for high-tech communications to a system based on “Dixie cups and string.” *I Mina’Bente Siete Na Liheslaturan Guåhan* has written a provision that now leaves us vulnerable during times of national emergencies and natural disasters. Rather than restricting communications, we should be enhancing it in order to protect our people and our island. It is crucial that the Legislature revisit this issue in order to avoid a major catastrophe.

IV. Chapter VI. Administrative Provision

1. Section 21. Department of Education Transfer Authority.

By virtue of the Organic Act of Guam, the executive power of Guam is vested in the Governor of Guam. This power includes supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. The authority to transfer funds is a tool of supervision and control and is thus inherently an executive function. Since the Department of Education is within the executive branch of the government of Guam, the delegation of transfer authority to the Superintendent of Education, in consultation with the Guam Education Policy Board, is an infringement on the Governor’s organic authority.

2. Section 22. Exemption from BBMR allotment release control.

Again, please refer to my comments regarding Section 4(c) of Chapter V.

Sincerely yours,



FELIX P. CAMACHO

I Maga’lahen Guåhan

Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

September 18, 2003

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



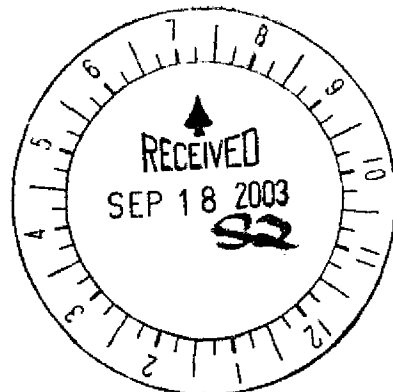
Dear *Maga'lahi* Camacho:

Transmitted herewith is Substitute Bill No. 92(COR) which was passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on September 18, 2003.

Sincerely,

TINA ROSE MUNA BARNES
Legislative Secretary

Enclosure



CFI#0903-3041

SEP 22 2003

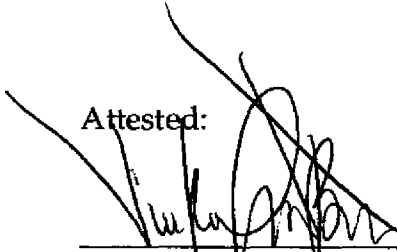
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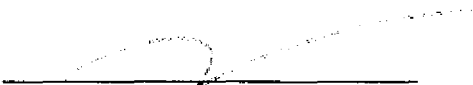
**MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) REGULAR SESSION**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN
GUAHÁN**

This is to certify that Substitute Bill No. 92 (COR) "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," was on the 18th day of September, 2003, duly and regularly passed.


Attested:


TINA ROSE MUÑA BARNES
Senator and Legislative Secretary

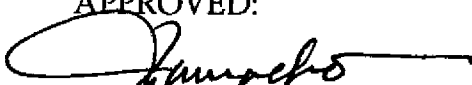


vicente (ben) c. pangelinan
SPEAKER

This Act was received by *I Maga'lahaen Guåhan* this 18 day of SEPT, 2003, at 7 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 9/19/2003

Public Law No. 27-29

**I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session**

Bill No. 92 (COR)

As substituted by the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform and further amended by the Committee; and further substituted by the Committee of the Whole.

Introduced by:

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform
By request of *I Maga'lahaen Guåhan*, the Governor of Guam, in accordance with the Organic Act of Guam, as *amended*.

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

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CHAPTER I.

GENERAL PROVISIONS.

Section 1. Short Title. This Act shall be known as the *"General Appropriations Act of 2004"*. Except as otherwise provided by this Act, the appropriations made by this Act shall be available to pay for obligations incurred on or after October 1, 2003, but no later than September 30, 2004. In the event that any appropriation of this Act is found contrary to federal law, all portions not so found shall remain valid.

Section 2. Estimated Revenues for Fiscal Year 2004. *I Liheslaturan Guåhan*, the Guam Legislature, adopts the following revenue estimate for Fiscal Year 2004, which shall be utilized for appropriations contained herein.

I. GENERAL FUND REVENUES

A. TAXES	AMOUNT
Income Tax (Individual, Corporate, Withholding Interest and Penalties, Provision for Refunds)	\$148,426,549
Gross Receipts Tax	\$189,201,601
B. FEDERAL SOURCES	\$42,389,014
Federal Income Tax Collection (Section 30 Funds); Immigration Fees and Indirect Cost	
C. DEPARTMENT CHARGES/FEES/USE OF MONEY & PROPERTY & OTHER TAXES	\$9,898,214

1	D. OUTSTANDING TAX	
2	RECEIVABLES COLLECTION	\$31,000,000
3	Aggressive Tax Collections	
4	E. ADJUSTMENT FOR BUSH TAX INITIATIVE	(\$11,000,000)
5	(Passed May 28, 2003)	
6	TOTAL GENERAL FUND REVENUE	\$409,915,378
7		
8	II. SPECIAL FUND REVENUES	
9	A. Abandoned Vehicle and Streetlight Fund	\$3,065,720
10	B. Chamorro Land Trust Fund	\$616,526
11	C. Customs, Agricultural and Quarantine Inspection	
12	Services Fund	\$9,558,779
13	D. Enhanced 911 Emergency Reporting System Fund	\$1,300,476
14	E. Guam Contractors License Board Fund	\$272,376
15	F. Guam Highway Fund	\$13,923,539
16	G. Land Survey Revolving Fund	\$217,022
17	H. Parks Fund	\$60,824
18	I. Police Services Fund	\$310,466
19	J. Tourist Attraction Fund	\$17,692,800
20	K. Professional Engineers, Architects and Land	
21	Surveyors Board Fund	\$204,763
22	L. Solid Waste Fund	\$4,056,086
23	M. Guam Education Facility Fund (TEFF)	\$18,025,362
24	N. Healthy Futures Fund	\$10,561,256
25	O. Safe Homes, Safe Streets Fund	\$1,564,838
26	P. Village Streets Fund	\$700,000

1	Q.	Air Pollution Control Fund	\$250,000
2	R.	Guam Environmental Trust Fund	\$250,000
3	S.	Water Research & Development Fund	\$200,000
4	T.	Litter Control Revolving Fund	\$10,000
5	U.	Solid Waste Management Fund	\$75,000
6	V.	Water Protection Fund	\$75,000
7	W.	Tumon Redevelopment Bond Fund Interest	\$3,294,000
8	X.	Environmental Health Fund	\$322,000
9	Y.	UOG Capital Improvements Fund	\$500,000
10	Z.	Manpower Development Fund	\$80,000
11		TOTAL SPECIAL FUND REVENUE	\$87,186,833

12 **III. FEDERAL MATCHING GRANTS-IN-AID REVENUES**

13	A.	Agriculture	\$517,800
14	B.	Guam Council on the Arts and Humanities Agency	\$241,500
15	C.	Guam Environmental Protection Agency	\$1,210,006
16	D.	Guam Police	\$351,929
17	E.	Guam Public Library	\$106,337
18	F.	Integrated Services for Individuals with Disabilities	\$2,061,642
19	G.	Labor	\$33,500
20	H.	Law	\$3,255,035
21	I.	Military Affairs	\$640,560

1	J. Public Health and Social Services	\$18,053,980
2	K. University of Guam	\$1,508,000
3	TOTAL FEDERAL MATCHING	
4	GRANTS-IN-AID REVENUE	\$27,980,289
5	REVENUE SUMMARY:	
6	TOTAL GENERAL FUND REVENUE	\$409,915,378
7	TOTAL SPECIAL FUND REVENUE	\$87,186,833
8	TOTAL FEDERAL MATCHING	
9	GRANTS-IN-AID REVENUE	\$27,980,289
10	GRAND TOTAL	\$525,082,500

1 **CHAPTER II.**

2 **GENERAL APPROPRIATIONS.**

3 **Section 1. Government Appropriations for Fiscal Year 2004.**

4 Five Hundred Twenty-five Million Eighty-two Thousand Five Hundred
5 Dollars (\$525,082,500), composed of Four Hundred Nine Million Nine
6 Hundred Fifteen Thousand Three Hundred Seventy-eight Dollars
7 (\$409,915,378) from the Fiscal Year 2004 General Fund, Eighty-seven
8 Million One Hundred Eighty-six Thousand Eight Hundred Thirty-three
9 Dollars (\$87,186,833) from Special Funds, and Twenty-seven Million
10 Nine Hundred Eighty Thousand Two Hundred Eighty-nine Dollars
11 (\$27,980,289) from Federal Matching Grants-in-Aid, is appropriated for
12 personnel and operational costs, to include utilities, of the Executive,
13 Judicial, and Legislative Branches for Fiscal Year 2004, from October 1,
14 2003, through September 30, 2004, which shall be expended as contained
15 in Chapter IV, APPENDIX A (Personnel and Operations for Education,
16 Public Safety, and Health) and APPENDIX B (Personnel and
17 Operations) of this Act.

1 **CHAPTER III.**

2 **GOVERNMENT OF GUAM GENERAL DEBT SERVICE.**

3 **Section 1. Debt Service Continuing Appropriation.** The

4 following are continuing appropriations for debt service requirements,
5 some of which are not to be construed as additional appropriations
6 pursuant to this Act, as noted:

7 **A. GENERAL OBLIGATION BONDS, 1993**

8 **Series A** (Education Bond (TEFF); for education
9 capital projects; payment from Real Property Tax,
10 P. L. 22-19 as supplemented by P. L. 22-24; not to be
11 construed as an additional appropriation pursuant
12 to this Act) \$12,657,570

13 **B. GENERAL OBLIGATION BONDS, 1995**

14 **Series B** (tax refund, vendor payments;
15 payment from the General Fund; P. L. 23-14) \$17,998,425

16 **C. LIMITED OBLIGATION INFRASTRUCTURE**
17 **IMPROVEMENT BONDS, 1997 Series A Fund**

18 (Tumon Redevelopment; payment from the
19 Tourist Attraction Fund, P. L. 24-111; not to be
20 construed as an additional appropriation pursuant
21 to this Act) \$7,315,970

22 **D. LIMITED OBLIGATION HIGHWAY REFUNDING**
23 **BONDS, 2001 Series A**

24 (payment from the Guam Highway Fund, P. L. 24-70;
25 not to be construed as an additional appropriation
26 pursuant to this Act) \$6,027,181

1	E. LIMITED OBLIGATION (SECTION 30) BONDS,	
2	2001 Series A	
3	(Water System Revenue Bond; payment from	
4	Section 30 Funds)	\$9,824,393
5	F. 2002 SHORT TERM FINANCING	
6	(payment from the General Fund, P. L. 26-84)	\$1,281,818
7	DEBT SERVICE GRAND TOTAL	\$55,105,357

CHAPTER IV.

MISCELLANEOUS APPROPRIATIONS.

Section 1. Appropriation for Fiscal Year 2004 to the University of Guam for Scholarships and Training Programs.

(a) Student Scholarships, Financial Assistance Programs and Program Administration. The sum of One Million Five Hundred Twenty-three Thousand Nine Hundred Ninety Dollars (\$1,523,990) is appropriated from the General Fund to the University of Guam for Fiscal Year 2004, to be expended for the following student scholarships, financial assistance programs and program administrations: Merit Awards, Student Loans, Nurse Training Programs, Professional and Technical Awards, Reserve Officer Training Corps ("ROTC"), Regent Scholarships, Marine Lab Graduates Assistance Programs, Doctoral Fellowships (for students currently enrolled and nearing program completion), Early High School Admission Programs, Pedro "Doc" Sanchez Scholarship Programs, John F. Quan Memorial Scholarship Program and administration of all student financial assistance programs.

The University of Guam shall determine the allocation of this appropriation in order to fund the various student scholarships, financial assistance programs and program administration.

(b) Dr. Antonio C. Yamashita Educator Corps. The sum of One Million One Hundred Thousand Dollars (\$1,100,000) is appropriated from the General Fund to the University of Guam for Fiscal Year 2004, which shall disburse the funds pursuant to the directives and policies of the Educator Corps Council, for stipends for the Dr. Antonio C. Yamashita

1 Educator Corps and for the administration of the Educator Corps Council,
2 in accordance with the provisions of Public Law 24-231, and §15107 of Title
3 17 of the Guam Code Annotated, as *amended*.

4 **(c) Transfer Authorization from Dr. Antonio C. Yamashita**
5 **Educator Corps.** The Board of Regents of the University of Guam is
6 authorized to transfer up to One Million Dollars (**\$1,000,000**) of carryover
7 funds from the Dr. Antonio C. Yamashita Educator Corps to the Student
8 Financial Assistance Program; provided, *however*, that no benefits to
9 recipients in the Dr. Antonio C. Yamashita Educator Corps as of October 1,
10 2003, are to be diminished.

11 **(d) Carryover of Lapses.** Notwithstanding any other provision of
12 law and in accordance with the provisions set forth in this Section,
13 unexpended funds appropriated in prior Fiscal Years to the programs
14 under items (a) and (b) herein are available for the respective Scholarship
15 Programs for Fiscal Year 2004.

16 **Section 2. Appropriation to the Department of Administration**
17 **for the Government Claims Fund.**

18 (a) The sum of One Hundred Fifty-one Thousand Two Hundred
19 Fifteen Dollars (**\$151,215**) is appropriated from the General Fund to the
20 Government Claims Fund under the Department of Administration for the
21 payment of eligible and approved Government Claims for Fiscal Year 2004.

22 (b) The Director of the Department of Administration shall no later
23 than forty-five (45) days after the close of each quarter of the Fiscal Year
24 submit to the Speaker of *I Liheslaturan Guåhan* a full disclosure of all
25 expenditures of said funds of this appropriation.

1 **Section 3. Appropriation to the Worker's Compensation Fund.**

2 (a) The sum of Six Hundred Four Thousand Eight Hundred Sixty
3 Dollars (**\$604,860**) is appropriated from the General Fund to the Worker's
4 Compensation Fund. The funds appropriated in this Section shall be
5 utilized for worker's compensation payments for the purposes set out in
6 §9144 of Title 22 of the Guam Code Annotated to pay workers
7 compensation for claims by employees of the government of Guam,
8 including outstanding prior years' obligations and future obligations
9 associated with the provisions of this Section.

10 (b) Notwithstanding any other provision of law, the appropriation
11 made in this Section may be used to pay for medical, surgical, and other
12 attendance or treatment; nurses; hospital services; medical travel and/or
13 per diem; medicine; crutches; and apparatus required by the claimant for
14 such period as the nature of the injury, or the process of recovery, may
15 require.

16 (c) Notwithstanding any other provision of law, the appropriation
17 made in this Section shall not be expended for disability compensation
18 payments for FTE's funded by this Act.

19 (d) Notwithstanding any other provision of law, the hearing officer
20 is authorized to spend *up to* Twenty Thousand Dollars (**\$20,000**) for Fiscal
21 Year 2004 to pay for the services of a Worker's Compensation hearing
22 consultant, attorney or firm from the appropriation to the Worker's
23 Compensation Fund for Fiscal Year 2004.

24 **Section 4. Office of *I Maga'laha*n *Guåhan* Appropriation.** The
25 sum of Four Million Four Hundred Seventy-eight Thousand Ninety Dollars

1 (\$4,478,090) is hereby appropriated from the General Fund to the Office of *I*
2 *Maga'lahaen Guåhan* for its operations, inclusive of Personnel Services, for
3 the period of October 1, 2003, through September 30, 2004, for the
4 following:

5 (a) **Office of *I Maga'lahaen Guåhan*.** The amount of Two Million
6 Seven Hundred Fourteen Thousand Six Hundred Sixty-three Dollars
7 (\$2,714,663) for the Office of *I Maga'lahaen Guåhan*.

8 (b) **Office of *I Segundu na Maga'lahaen Guåhan*.** The amount of One
9 Million One Hundred Sixty-three Thousand Four Hundred Twenty-seven
10 Dollars (\$1,163,427) for the Office of *I Segundu na Maga'lahaen Guåhan*.

11 (c) **Medical Referral Office.** The amount of Six Hundred
12 Thousand Dollars (\$600,000) for the Medical Referral Offices located in Los
13 Angeles, California; Hawaii, and the Philippines.

14 (d) **Carryover of Lapses.** The unexpended balance of the sums
15 appropriated to the Office of *I Maga'lahaen Guåhan* in Fiscal Year 2003 are
16 available for use in Fiscal Year 2004.

17 **Section 5. Guam State Clearinghouse Appropriation.** The sum of
18 Three Hundred Twenty-five Thousand Dollars (\$325,000) is appropriated
19 from the Fiscal Year 2004 General Fund to the Guam State Clearinghouse
20 as established by Public Law 26-169 for Fiscal Year 2004.

21 **Section 6. Appropriation to the Department of Youth Affairs for**
22 **Sanctuary, Inc.** The sum of Two Hundred Forty-one Thousand Nine
23 Hundred Forty-four Dollars (\$241,944) is appropriated from the General
24 Fund to the Department of Youth Affairs ("DYA") for Sanctuary, Inc., for
25 their Fiscal Year 2004 operations. DYA shall make a report of the

1 expenditures of the funds of this appropriation to *I Maga'lahen Guåhan* and
2 *I Liheslaturan Guåhan*, within sixty (60) days following the end of the fiscal
3 year covered herein.

4 **Section 7. Appropriation to the Department of Administration**
5 **for the Residential Treatment Fund.** The sum of One Million Five
6 Hundred Twenty-four Thousand Five Hundred Fifty-three Dollars
7 **(\$1,524,553)** is appropriated from the General Fund to the Department of
8 Administration (“DOA”) to pay authorized expenses in Fiscal Year 2004 for
9 persons under the jurisdiction of the Superior Court of Guam for
10 residential care arising from physical, mental or emotional disabilities, or
11 from severe emotional disturbances. All patients and escorts referred off
12 Guam shall submit to the Director of DOA supporting documents to justify
13 reimbursement of their travel expenses.

14 **Section 8. Appropriation to the Department of Education for**
15 **Summer School.**

16 (a) There is hereby appropriated such sums as are generated from
17 the Summer School Fund established pursuant to §6119 of Article 1, of
18 Chapter 6 of Division 1 of Title 17, Guam Code Annotated, to the
19 Department of Education to fund the operation of the 2004 Summer School
20 Program.

21 (b) The Superintendent of Education shall submit a detailed report
22 to *I Liheslaturan Guåhan* on the expenditure of said funds no later than
23 thirty (30) days upon the conclusion of summer school.

1 **Section 9. Appropriation to the Department of Education for**
2 **Non-Personnel Operating Expenses.**

3 (a) All monies collected by the Department of Education (“DOE”)
4 from the school lunch program, and Federal funds paid to the government
5 of Guam for reimbursement under the National School Lunch and
6 Breakfast Program and State Administrative Expense (“SAE”) Funds are
7 hereby appropriated to DOE for non-personnel operating expenses to
8 cover the operational needs in accordance with established guidelines for
9 such programs.

10 (b) A new §4107 is *added* to Title 17, Guam Code Annotated, to read:

11 “§4107. **Lost and Damaged Textbooks.** There is hereby
12 created a ‘Lost and Damaged Textbook Fund’ kept separate from
13 other funds of the government of Guam, to be administered by the
14 Superintendent of Education. All funds received by schools for lost
15 or damaged textbooks shall be deposited into the Lost and Damaged
16 Textbook Fund and used to purchase new textbooks and collateral
17 classroom instructional materials.”

18 (c) The Superintendent of Education shall make a separate report of
19 the revenues and expenditures for each of the fund sources listed in
20 Subsection (a) of this Section to *I Maga’lahen Guåhan*, and *I Liheslaturan*
21 *Guåhan*, within thirty (30) days of the close of each quarter in Fiscal Year
22 2004.

23 **Section 10. Appropriation for Textbooks.**

24 (a) The sum of Three Million Five Hundred Thousand Dollars
25 (\$3,500,000) is appropriated from the General Fund from Fiscal Year 2005

1 revenues to the Department of Education (“DOE”) for the purchase of
2 textbooks and collateral materials, for schools of Guam. DOE may, *if*
3 *necessary*, in agreements with textbook vendors, defer payment until *after*
4 October 1, 2004, but *not later than* December 31, 2004, with full faith and
5 credit of the government of Guam.

6 DOE shall order textbooks and collateral classroom instructional
7 materials funded by this Section *no later than* March 1, 2004, and the Bureau
8 of Budget and Management Research shall release such allotments as are
9 required in order to ensure such textbooks and collateral classroom
10 instructional materials are ordered by this deadline. All funds
11 appropriated for textbooks and collateral classroom instructional materials
12 are restricted and shall not be used for any other purpose.

13 (b) Upon the enactment of this Act, on the fifteenth (15th) day of each
14 month, the Superintendent of Education shall provide a detailed report to *I*
15 *Liheslaturan Guåhan* on the total expenditures and specifically textbooks
16 and collateral classroom instructional materials purchased in accordance
17 with these funds.

18 (c) Notwithstanding any other provisions of law, funds
19 appropriated in prior fiscal years for the advanced appropriations in Fiscal
20 Year 2003 and Fiscal Year 2004 contained in Section 26 of Chapter III of
21 Public Law 26-35 and in Section 21 of Chapter III of Public Law 26-152
22 respectively, are hereby available for use for the purchase of textbooks in
23 Fiscal Year 2004 or until fully expended.

1 **Section 11. Appropriation to the Guam Public Library for Library**
2 **Books.**

3 (a) The sum of Fifty Thousand Dollars (**\$50,000**) is appropriated
4 from the General Fund to the Guam Public Library for the purchase of
5 library books and reference materials.

6 (b) The unexpended balance, estimated in the amount of One
7 Hundred Thousand Dollars (**\$100,000**), of the appropriation from the
8 General Fund to the Guam Public Library for the purchase of library books
9 and reference materials for Fiscal Year 2003 shall *not* revert back to the
10 General Fund, but shall be carried over into Fiscal Year 2004 to be
11 expended in accordance with the original purpose of said funds.

12 **Section 12. Appropriations to the Guam Community College.**

13 (a) The sum of Twelve Million Four Hundred Twenty-one
14 Thousand Five Hundred Thirty-two Dollars (**\$12,421,532**) is hereby
15 appropriated from the General Fund to the Guam Community College
16 (“GCC”) for its operations, inclusive of its Personnel Services, for the
17 period October 1, 2003, through September 30, 2004.

18 (b) **Appropriation to Assist the GCC Apprenticeship Students.**
19 The sum of Eighty Thousand Dollars (**\$80,000**) is hereby appropriated from
20 the Manpower Development Fund to Guam Community College for
21 assistance to apprentices enrolled in courses at the Guam Community
22 College.

23 (c) GCC is hereby authorized to use Fiscal Year 2003 lapsed funds in
24 Fiscal Year 2004 or until fully expended.

1 **Section 13. Appropriations to the University of Guam.**

2 **(a) Appropriation.** The sum of Twenty-six Million Six Hundred
3 Nineteen Thousand Three Hundred Sixty-two Dollars (\$26,619,362) is
4 hereby appropriated to the University of Guam ("UOG") for its Fiscal Year
5 2004 operations, inclusive of its Personnel Services. This sum is composed
6 of Twenty-five Million One Hundred Eleven Thousand Three Hundred
7 Sixty-two Dollars (\$25,111,362) from the General Fund and One Million
8 Five Hundred Eight Thousand Dollars (\$1,508,000) from Federal matching
9 Grants-In-Aid.

10 **(b) Appropriation for Aquaculture Development and Training**
11 **Center.** The sum of One Hundred Forty Thousand Dollars (\$140,000) is
12 hereby appropriated from the General Fund to the University of Guam
13 ("UOG") for the *sole* purpose of funding the continued operations of the
14 Aquaculture Development and Training Center. Such funds may *not* be
15 transferred or used for any other purpose.

16 **(c) Appropriation for WERI's GHS.** The sum of Two Hundred
17 Four Thousand Two Hundred Dollars (\$204,200) is hereby appropriated
18 from the General Fund to the University of Guam ("UOG") to fund the
19 Water and Environmental Research Institute of the Western Pacific
20 ("WERI") for the *sole* purpose of funding the Guam Hydrologic Survey
21 ("GHS"). WERI shall continue to administer the GHS for the same
22 purposes that have previously been established by the laws of Guam. Such
23 funds may *not* be transferred or used for any other purpose.

24 **(d) Appropriation for WERI's Comprehensive Water Resource**
25 **Monitoring Program.** The sum of One Hundred Seventy-three Thousand

1 Nine Hundred Forty-eight Dollars (\$173,948) is hereby appropriated from
2 the General Fund to the University of Guam ("UOG") to fund the Water
3 and Environmental Research Institute of the Western Pacific ("WERI").
4 Such funds shall be used for the *sole* purpose of matching the Federal
5 funding for the Comprehensive Water Resource Monitoring Program.
6 WERI shall continue to administer the Comprehensive Water Resource
7 Monitoring Program for the same purposes that have previously been
8 established by the laws of Guam. Such funds may *not* be transferred or
9 used for any other purpose.

10 (e) UOG is hereby authorized to use Fiscal Year 2003 lapsed funds in
11 Fiscal Year 2004 or until fully expended.

12 **Section 14. Appropriation to the Department of Public Health and**
13 **Social Services for Public Assistance Program Payments.**

14 (a) The sum of Nine Million Five Hundred Forty-six Thousand Two
15 Hundred Ninety-three Dollars (\$9,546,293) is appropriated from the
16 General Fund to the Department of Public Health and Social Services for
17 Public Assistance Program payments for Fiscal Year 2004.

18 (b) The unexpended balance of the appropriation from the General
19 Fund to the Department of Public Health and Social Services for Public
20 Assistance Programs for Fiscal Year 2003 shall *not* revert back to the
21 General Fund, but shall be carried over into Fiscal Year 2004 to be
22 expended in accordance with the original purpose of said funds.

1 **Section 15. Appropriations to the Department of Administration**
2 **for Sliding Scale Supplemental Annuity Benefits and to the Government**
3 **of Guam Retirement Fund for Other Costs.**

4 (a) The Sum of Six Million Nine Hundred Thousand Seven
5 Hundred Seventy-five Dollars (**\$6,900,775**) is hereby appropriated from the
6 General Fund to the Supplemental Annuity Benefits Special Fund for the
7 period October 1, 2003 to September 30, 2004, for direct payment to those
8 employees who retired prior to October 1, 1995, or their survivors, for the
9 continuing provisions of Items (1) through (4), below.

10 (1) Four Thousand Two Hundred Thirty-eight Dollars
11 (**\$4,238**) for supplemental annuity benefits, known as the sum of One
12 Thousand Two Hundred Dollars (**\$1,200**), One Thousand Five
13 Hundred Dollars (**\$1,500**), Seven Hundred Dollars (**\$700**), and Eight
14 Hundred Thirty-eight Dollars (**\$838**) in annual benefits formerly
15 contained in various General Appropriation Acts, for those
16 employees who retired as of October 1, 1977, or their survivors. This
17 amount shall now be known as Class 1 Retiree Supplemental
18 Annuity Benefits.

19 (2) Three Thousand Thirty-eight Dollars (**\$3,038**) for
20 supplemental annuity benefits, comprised of the sum of One
21 Thousand Five Hundred Dollars (**\$1,500**), Seven Hundred Dollars
22 (**\$700**), and Eight Hundred Thirty-eight Dollars (**\$838**) in annual
23 annuity benefits formerly contained in various General
24 Appropriation Acts, for those employees who retired between

1 October 2, 1977, and October 1, 1980, or their survivors. This amount
2 shall now be known as Class 2 Retiree Supplemental Annuity
3 Benefits.

4 (3) Two Thousand Three Hundred Thirty-eight Dollars
5 (\$2,338) for supplemental annuity benefits, comprised of the sum of
6 One Thousand Five Hundred Dollars (\$1,500), and Eight Hundred
7 Thirty-eight Dollars (\$838) in annual annuity benefits formerly
8 contained in various General Appropriation Acts, for those
9 employees who retired between October 2, 1980, and October 1, 1982,
10 or their survivors. This amount shall now be known as Class 3
11 Retiree Supplemental Annuity Benefits.

12 (4) One Thousand Five Hundred Dollars (\$1,500) for
13 supplemental annuity benefits composed of the annual sum of One
14 Thousand Five Hundred Dollars (\$1,500) in annual annuity benefits,
15 formerly contained in various General Appropriation Acts, for those
16 employees who retired between October 2, 1982, and October 1, 1995,
17 or their survivors. This amount shall now be known as Class 4
18 Retiree Supplemental Annuity Benefits.

19 (b) No persons eligible for Class 1, 2, 3, or 4 Retiree Supplemental
20 Annuity Benefits provided for in Subsection (a) of this Section shall receive
21 such benefit if their regular annual retirement annuity prior to the
22 supplemental amounts herein is more than Forty Thousand Dollars
23 (\$40,000). Persons eligible for Class 1, 2, 3, or 4 Retiree Supplemental
24 Annuity Benefits shall only receive an amount of such benefits up to the

1 total aggregate sum of Forty Thousand Dollars (**\$40,000**) in combined
2 retirement annuities and supplemental retirement annuities and not more.

3 (c) For October 1, 2003, to September 30, 2004, of Fiscal Year 2004,
4 the Guam Power Authority, the Guam Telephone Authority, the A. B. Won
5 Pat International Airport Authority Guam, the Guam Economic
6 Development and Commerce Authority, the Guam Housing Corporation,
7 the Government of Guam Retirement Fund, the Jose D. Leon Guerrero Port
8 Authority, the Guam Waterworks Authority and the Guam Visitors Bureau
9 shall remit to the Government of Guam Retirement Fund an amount equal
10 to the number of eligible employees which are retired from each entity
11 multiplied by the amounts listed in Items (1) through (4) in Subsection (a)
12 of this Section. The remittance shall be due on or before October 10, 2003,
13 and April 15, 2004, respectively.

14 (d) The Department of Administration shall be the responsible entity
15 to disburse to the retirees or their survivors the supplemental annuities
16 pursuant to Subsection (a) of this Section. The Government of Guam
17 Retirement Fund shall provide the necessary information for disbursement
18 to the retirees or their survivors to the Department of Administration.

19 (e) The Sum of Seven Million Eight Hundred Five Thousand Four
20 Hundred Seventy-six Dollars (**\$7,805,476**) is hereby appropriated from the
21 General Fund to the Government of Guam Retirement Fund for the
22 payment of benefits of current retirees from October 1, 2003, to September
23 30, 2004, consisting of the continuing provisions of Items (1) through (2),
24 below:

1 (1) Retiree group health, dental and life insurance premiums
2 (to continue existing programs currently contained in the semi-
3 monthly payments); and

4 (2) Retiree life insurance subsidy (to continue existing
5 programs currently contained in the semi-monthly payments).

6 (f) For October 1, 2003, through September 30, 2004, of Fiscal Year
7 2004, the sum of Seventy-five Thousand Dollars (\$75,000) is hereby
8 appropriated from the General Fund to the Government of Guam
9 Retirement Fund to defray the cost of Medicare premiums for Government
10 of Guam Retirees and their survivors who are eligible to receive social
11 security income benefits and are required under the government of Guam
12 group health insurance program to pay such premiums to continue to
13 participate in such health insurance program failing which they are
14 excluded therefrom (to continue existing programs contained in the
15 monthly payments).

16 (g) The Government of Guam Retirement Fund shall promulgate,
17 continue and amend, if necessary, previous administrative procedures to
18 ensure the proper submission, receipt and accounting of all sums remitted
19 in conformance with Subsection (c) of this Section.

20 (h) For October 1, 2003, to September 30, 2004, of Fiscal Year 2004,
21 the sum of One Hundred Five Thousand Dollars (\$105,000) is hereby
22 appropriated from the General Fund to the Government of Guam
23 Retirement Fund for *I Maga'lahi* and *I Segundu na Maga'lahi/I Segundu na*
24 *Maga'haga* Pensions.

1 (i) The Government of Guam Retirement Fund is hereby
2 authorized to use its Fiscal Year 2003 supplemental annuities lapsed funds
3 in Fiscal Year 2004 and until fully expended for the *sole* purpose of paying
4 Fiscal Year 2003 supplemental annuities obligations.

5 (j) There is hereby established, separate and apart from other funds
6 of the government of Guam, a special fund to be known as the
7 Supplemental Annuity Benefits Special Fund ("Fund"). The Fund shall *not*
8 be commingled with the General Fund and shall be kept in a separate bank
9 account which shall be administered by the Director of the Department of
10 Administration. This Fund shall *not* be subject to *I Maga'lahaen Guåhan*
11 transfer authority.

12 **Section 16. Survivor Sliding Scale Annuity Additions.** A new Item
13 (6) is hereby *added* to Subsection (d) of 4 GCA §8135 to read:

14 "(6) the prospective payment of supplemental benefits for the
15 period October 1, 2003, through September 30, 2004, for survivors of
16 those employees who retired prior to October 1, 1995, to be paid in
17 the following manner:

18 (i) Four Thousand Two Hundred Thirty-eight Dollars
19 **(\$4,238)** in Class 1 Retiree Supplemental Annuity Benefits,
20 known as the sum of One Thousand Two Hundred Dollars
21 **(\$1,200)**, One Thousand Five Hundred Dollars **(\$1,500)**,
22 Seven Hundred Dollars **(\$700)**, and Eight Hundred Thirty-
23 eight Dollars **(\$838)** in *annual* benefits formerly contained in
24 various General Appropriation Acts, for survivors of those
25 employees who retired as of October 1, 1977.

1 (ii) Three Thousand Thirty-eight Dollars (\$3,038) in
2 prospective Class 2 Retiree Supplemental Annuity Benefits
3 comprised of the sum of One Thousand Five Hundred
4 Dollars (\$1,500), Seven Hundred Dollars (\$700), and Eight
5 Hundred Thirty-eight Dollars (\$838) in *annual* annuity
6 benefits formerly contained in various General
7 Appropriation Acts, for survivors of those employees who
8 retired between October 2, 1977, and October 1, 1980.

9 (iii) Two Thousand Three Hundred Thirty-eight Dollars
10 (\$2,338) in Class 3 Retiree Supplemental Annuity Benefits,
11 comprised of the sum of One Thousand Five Hundred
12 Dollars (\$1,500), and Eight Hundred Thirty-eight Dollars
13 (\$838) in *annual* annuity benefits formerly contained in
14 various General Appropriation Acts, for survivors of those
15 employees who retired between October 2, 1980 and October
16 1, 1982.

17 (iv) One Thousand Five Hundred Dollars (\$1,500) in
18 Class 4 Retiree Supplemental Annuity Benefits, composed of
19 the sum of One Thousand Five Hundred Dollars (\$1,500) in
20 *annual* annuity benefits, formerly contained in various
21 General Appropriation Acts, for survivors of those
22 employees who retired between October 2, 1982, and
23 October 1, 1995.

24 (v) No persons eligible for Class 1, 2, 3, or 4 Retiree
25 Supplemental Annuity Benefits provided for in paragraph

1 (6) of this Section shall receive such benefit if their regular
2 *annual* retirement annuity prior to the supplemental
3 amounts herein is more than Forty Thousand Dollars
4 **(\$40,000)**. Persons eligible for Class 1, 2, 3, or 4 Retiree
5 Supplemental Annuity Benefits shall only receive an amount
6 of such benefits up to the total aggregate sum of Forty
7 Thousand Dollars **(\$40,000)** in combined retirement
8 annuities and supplemental retirement annuities and not
9 more.”

10 **Section 17. Disability Sliding Scale Annuity Additions.** A new
11 Subsection (g) is hereby *added* to 4 GCA §8129 to read as follows:

12 “(g) Any disability retirement annuitant who commenced
13 receiving a disability retirement annuity prior to October 1, 1995, and
14 who is entitled to disability retirement benefits under this Chapter
15 shall receive, during the period commencing on October 1, 2003, and
16 ending on September 30, 2004, prospective non-cumulative
17 supplemental annuity benefits as follows:

18 (1) Four Thousand Two Hundred Thirty-eight Dollars
19 **(\$4,238)** in Class 1 Retiree Supplemental Annuity Benefits,
20 known as the sum of One Thousand Two Hundred Dollars
21 **(\$1,200)**, One Thousand Five Hundred Dollars **(\$1,500)**,
22 Seven Hundred Dollars **(\$700)**, and Eight Hundred Thirty-
23 eight Dollars **(\$838)** in *annual* benefits formerly contained in
24 various General Appropriation Acts, for those employees
25 who retired as of October 1, 1977.

1 (2) Three Thousand Thirty-eight Dollars (\$3,038) in
2 Class 2 Retiree Supplemental Annuity Benefits comprised of
3 the sum of One Thousand Five Hundred Dollars (\$1,500),
4 Seven Hundred Dollars (\$700), and Eight Hundred Thirty-
5 eight Dollars (\$838) in *annual* annuity benefits formerly
6 contained in various General Appropriation Acts, for those
7 employees who retired between October 2, 1977, and
8 October 1, 1980.

9 (3) Two Thousand Three Hundred Thirty-eight Dollars
10 (\$2,338) in Class 3 Retiree Supplemental Annuity Benefits,
11 comprised of the sum of One Thousand Five Hundred
12 Dollars (\$1,500), and Eight Hundred Thirty-eight Dollars
13 (\$838) in *annual* annuity benefits formerly contained in
14 various General Appropriation Acts, for those employees
15 who retired between October 2, 1980, and October 1, 1982.

16 (4) One Thousand Five Hundred Dollars (\$1,500) in
17 Class 4 Retiree Supplemental Annuity Benefits, composed of
18 the sum of One Thousand Five Hundred Dollars (\$1,500) in
19 *annual* annuity benefits, formerly contained in various
20 General Appropriation Acts, for those employees who
21 retired between October 2, 1982, and October 1, 1995, or their
22 survivors.

23 (5) No persons eligible for Class 1, 2, 3, or 4 Retiree
24 Supplemental Annuity Benefits provided for in paragraph
25 (g) of this Section shall receive such benefit if their regular

1 *annual* retirement annuity prior to the supplemental
2 amounts herein is more than Forty Thousand Dollars
3 (\$40,000). Persons eligible for Class 1, 2, 3, or 4 Retiree
4 Supplemental Annuity Benefits shall only receive an amount
5 of such benefits up to the total aggregate sum of Forty
6 Thousand Dollars (\$40,000) in combined retirement
7 annuities and supplemental retirement annuities and not
8 more.”

9 **Section 18. Sliding Scale Annuity Additions.** A new Item (6) is
10 hereby *added* to 4 GCA §8122(d) to read as follows:

11 “(6) Any retirement annuitant who commenced receiving a
12 retirement annuity prior to October 1, 1995, and who is entitled to
13 retirement benefits under this Chapter shall receive, during the
14 period commencing on October 1, 2003, and ending on September 30,
15 2004, prospective, non-cumulative supplemental annuity benefits as
16 follows:

17 (i) Four Thousand Two Hundred Thirty-eight Dollars
18 (\$4,238) in Class 1 Retiree Supplemental Annuity Benefits,
19 known as the sum of One Thousand Two Hundred Dollars
20 (\$1,200), One Thousand Five Hundred Dollars (\$1,500), Seven
21 Hundred Dollars (\$700), and Eight Hundred Thirty-eight
22 Dollars (\$838) in *annual* benefits formerly contained in various
23 General Appropriation Acts, for those employees who retired
24 as of October 1, 1977.

1 (ii) Three Thousand Thirty-eight Dollars (\$3,038) in
2 Class 2 Retiree Supplemental Annuity Benefits comprised of
3 the sum of One Thousand Five Hundred Dollars (\$1,500), Seven
4 Hundred Dollars (\$700), and Eight Hundred Thirty-eight
5 Dollars (\$838) in *annual* annuity benefits formerly contained in
6 various General Appropriation Acts, for those employees who
7 retired between October 2, 1977, and October 1, 1980.

8 (iii) Two Thousand Three Hundred Thirty-eight Dollars
9 (\$2,338) in Class 3 Retiree Supplemental Annuity Benefits,
10 comprised of the sum of One Thousand Five Hundred Dollars
11 (\$1,500), and Eight Hundred Thirty-eight Dollars (\$838) in
12 *annual* annuity benefits formerly contained in various General
13 Appropriation Acts, for those employees who retired between
14 October 2, 1980, and October 1, 1982.

15 (iv) One Thousand Five Hundred Dollars (\$1,500) in
16 Class 4 Retiree Supplemental Annuity Benefits, composed of
17 the sum of One Thousand Five Hundred Dollars (\$1,500) in
18 *annual* annuity benefits, formerly contained in various General
19 Appropriation Acts, for those employees who retired between
20 October 2, 1982, and October 1, 1995, or their survivors.

21 (v) No persons eligible for Class 1, 2, 3, or 4 Retiree
22 Supplemental Annuity Benefits provided for in paragraph (6)
23 of this Section shall receive such benefit if their regular *annual*
24 retirement annuity prior to the supplemental amounts herein is
25 more than Forty Thousand Dollars (\$40,000). Persons eligible

1 for Class 1, 2, 3, or 4 Retiree Supplemental Annuity Benefits
2 shall only receive an amount of such benefits up to the total
3 aggregate sum of Forty Thousand Dollars (\$40,000) in
4 combined retirement annuities and supplemental retirement
5 annuities and not more.”

6 **Section 19. Medically Indigent Program (MIP) and Medicaid**
7 **Program Appropriation.**

8 (a) The sum of Sixteen Million One Hundred Thousand Dollars
9 (\$16,100,000) is appropriated from the General Fund to the Medically
10 Indigent Program Payment Revolving Fund (“MIPPR”) for the Medically
11 Indigent Program (“MIP”) and Medicaid Program for Fiscal Year 2004.

12 (b) The unexpended balance of the appropriation from the General
13 Fund to the MIP and Medicaid Programs for Fiscal Year 2003 shall *not*
14 revert back to the General Fund, but shall be carried over into Fiscal Year
15 2004 to be expended in accordance with the original purpose of said funds.

16 **Section 20. Appropriation for Insurance Coverage of Public**
17 **Facilities.**

18 (a) The sum of Seven Hundred Ninety Thousand Dollars (\$790,000)
19 is appropriated from the General Fund for Fiscal Year 2004 to the
20 Department of Administration for insurance coverage of public facilities in
21 compliance with requirements set forth by the Federal Emergency
22 Management Agency, including but not limited to, the Department of
23 Education facilities, but excluding autonomous agency facilities. The
24 Department of Administration shall be the coordinating agency for the
25 solicitation and acquisition of such insurance coverage, which coverage

1 shall be up to and include, September 30, 2004. The funds appropriated
2 herein shall *not* be subject to *I Maga'lahaen Guåhan's* transfer authority.

3 (b) The Director of the Department of Administration shall submit
4 no later than thirty (30) days after the close of each quarter a detailed report
5 to the Speaker of *I Liheslaturan Guåhan* of the expenditures contained in the
6 provisions of this Section.

7 **Section 21. Appropriation for Office Space Rental for**
8 **Government of Guam Departments and Agencies that Relocated from**
9 ***Tiyan* and Civil Service Commission.**

10 (a) The sum of Three Hundred Fifty Thousand Dollars (\$350,000) is
11 appropriated from the General Fund to the Department of Administration
12 for the cost of office space rental of government of Guam departments and
13 agencies, excluding autonomous agencies, that relocated their offices from
14 *Tiyan* and Civil Service Commission. The sums provided herein shall be
15 for Fiscal Year 2004.

16 (b) The department head of each agency shall, *no* later than thirty
17 (30) days following the enactment hereof, submit to the Speaker of *I*
18 *Liheslaturan Guåhan* a full disclosure of all rental allotments received in
19 accordance with the provisions of this Section.

20 **Section 22. Appropriation to the Guam Economic Development**
21 **and Commerce Authority for *I Sengsong Chamorro* Operations.** The sum
22 of Two Hundred Twenty-four Thousand One Hundred Forty-three Dollars
23 (\$224,143) is appropriated from the General Fund to the Guam Economic
24 Development and Commerce Authority for Personnel Services of the *I*
25 *Sengsong Chamorro* for Fiscal Year 2004.

1 **Section 23. Appropriation to *I Liheslaturan Guåhan*.** The sum of
2 Six Million Nine Hundred Thirty-seven Thousand Six Hundred Ten
3 Dollars (**\$6,937,610**) is hereby appropriated from the General Fund to *I*
4 *Liheslaturan Guåhan* for its operations, including Personnel Services, for the
5 period October 1, 2003, through September 30, 2004. The unexpended
6 balance of sums appropriated to *I Liheslaturan Guåhan* in Fiscal Year 2003
7 are available for use in Fiscal Year 2004.

8 **Section 24. Appropriations to Mayors Council of Guam.**

9 (a) The sum of Six Million Seven Hundred Fifty-six Thousand Three
10 Hundred Ten Dollars (**\$6,756,310**) is hereby appropriated from the General
11 Fund to the Mayors Council for Personnel Services, operations and utilities,
12 for the period October 1, 2003, through September 30, 2004, and for prior
13 year obligations.

14 (b) Lapses in the Mayors Council Fiscal Year 2003 budget and the
15 Municipal Fund shall *not* revert back to the General Fund, but shall be
16 carried over into the next Fiscal Year 2004 to be used solely for prior year
17 obligations, operations and utilities.

18 (c) The amount of Four Hundred Thousand Dollars (**\$400,000**) is
19 hereby appropriated from the Village Streets Fund to the Mayors Council
20 of Guam. The purpose of such funds is for the maintenance and
21 beautification of village roads, repair and renovation of senior citizen
22 centers and youth facilities, and stray animal control. Such funds shall *not*
23 be subject to any transfer authority of *I Maga'lahren Guåhan*. The Village
24 Streets Fund shall be divided among the Village Mayors as follows:

1 1. Each Mayor shall be allocated the sum of Fifteen Thousand
2 Dollars (\$15,000); and

3 2. The remaining balance of the Village Streets Fund shall be
4 distributed to each Mayor on a *pro rata* basis based on the total local
5 road mileage in each village as a percentage of the total local road
6 mileage in the 1998 Local Road Inventory of the Department of Public
7 Works.

8 (d) The sum of Three Hundred Eighty Thousand Dollars (\$380,000)
9 is hereby appropriated to the Mayors Council from the Safe Homes, Safe
10 Streets Fund to be expended, in accordance with plans approved by the
11 Village Municipal Planning Council and filed with the Director of the
12 Department of Administration, on public safety and social programs that
13 enforce alcohol regulations, reduce underage drinking, support traffic
14 safety, reduce drug-related violence and abuse, and/or support
15 government of Guam Substance Abuse prevention programs.

16 **Section 25. Appropriation to Office of Finance and Budget.** There
17 is hereby appropriated from the General Fund to *I Liheslaturan Guåhan*,
18 specifically for the Office of Finance and Budget ("OFB"), the sum of Five
19 Hundred Thirteen Thousand Three Hundred Thirty-five Dollars (\$513,335)
20 for operations, inclusive of Personnel Services, for the period October 1,
21 2003, through September 30, 2004. The unexpended balance of sums
22 appropriated to the Office of Finance and Budget in Fiscal Year 2003 shall
23 be available to OFB to use in Fiscal Year 2004.

1 **Section 26. Appropriation to Office of the Public Auditor.**

2 (a) The sum of Eight Hundred Sixty-eight Thousand One Hundred
3 Thirty-two Dollars (**\$868,132**) is hereby appropriated from the General
4 Fund to the Office of the Public Auditor for its operations, inclusive of its
5 Personnel Services, for the period October 1, 2003, through September 30,
6 2004.

7 (b) Lapses in the Office of the Public Auditor Fiscal Year 2003
8 budget shall *not* revert back to the General Fund, but shall be carried over
9 into Fiscal Year 2004 for operational expenses.

10 **Section 27. Appropriation to Office of the Attorney General.**

11 (a) The sum of Eight Million Six Hundred Seventy-eight Thousand
12 Two Hundred Fifty-seven Dollars (**\$8,678,257**) is hereby appropriated to
13 the Office of the Attorney General for its operations, inclusive of its
14 Personnel Services, for the period October 1, 2003, through September 30,
15 2004. This sum is comprised of Five Million Four Hundred Twenty-three
16 Thousand Two Hundred Twenty-two Dollars (**\$5,423,222**) from the General
17 Fund and Three Million Two Hundred Fifty-five Thousand Thirty-five
18 Dollars (**\$3,255,035**) from Federal Matching Grants-in-Aid.

19 (b) Lapses in the Office of the Attorney General Fiscal Year 2003
20 budget shall *not* revert back to the General Fund, but shall be carried over
21 into Fiscal Year 2004.

22 **Section 28. Appropriations to Guam Visitors Bureau.** The sum of
23 Thirteen Million Six Hundred Seventy Thousand Eight Hundred Thirty
24 Dollars (**\$13,670,830**), consisting of Ten Million Three Hundred Seventy-six
25 Thousand Eight Hundred Thirty Dollars (**\$10,376,830**) from the Tourist

1 Attraction Fund ("TAF"), and all interest available which shall not be less
 2 than ~~Three Million Two Hundred Ninety-four Thousand Dollars~~
 3 ~~(\$3,294,000)~~ ^{TWO HUNDRED THOUSAND DOLLARS} from the Tumon Redevelopment Bond Fund Interest, is hereby
 4 appropriated to the Guam Visitors Bureau ("GVB") for the following,
 5 which is inclusive of operations and Personnel Services, for the period
 6 October 1, 2003, through September 30, 2004.

7 (a) General Appropriations

8 (1) General Administration

9	(a) Personnel	\$1,288,316
10	(b) Contractual	\$208,800
11	(c) Legal Services	\$40,000
12	(d) Utilities	\$105,120
13	(e) Supplies and Materials	\$10,000
14	(f) Dues and Assessments	\$36,000
15	(g) Travel and Promotional	
16	Souvenirs	\$15,000
17	(h) Administrative Printing and Public	
18	Education Awareness	\$34,400

19 **General Administration Subtotal** **\$1,737,636**

20	(2) Marketing	\$9,899,719
21	(3) Printing/Promotional	\$355,200
22	(4) Cultural Heritage	\$390,000
23	(5) Community Development	\$275,000
24	(6) TIR/Visitor Satisfaction	\$185,000
25	(7) Research	\$418,275

26 **General Appropriations Total** **\$13,260,830**

1 **(b) Special Projects.** The sum of Four Hundred Ten Thousand
2 Dollars **(\$410,000)** is appropriated from the Tourist Attraction Fund
3 (“TAF”) to GVB for the purpose of funding the following special projects:

4 (1) The sum of Two Hundred Sixty Thousand Dollars
5 **(\$260,000)** for the Tumon and Agana Beach Cleaning and
6 Maintenance.

7 (2) The sum of Ninety Thousand Dollars **(\$90,000)** for the
8 Tumon Landscaping Maintenance.

9 (3) The sum of Ten Thousand Dollars **(\$10,000)** for the
10 Tumon Beach Beautification.

11 (4) The sum of Fifty Thousand Dollars **(\$50,000)** for the
12 Guam Fantasy Fireworks.

13 **(c) Guam Visitors Bureau Transfer Authority.** The Guam Visitors
14 Bureau is hereby authorized transfer authority over the monies
15 appropriated herein. Such transfer authority shall *not* apply to transfers
16 from the General Administration category and shall *not* permit transfers
17 into or out of the Personnel Services category.

18 **(d) Administrative Provisions.**

19 (1) The appropriations made in Subsection (a) of this Section
20 shall *not* be expended for any other purpose.

21 (2) *Except* for the transfer authority provided in Subsection
22 (c) of this Section, no other transfer is authorized from the
23 appropriations made in this Section.

24 (3) Unless otherwise stipulated in this Act, the Tourist
25 Attraction Fund (“TAF”) appropriations contained herein

1 shall be utilized *solely* for the purposes outlined herein
2 and shall *not* be subject to any transfer authority by *I*
3 *Maga'lahaen Guåhan*.

4 **Section 29. Appropriations to the Guam Environmental Protection**
5 **Agency.**

6 (a) **Air Pollution Control Special Fund.** The sum of Two
7 Hundred Fifty Thousand Dollars (\$250,000) is hereby appropriated from
8 the Air Pollution Control Special Fund (10 GCA §49107) to the Guam
9 Environmental Protection Agency for personnel, equipment, supplies,
10 utilities, miscellaneous, contractual and capital outlay.

11 (b) **Guam Environmental Trust Fund.** The sum of Two Hundred
12 Fifty Thousand Dollars (\$250,000) is hereby appropriated from the Guam
13 Environmental Trust Fund (10 GCA §45200) to the Guam Environmental
14 Protection Agency, for hazardous waste cleanups, for the Supplemental
15 Environmental Project ("SEP") of the pending Ordot Dump Consent
16 Decree inclusive of household hazardous waste collection, transport,
17 processing, storage and disposal, personnel, equipment, contractual and
18 supplies.

19 (c) **Water Research and Development Fund.** The sum of Two
20 Hundred Thousand Dollars (\$200,000) is hereby appropriated from the
21 Water Research and Development Fund (P. L. 22-47, 10 GCA Chapter 46,
22 §46116) to the Guam Environmental Protection Agency for contractual,
23 supplies, equipment, miscellaneous and capital outlay.

24 (d) **Litter Control Revolving Fund.** The sum of Ten Thousand
25 Dollars (\$10,000) is hereby appropriated from the Litter Control Revolving

1 Fund (P. L. 23-64, 10 GCA §51204) to the Guam Environmental Protection
2 Agency for general operations.

3 (e) **Solid Waste Management Fund.** The sum of Seventy-five
4 Thousand Dollars (\$75,000) from the Solid Waste Management Fund (P. L.
5 23-64, 10 GCA §51117) to the Guam Environmental Protection Agency for
6 contractual, equipment, supplies and capital outlay.

7 (f) **Water Protection Fund.** The sum of Seventy-five Thousand
8 Dollars (\$75,000) is hereby appropriated from the Water Protection Fund
9 (P. L. 25-152, Rules and Regulations, §10108G) to the Guam Environmental
10 Protection Agency for contractual, equipment, supplies and capital outlay.

11 (g) **Transfer Exemption.** The funds appropriated in this Section
12 are *not* subject to *I Maga'lahaen Guahan's* transfer authority.

13 **Section 30. Appropriation for Government of Guam Annual**
14 **Single-Audit.** The sum of ~~Three Hundred Thousand Dollars (\$300,000)~~ ^{ZERO} is
15 hereby appropriated from the General Fund to the Department of
16 Administration for the *sole* purpose of outsourcing the government of
17 Guam annual single financial audit for Fiscal Year 2003. The Office of the
18 Public Auditor shall be responsible for the administration of such funds
19 and shall maintain oversight of the conduct of the annual audit.

20 **Section 31. Court-Appointed Attorney Fees for Indigent Persons**
21 **Program.** The amount of ~~Seven Hundred Thousand Dollars (\$700,000)~~ ^{ZERO} is
22 hereby appropriated from the General Fund to the Superior Court of
23 Guam, for the *sole* purpose of addressing private court-appointed attorney
24 fees related to the legal defense of indigent people. Such funds shall be
25 deposited into the Appointed Counsel Trust Fund ("Fund") account, as

1 stipulated in 7 GCA §22111 and shall *not* be subject to any transfer
2 authority.

3 No increase in fees or creation of new fees by the courts of Guam
4 shall be part of or revert to the Judicial Building Fund. Any such increase
5 or new fee shall *not* be expended by the Supreme Court or Superior Court
6 of Guam. Such funds shall be subject to Legislative appropriation.

7 **Section 32. Firefighters Equipment Replacement and Repair Fund.**

8 The sum of Three Hundred Thousand Dollars (\$300,000) is hereby
9 appropriated from the General Fund to the Firefighters Equipment
10 Replacement and Repair Fund. Funds are to be used for the purpose of
11 replacing the Guam Fire Department's essential fire fighting equipment in
12 accordance with Public Law 25-03.

13 **Section 33. Catastrophic Illnesses Program Appropriation.** The
14 amount of One Million Dollars (\$1,000,000) from the General Fund is
15 hereby appropriated to the Department of Public Health and Social
16 Services for the *sole* purpose of funding the Catastrophic Illness Program
17 for Fiscal Year 2004. The funds appropriated herein shall *not* be subject to *I*
18 *Maga'lahaen Guåhan's* transfer authority.

19 **Section 34. Appropriation to Guam Memorial Hospital.** The
20 amount of Three Million Eight Hundred Thousand Dollars (\$3,800,000) is
21 hereby appropriated from the Healthy Futures Fund to the Guam
22 Memorial Hospital for the purposes of offsetting the proposed five percent
23 (5%) across-the-board hospital fee increases and for the treatments that are
24 necessary as a result of tobacco, alcohol and substance abuse. The funds
25 appropriated herein shall *not* be subject to *I Maga'lahaen Guåhan's* transfer

1 authority and shall revert to the Healthy Futures Fund if hospital fees are
2 increased in Fiscal Year 2003 or Fiscal Year 2004.

3 **Section 35. Appropriation to the Department of Education from**
4 **the Territorial Educational Facilities Fund for Operations.**

5 Notwithstanding any other provision of law, rule, or regulation, the
6 amount of ~~Four Million Eight Hundred Twenty five Thousand Two~~
7 ~~Hundred Forty nine Dollars (\$4,825,249)~~ ^{ZERO} is hereby appropriated from the
8 Territorial Educational Facilities Fund to the Department of Education for
9 operational and capital expenses specifically for capital outlay, equipment,
10 supplies, repairs, renovations and capital improvements to schools from
11 October 1, 2003, through September 30, 2004.

12 **Section 36. Appropriation to *Y Kuantan Salappe' Prinsepat***
13 **(Principal's Fund).** The amount of ~~Five Hundred Forty two Thousand~~
14 ~~Five Hundred Forty three Dollars (\$542,543)~~ ^{ZERO} is hereby appropriated from

15 the Territorial Educational Facilities Fund to *Y Kuantan Salappe' Prinsepat*
16 (Principal's Fund), as amended by P. L. 23-128, to be expended in
17 accordance with the purposes listed in 17 GCA §10102. The
18 Superintendent of Education shall allocate this appropriation equally to all
19 public schools. Such funds shall not be subject to any transfer authority of *I*
20 *Maga'lahaen Guahan*.

21 **Section 37. Department of Education Interscholastic Sports**

22 **Program Appropriation.** The sum of Five Hundred Nine Thousand Two
23 Hundred Forty-six Dollars (\$509,246) is hereby appropriated from the
24 Healthy Futures Fund to the Interscholastic Sports Fund within the
25 Department of Education to fund its Interscholastic Sports Program for

1 School Year 2003-2004. Expenditure of these funds will be subject to Title
2 17 GCA §7104.4.

3 **Section 38. Department of Education Health/Physical Activities**
4 **Appropriation.** The sum of Three Hundred Twenty-four Thousand Four
5 Hundred Sixteen Dollars (**\$324,416**) is hereby appropriated from the
6 Healthy Futures Fund to the Department of Education for Health/Physical
7 Education programs and activities.

8 **Section 39. Department of Public Health and Social Services**
9 **Appropriation.**

10 **(a) Community Health Centers.** The sum of One Million Four
11 Hundred Twenty-three Thousand Five Hundred Sixty Dollars (**\$1,423,560**)
12 is hereby appropriated from the Healthy Futures Fund to the Department
13 of Public Health and Social Services to expand the capacity of the Northern
14 and Southern Community Health Centers (the "Centers") to provide
15 primary and preventive care to the Medically Indigent Program ("MIP")
16 clients, which shall include the expansion of clinical and support staff
17 services.

18 Effective May 2004, all MIP clients shall be seen at the Centers while
19 specialty care will continue to be contracted with private physicians in the
20 community.

21 **(b) Division of Environmental Health.** The sum of Three
22 Hundred Twenty-two Thousand Dollars (**\$322,000**) is hereby appropriated
23 from the Environmental Health Fund to the Division of Environmental
24 Health for operations, inclusive of Personnel Services.

1 **Section 40. Appropriation to the Department of Mental Health**
2 **and Substance Abuse.** The sum of One Million Dollars (\$1,000,000) is
3 hereby appropriated from the Healthy Futures Fund to the Department of
4 Mental Health and Substance Abuse for the purpose of expansion of
5 programs such as the New Beginnings, services for children with severe
6 emotional disorders, and youth prevention programs such as substance
7 and tobacco abuse prevention.

8 **Section 41. Child Mental Health Initiative Program Grant Fund.**
9 The sum of Two Hundred Fifty Thousand Dollars (\$250,000) is hereby
10 appropriated annually for Fiscal Years 2004, 2005, 2006, 2007 and 2008 from
11 the Healthy Futures Fund to the Child Mental Health Initiative Program
12 Grant Fund as a local match to the Child Mental Health Initiative Program
13 Grant to support children and adolescents (under 22 years of age) with
14 serious emotional disturbances and their families.

15 **Section 42. Coalition for a Tobacco-Free Guam Appropriation.**
16 The sum of One Hundred Fifty Thousand Dollars (\$150,000) is hereby
17 appropriated from the Healthy Futures Fund to the Department of Mental
18 Health and Substance Abuse for the *sole* purpose of contracting with a non-
19 governmental organization whose primary purpose is to promote, develop
20 and establish a coalition of public and private organizations for a tobacco-
21 free Guam that advances health programs and policies that lead to a
22 decreased use of tobacco products and a resultant decrease in morbidity
23 and mortality in Guam and throughout Micronesia, and to engage in
24 strategic planning and actions related to tobacco control and creating
25 tobacco-free environments.

1 **Section 43. Guam Police Department Appropriations.**

2 (a) The sum of Five Hundred Eighty-two Thousand Four Hundred
3 Thirty-four Dollars (**\$582,434**) is hereby appropriated from the Safe Homes,
4 Safe Streets Fund to the Guam Police Department to fund the
5 Victims/Witness Assistance Program and the three (3) year Federal fund
6 local matching requirement for the Community Oriented Policing Services
7 ("COPS") Universal Hiring Program.

8 (b) The unexpended funds appropriated to the Guam Police
9 Department in the amount of Eighty Thousand Dollars (**\$80,000**) for the
10 COPS program for Fiscal Year 2003 shall be available in Fiscal Year 2004 in
11 accordance with the original purpose of said funds.

12 (c) Notwithstanding the provisions contained within Section
13 1594(k)(1) of Title 5 of the Guam Code Annotated, the sum of ~~Three~~
14 ~~Hundred Thousand Dollars (\$300,000)~~ ^{ZERO} is hereby appropriated from the
15 *Village Streets Fund* to the Guam Police Department for the purchase of
16 marked, equipped police vehicles, that is standard police cruisers and
17 motorcycles, for use by the Neighborhood Patrol Division

18 **Section 44. Department of Youth Affairs Appropriation.**

19 (a) The amount of Two Hundred Fifty Thousand Dollars
20 (**\$250,000**) is hereby appropriated from the Safe Homes, Safe Streets Fund
21 to the Department of Youth Affairs consistent with §26302 (d), Title 11,
22 GCA for Fiscal Year 2004.

23 (b) Upon the enactment of this Act, on the fifteenth (15th) day of
24 each month, the Director of DYA shall provide a detailed report to the

1 Speaker of *I Liheslaturan Guåhan* on the total expenditures and specific
2 program of said expenditures as contained in the provisions of this Section.

3 **Section 45. Appropriation to Department of Public Works.** The
4 Sum of ~~Three Million Sixty-five Thousand Seven Hundred Twenty Dollars~~
5 ~~(\$3,065,720)~~ is hereby appropriated from the Abandoned Vehicle and Street
6 Light Fund to the Department of Public Works for the following purposes:

7 (a) ~~Two Million Seven Hundred Fifty-nine Thousand One~~
8 ~~Hundred Forty-eight Dollars (\$2,759,148)~~ for payment to the
9 Guam Power Authority for power consumption of public street
10 lights.

11 (b) ~~Three Hundred Six Thousand Five Hundred Seventy-two~~
12 ~~Dollars (\$306,572)~~ for the removal of abandoned vehicles.

13 **Section 46. University of Guam Capital Improvements Fund.**
14 There is hereby appropriated ~~Five Hundred Thousand Dollars (\$500,000)~~
15 for Fiscal Year 2004 and annually thereafter to the University of Guam
16 Capital Improvements Fund, created in P. L. 26-48, from the portion of the
17 Mass Transit Authority Surcharge funds collected pursuant to §26503 of
18 Title 11 of the Guam Code Annotated, and set aside for the Guam Mass
19 Transit Authority.

20 **Section 47. Department of Revenue and Taxation Appropriation.**
21 The amount of Two Million Dollars (\$2,000,000) is hereby
22 appropriated from the General Fund to the Department of Revenue and
23 Taxation for the purpose of funding the operations, inclusive of Personnel
24 Services, to address aggressive tax collections and increased tax refund
25 processing.

26

CHAPTER V.

MISCELLANEOUS PROVISIONS.

Section 1. Cost Containment Measures.

(a) Salary Increments and Merit Bonuses Freeze.

(1) **Restriction.** Notwithstanding any other provisions of law, rule, or regulation, a freeze on all salary increments and merit bonuses shall take effect October 1, 2003, and shall remain in effect through September 30, 2004, and shall be applicable to all positions within every branch of government; public corporations; all government of Guam departments, bureaus, and agencies; instrumentalities, entities or sub-entities of the Executive, Legislative, and Judicial Branches; the Mayors Council; and Mayoral Offices.

(2) **Continuation of Annual Review.** The freeze on salary increments does *not* preclude the agency from conducting the normal performance review of each employee up for such review. These performance reviews shall be completed for employees due such review and shall be filed in the employee's personnel jacket for record purposes.

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

Notwithstanding any other provisions of law, rule, or regulation, effective October 1, 2003, there is hereby put into effect a government-wide moratorium on reclassifications and above-step recruitments, which shall remain in effect through September 30, 2004, and shall be applicable to all positions within every branch of government; public corporations; all

1 government of Guam departments, bureaus, and agencies;
2 instrumentalities, entities or sub-entities of the Executive, Legislative or
3 Judicial Branches; the Mayors Council; and Mayoral Offices, *except* for the
4 following positions:

5 (1) teachers and on-call substitutes of the Department of
6 Education;

7 (2) licensed and allied healthcare professionals;

8 (3) Academic Personnel for University of Guam and Guam
9 Community College; and

10 (4) positions determined by the Civil Service Commission
11 (“CSC”) as difficult to recruit.

12 **Section 2. Government of Guam Retirement Fund Rate of**
13 **Contribution.** §8137(e) of Article 1, Chapter 8 of Title 4 of the Guam Code
14 Annotated is hereby *amended* to read as follows:

15 “(e) From October 1, 2000, the government rate of contribution for
16 agencies receiving appropriations from *I Liheslaturan Guåhan* and for
17 Federally funded programs shall equal 18.6%. From October 1, 2001, the
18 government rate of contribution for agencies receiving appropriations from
19 *I Liheslaturan Guåhan* and for Federally funded programs shall equal
20 eighty-five percent (85%) of the sum of the contribution rates required
21 under §§ 8137(a) and 8137(b) up to a *maximum* of 19.8016%. From October
22 1, 2002, the government rate of contribution for agencies receiving
23 appropriations from *I Liheslaturan Guåhan* and for Federally funded
24 programs shall equal twenty-six percent (26%). From March 1, 2003, the
25 government rate of contribution for agencies receiving appropriations from

1 *I Liheslaturan Guåhan* and for Federally funded programs shall equal
2 eighteen percent (18%) and thereafter shall be one hundred percent (100%)
3 of the sum of the contribution rates required under §8137(a) and adopted
4 by the Board pursuant to §8137(b). From October 1, 2003, the government
5 rate of contribution for agencies receiving appropriations from *I*
6 *Liheslaturan Guåhan* and for Federally funded programs shall equal 20.81%.

7 From October 1, 2000, the government rate of contribution for
8 autonomous agencies not receiving appropriations from *I Liheslaturan*
9 *Guåhan* shall equal one hundred percent (100%) of the sum of the
10 contribution rates required under §§ 8137(a) and 8137(b) up to a maximum
11 of twenty-one percent (21%). From October 1, 2002, the government rate of
12 contribution for autonomous agencies not receiving appropriations from *I*
13 *Liheslaturan Guåhan* shall equal one hundred percent (100%) of the sum of
14 the contribution rates required under §§ 8137(a) and 8137(b) up to a
15 maximum of twenty-six percent (26%). From March 1, 2003, the
16 government rate of contribution for autonomous agencies not receiving
17 appropriations from *I Liheslaturan Guåhan* shall be eighteen percent (18%),
18 and thereafter shall equal to one hundred percent (100%) of the sum of the
19 contribution rates required under §8137(a) and adopted by the Board
20 pursuant to §8137(b). From October 1, 2003, the government rate of
21 contribution for autonomous agencies not receiving appropriations from *I*
22 *Liheslaturan Guåhan* shall equal 20.81%.”

23 **Section 3. Staffing Pattern and Expenditure Reporting.**

24 (a) **Staffing Pattern.** Beginning October 1, 2003, and continuing on
25 each quarter thereafter, each agency or department head in the Executive

1 Branch of the government of Guam, the Presiding Judge of the Superior
2 Court of Guam, the Chief Justice of the Supreme Court of Guam, and the
3 Chairperson of the Board of Trustees of the Public Defender Service
4 Corporation shall submit to the Speaker of *I Liheslaturan Guåhan* a current
5 staffing pattern, as of the previous month's ending, of employees funded
6 by the respective instrumentality. Such staffing pattern shall include *at a*
7 *minimum* the name, position, salary, and benefits for each employee, as well
8 as the funding source for the salary and benefits of each employee. In lieu
9 of staffing patterns, the requirements of this subsection may be met by
10 submission of the disclosable portions of the Payroll Registers for the
11 respective departments or agencies for the previous month.

12 **(b) Expenditures.** Thirty (30) days after the end of each quarter of
13 Fiscal Year 2004, each agency or department head in the Executive Branch
14 of the government of Guam, the Presiding Judge of the Superior Court of
15 Guam, the Chief Justice of the Supreme Court of Guam, and the
16 Chairperson of the Board of Trustees of the Public Defender Service
17 Corporation shall submit to the Speaker of *I Liheslaturan Guåhan* a detailed
18 report, in writing, of full and complete expenditures for their respective
19 instrumentality for the preceding quarter, inclusive of sources of funding
20 for such expenditures.

21 **(c) Electronic Data.** In addition to the written documents requested
22 in subsections (a) and (b) of this Section, reports shall be submitted in
23 electronic format (including but not limited to disk, CD, and/or email) to
24 the Speaker of *I Liheslatura*.

1 **Section 4. Revenue Tracking and Deficit Prevention Measures.**

2 All appropriations shall be considered as authorizations for maximum
3 expenditures, based upon the forecast of revenues assumed to be sufficient
4 to provide for such expenditures.

5 **(a) Agency Head Allotment Restriction.** It is the duty of an agency
6 head *not* to exceed any allotment assigned to that agency at any time
7 during the execution of the approved budget. The requirements of Chapter
8 14 of Title 4 of the Guam Code Annotated, relative to Certifying Officers,
9 shall be adhered to in the execution of these duties.

10 **(b) Deficit Prevention.** For purposes of preventing a deficit in any
11 fund, all branches of government that receive government funds shall
12 participate in deficit prevention efforts. A deficit of any fund shall be made
13 up by canceling unexpended allotments of any prior appropriations or
14 transfer.

15 **(c) BBMR Revenue Tracking.** The Director of the Bureau of Budget
16 and Management Research (“BBMR”) shall determine, *no later than* forty-
17 five (45) days *after* the close of each quarter of the Fiscal Year, the revenue
18 tracking for the balance of the Fiscal Year based upon the *actual* collections
19 of the preceding quarter, and shall effectuate the adjustment of budget
20 allotments, unless otherwise stipulated herein, commensurate with any
21 expected decline in revenues, and shall give notice of such revenue and
22 allotment adjustments to the Speaker of *I Liheslaturan Guåhan* *no later than*
23 sixty (60) days *after* the close of each quarter of the Fiscal Year.

24 **(d) Contracts Exceeding Funds Restriction.** No agency shall
25 contract to spend, or enter into an agreement to spend, any money in *excess*

1 of the amount allotted to the agency by BBMR, and any contract or
2 agreement in violation of this provision shall be null and void.

3 **(e) Criminal Penalty for Violation of Contractual Restriction.** Any
4 agency head or Certifying Officer who knowingly contracts to spend or
5 enters into an agreement to spend any money in *excess* of the amount
6 allotted to the agency for whom the contract or agreement is executed shall
7 be guilty of a misdemeanor, punishable under Guam law.

8 **(f) Enforcement.** The agency head should *strictly* observe the
9 enforcement of proper government spending as prescribed in Chapter 7 of
10 Title 5 of the Guam Code Annotated.

11 **Section 5. Moratorium on Compensation for Boards and**
12 **Commissions.** Notwithstanding any other provision of law, rule, or
13 regulation, and except for the Civil Service Commission, the Guam
14 Education Policy Board, and the Consolidated Commission on Utilities, a
15 moratorium is hereby placed on the compensation of all members of
16 government boards and commissions for their attendance at hearings or
17 meetings, through the end of Fiscal Year 2004.

18 **Section 6. Amendment of Night Differential Pay.** 4 GCA §6217 is
19 hereby *amended* to read:

20 “§6217. All employees of the government of Guam, except the
21 department or agency heads and the Deputy Directors, shall be entitled to
22 night differential pay, calculated at the rate of their regular wage plus ten
23 percent (10%), for all periods worked between the hours of 6 p.m. and 6
24 a.m., provided they work a minimum of four (4) consecutive hours within
25 that time period.”

1 **Section 7. Transfer of Employees.** Notwithstanding any other
2 provision of law, and in recognition of the shortages of personnel in certain
3 areas of the government, *I Maga'láhen Guåhan* is authorized to transfer
4 employees within or between any department or agency of the government
5 of Guam, *except* that:

6 1. The provisions of this Section shall *not* apply to any
7 employee of the Legislative or Judicial Branches of government,
8 personnel within the Department of Education, and personnel within
9 the University of Guam and Guam Community College;

10 2. The transfer of any employee shall *not* result in a loss of pay
11 or salary;

12 3. The transfer of any employee shall *not* occur if the employee
13 has filed a legitimate grievance with the Civil Service Commission for
14 discrimination based on political affiliation, gender, or sexual
15 harassment, unless the said transfer is agreed to by the employee;

16 4. The provisions of this Section shall *not* provide for the
17 transfer of autonomous agency employees into line departments or
18 agencies;

19 5. The transfer of any employee pursuant to this Section shall
20 be accompanied with the authorized funding for the transferred
21 employee's position by the department or agency from which the
22 employee is being transferred, unless the employee is transferred to
23 an autonomous department or agency. The Director of the
24 Department of Administration shall submit to the Speaker of *I*

1 *Liheslaturan Guåhan* and the Director of the Civil Service Commission
2 notification of said transfer;

3 6. The employee shall be provided written notice thirty (30)
4 days prior to the beginning of the pay period in which the employee
5 is to be transferred, *unless* the notice period is voluntarily waived by
6 the employee; *and*

7 7. This Section shall *not* be used to transfer employees acting in
8 the best interest of the government in reporting or exposing bad
9 business practices, illegal activities, or unofficial conduct by public
10 officials.

11 **Section 8. Furlough and Layoff Procedures.** *I Maga'lahi* is
12 authorized to continue in Fiscal Year 2004 the furlough and layoff
13 procedures in accordance with the requirements of this Section. The
14 Personnel Rules and Regulations of any government of Guam
15 departments, bureaus or agencies which includes autonomous agencies or
16 other instrumentalities of the Executive Branch of the government of
17 Guam, but excludes the University of Guam and the Guam Community
18 College, shall be followed subject to the following:

19 (a) The written notice procedures contained in the Personnel Rules
20 and Regulations for furloughs and layoffs shall be for thirty (30) days.

21 (b) The government shall pay for both government and employee
22 health insurance contributions during any period of furlough only when
23 the employee is certified to have family income at or below the Department
24 of Public Health & Social Services' Medically Indigent Program Income
25 Eligibility Level for the specific household size.

1 (c) Employees with some form of income (e.g., spouse's income,
2 part-time or full-time job, etc.) during the furlough period shall be required
3 to pay for the employee's contribution only, of the health plan premium,
4 provided that income is greater than the Department of Public Health &
5 Social Services' Medically Indigent Program Income Eligibility Level for
6 the specific household size. Employees who wish to continue their life
7 insurance benefits shall be required to pay for the premium for
8 supplemental plans only. The employee shall continue to be fully covered
9 for the basic life insurance while on furlough.

10 (d) Upon furlough of identified personnel, any appropriations to
11 such agency in excess of actual personnel costs and the cost for continuing
12 healthcare benefits shall be reverted to the original funding source.

13 (e) Furloughed employees shall be recalled according to need,
14 classification, or ability to do the job based on retention standing points.
15 The recall notice shall be sent by registered mail, return receipt requested,
16 to the current home address furnished by the employee. It is solely the
17 responsibility of the employee to ensure that the agency has their current
18 home address.

19 (f) Unless and until made available to the furloughed employee, any
20 position affected by furlough shall only be filled by the incumbent,
21 provided the incumbent wishes to return and responds to the recall in
22 conformance with the Personnel Rules and Regulations, *however*, such
23 incumbent may be displaced in accordance with employees' retention
24 standing points.

1 (g) Employees returning from furlough shall be paid the same salary
2 as before they were furloughed. Any unused sick leave or annual leave
3 accrued prior to the furlough shall be reinstated. All employment benefits
4 shall be restored at the same rate as before the furlough and subject to all
5 amendments or changes to benefits that may be in effect upon the recall
6 date.

7 (h) Upon separation of personnel identified for layoff, each vacated
8 position shall be automatically eliminated.

9 **Section 9. Preferred Hiring of Government Employees in**
10 **Autonomous Agencies.** Notwithstanding any other provision of law, rule
11 or regulation, employees of the line departments and agencies of the
12 government of Guam shall have the right of first refusal for classified
13 positions being recruited in all autonomous agencies, departments, and
14 instrumentalities, except those positions being recruited "in-house" within
15 such agency. Such recruitment shall be conducted in a competitive process
16 consistent with the merit system of the government of Guam. The
17 Department of Administration is hereby directed and authorized to
18 develop a rating system for use by the autonomous agencies, departments,
19 and instrumentalities in the filling of such positions. This Section shall be
20 interpreted to mean that employees of the line departments and agencies
21 are preferred for employment. In cases where the autonomous agencies,
22 departments, and instrumentalities opine that there are no qualified
23 applicants found from the line departments and agencies, the Civil Service
24 Commission shall review the applications and render its opinion as to the
25 qualification of the applicants. Should the Civil Service Commission agree

1 with the autonomous agencies, departments or instrumentalities that no
2 qualified applicant exists in the line departments, or agencies, then the
3 Civil Service Commission shall certify that the applicants were not
4 qualified and that the need to recruit from outside government sources
5 exists. The autonomous agencies, departments, or instrumentalities may
6 then commence general recruitment activities.

7 **Section 10. Limited Term Appointment Moratorium.**

8 Notwithstanding the provisions of §4103 of Title 4 of the Guam Code
9 Annotated, or any other provision of law, no person may be employed on a
10 temporary or limited-term basis by any instrumentality of the government
11 of Guam during the Fiscal Year, *except* for the following:

12 (1) teachers and on-call substitutes (within staffing pattern
13 funding levels);

14 (2) attorneys at the Department of Law (within staffing pattern
15 funding levels);

16 (3) nurses and doctors (within staffing pattern funding levels);

17 (4) temporary survey workers employed by the Department of
18 Labor for the purpose of conducting employment surveys (within
19 staffing pattern funding levels);

20 (5) licensed healthcare professional ancillary service personnel
21 employed at the Guam Memorial Hospital Authority ("GMHA"), the
22 Department of Mental Health and Substance Abuse ("DMHSA") and
23 the Department of Public Health and Social Services ("DPHSS")
24 (within staffing pattern funding levels);

1 (6) Academic personnel positions for the University of Guam
2 ("UOG") and the Guam Community College ("GCC") within their
3 appropriated funding level;

4 (7) (a) Temporary Solid Waste Technicians employed by the
5 Division of Solid Waste Management of the Department of
6 Public Works ("DPW") for the purpose of collecting residential
7 solid waste;

8 (b) Such sums as are necessary are hereby appropriated
9 from the Solid Waste Operations Fund to fund the temporary
10 positions contained in this Section; *and*

11 (8) Federally funded positions (matching and One Hundred
12 percent (100%).

13 *No more than seven (7) days after the hiring of any individual subject*
14 *to the exceptions contained in this Section, the head of the government*
15 *instrumentality where such hiring has occurred shall report in writing such*
16 *hiring to the Speaker of I Liheslaturan Guåhan.*

17 **Section 11. Utilities Consumption Reduction.**

18 (a) All government of Guam departments, bureaus, and agencies,
19 including autonomous agencies and other instrumentalities of the
20 Executive, Legislative and Judicial Branches of the government of Guam
21 ("government consumers"), shall reduce their annual utility consumption
22 for electrical power, water, and telephone by *at least* twenty percent (20%)
23 of their prior year annual billing for each utility type.

1 (b) All departments, bureaus, line and autonomous agencies and
2 other instrumentalities of the government of Guam shall submit to the
3 Office of the Public Auditor a report detailing each utility type reduction.

4 **Section 12. Restrictions on Executive Branch Hiring of**
5 **Unclassified Employees.** No government funds of any kind or description
6 may be expended on employment of or hiring of unclassified employees in
7 the Executive Branch of the government of Guam, except for the following:

- 8 (1) Federally funded positions;
- 9 (2) Teaching positions at the Department of Education;
- 10 (3) Academic Personnel Positions at the University of
11 Guam and the Guam Community College;
- 12 (4) Nurses, doctors, licensed medical professionals and
13 ancillary health employees necessary for clinical
14 purposes at the Department of Public Health and Social
15 Services, Department of Mental Health & Substance
16 Abuse, the Office of the Chief Medical Examiner, and
17 the Guam Memorial Hospital Authority; and
- 18 (5) Department of Labor Survey Workers.

19 This provision does not apply to employees at the Office of *I*
20 *Maga'lahaen Guåhan* and *I Segundu na Maga'lahaen Guåhan*, and the
21 appointments of departments or agencies heads and their First Assistants.
22 For the purposes of this Section, a First Assistant is recognized as the
23 Deputy Director of such agency or a private secretary, but not both.

24 **Section 13. Prohibition on Personal Services Contracts.**

1 Notwithstanding any other provision of law, no appropriation made
2 in this Act shall be used to fund any *new* Personal Services contracts. The
3 University of Guam, the Guam Community College, the Superior Court
4 and the Supreme Court of Guam, and licensed health professionals shall be
5 *exempt* from the application of this Section.

6 **Section 14. Retirement Option for Government of Guam**
7 **Employees upon the Complete Remittance of Individual Retirement**
8 **Fund Contributions.** Any and all active members of the Government of
9 Guam Retirement Fund who meet the minimum eligibility requirements
10 for retirement shall be granted the opportunity to retire upon the complete
11 remittance of his or her outstanding individual retirement fund
12 contributions. Such contributions shall include the employee and
13 employer retirement fund contributions. Any and all fees, interest at
14 actuarial rate, and penalties associated with the requirements set forth by
15 the Government of Guam Retirement Fund shall be paid by the
16 Government.

17 The provisions set forth herein shall in no way be interpreted by any
18 government of Guam entity or administrator as an allowance to restrict the
19 continual remittance of existing retirement fund contributions as required
20 by law, or as set forth by the Government of Guam Retirement Fund.

21 By the fifteenth (15th) day of each month, *I Maga'lahaen Guåhan* shall
22 provide a detailed report to *I Liheslaturan Guåhan* on the remittances and
23 number of retirements for the prior month, as pursuant to this Section.

1 **Section 15. Guam Environmental Trust Fund Amendment.**

2 §45200(a) Article 2, of Chapter 45, of Part 2 of Division 2 of Title 10, Guam
3 Code Annotated, is hereby *amended* to read:

4 “(a) There is hereby created, separate and apart from other
5 funds of the government of Guam, a fund known as the Guam
6 Environmental Trust Fund (‘Fund’). The Fund shall not be
7 commingled with the General Fund and shall be kept in a separate
8 bank account, subject to legislative appropriation, to be used by the
9 Administrator of the Guam Environmental Protection Agency
10 (‘Administrator’) to clean up hazardous materials and restore and
11 repair damage done to Guam’s environment, as well as to collect,
12 transport, process and dispose of household waste in accordance
13 with the provisions of the Ordot Dump Consent Decree
14 Supplemental Environmental Project (SEP).”

15 **Section 16. Subsection (b) of 4 GCA §4109.2 is hereby *repealed* and**
16 ***reenacted* to read:**

17 “(b) **Voluntary Transfer of Sick Leave or Annual Leave.**
18 Whenever a government of Guam employee desires to transfer a
19 number of hours of earned sick leave or annual leave to another
20 employee in any department or agency of the government, a formal
21 written request shall be made by the donor employee to that person’s
22 payroll supervisor, stating the name of the recipient, the number of
23 hours of leave to be transferred and the type of leave. No transfer
24 may be made by any employee to that person’s supervisor, or to any

1 person above that employee in the supervisory chain, or to a member
2 of the supervisor's or such supervisory person's immediate family.

3 *If the donor has sufficient hours of leave accrued to cover the*
4 *donation, the payroll supervisor shall notify the Payroll Division to*
5 *transfer the approved number of hours to the recipient. Upon receipt*
6 *of the notice of transfer, the receiving employee may then submit a*
7 *leave request for the number of hours of leave, sick or annual, that*
8 *the employee needs and the department head shall then approve the*
9 *leave request. Leave may not be transferred to another employee if as*
10 *a recipient that employee intends to use it for credit towards*
11 *retirement or accumulated leave. This transfer of leave shall be*
12 *strictly on a voluntary basis. Leave transferred shall be used as leave*
13 *by the person to whom it is transferred, and if it is not used in its*
14 *entirety, it may be re-transferred to the person who originally earned*
15 *it. In no event shall transferred leave be converted to cash or*
16 *retirement credit by the person to whom it is transferred.*
17 *Participation in the leave sharing program shall not exceed ninety*
18 *(90) working days, unless a medical doctor certifies that the recipient*
19 *of the leave needs additional time for medical treatment or recovery*
20 *from a medical illness. An additional ninety (90) working days may*
21 *be granted upon similar certification by a medical doctor made*
22 *within two (2) weeks of the first ninety (90) day period."*

23 **Section 17. Petroleum Measurements Training. Amend Section 4**
24 **of Public Law 26-114 to read:**

1 **“Section 4. Appropriation.** One Hundred Thousand
2 Dollars (\$100,000) is hereby appropriated from the Territorial
3 Highway Fund to the Department of Revenue and Taxation. Such
4 funds shall be used to purchase equipment required to implement
5 this Article. Such funds shall also be available for the training of
6 personnel, travel expenses, and consulting services to ensure proper
7 knowledge and techniques in handling such devices to measure and
8 compensate for the petroleum products expansion due to
9 surrounding temperature changes.”

10 **Section 18. Petroleum Measurements Effective Date.** *Add a new*
11 **Section 5 to Public Law 26-114 to read:**

12 **“Section 5. Effective Date.** The provisions of this Act
13 shall be effective on December 30, 2003.”

14 **Section 19. Airport Bond Refinancing.** **Subsection (c) of Section 3**
15 **of Public Law 26-127, as amended by Public Law 26-153, is further**
16 **amended, as follows:**

17 “(c) The true interest cost, that is, the annual discount rate
18 which, when used to discount all payments of debt service, as
19 defined below, on an issue of bonds to the date of issuance of such
20 bonds, using a semiannual compounding interval, results in the
21 aggregate present value of such payments being equal to an amount
22 equal to the re-offering price to the public of such bonds less fees to
23 be paid for credit enhancement of such bonds from proceeds thereof,
24 on any bonds issued pursuant to the approval granted in Subsection
25 (b) of this § 3 determined on the date of issuance thereof shall not

1 exceed 6.5% per annum. For purposes of calculating true interest cost
2 pursuant to this Subsection (c) of this § 3, (i) the term 'debt service'
3 means the scheduled principal of and interest on bonds plus fees to
4 be paid, other than from bond proceeds, for credit enhancement of
5 such bonds and for ongoing remarketing, auction or other similar
6 services in connection with such bonds and net amounts to be paid or
7 received under any financial contract entered into pursuant to
8 Subsection (k) of § 1203 of Title 12 of the Guam Code Annotated; (ii)
9 to the extent that the Authority enters into a financial contract
10 pursuant to said Subsection (k) in connection with the issuance of
11 variable rate bonds to place the obligation of the Authority, as
12 represented by such bonds and such agreement, on an approximately
13 fixed rate basis, the interest rate on such bonds and the interest rate
14 used to calculate payments to be made by the counter-party under
15 said agreement shall be assumed to be the same; and (iii) variable
16 rate bonds with respect to which the Authority has not entered into
17 such a financial contract shall be assumed to bear interest at the then-
18 current interest rate on such bonds."

19 **Section 20. Airport Bond Refinancing.** *Add a new Section 5 to*
20 **Public Law 26-127 to read:**

21 "Section 5. Upon the payment of the fees Guam Economic
22 Development and Commerce Authority ('GEDCA') is entitled to for
23 its work in relation to refinancing of the bonds, as authorized in
24 Section 3 of this Act, Seventy-five Thousand Dollars (\$75,000) shall be
25 transferred by GEDCA to the Department of Revenue and Taxation

1 for the publication of the delinquent real property tax roll, to assist
2 the Department in the collection of delinquent taxes. It shall be an
3 additional condition of the refinancing of the Series 2003 Refunding
4 Revenue Bonds authorized in Public Law 26-127 that *no less than one-*
5 *half of the savings from the refinancing of the bonds shall be used to*
6 *offset landing fees, emplanement fees, and other charges to airlines*
7 *by the A.B. Won Pat International Airport Authority Guam."*

8 **Section 21. Cost Reduction Task Force.** *Amend the fourth*
9 **paragraph of Section 2 of Public Law 27-10 to read:**

10 "The Cost Reduction Task Force ('CRTF') shall meet as often as
11 required to accomplish its task according to a schedule developed
12 and adopted at the CRTF's first meeting, which shall be set by the
13 Chairperson, who shall be selected by the CRTF from among the
14 members. The CRTF shall report its findings in writing to *I*
15 *Maga'lahi*, the Speaker of *I Liheslatura*, and the Chief Justice no later
16 than two hundred forty (240) days after the effective date of this Act;
17 such report to include projections of cost savings, and any draft
18 legislation which may be necessary to implement the proposed
19 guidelines and procedures. After submission of such report of
20 findings, the CRTF shall cease to exist. No appropriation shall be
21 made to the CRTF, and all staff support and clerical services shall be
22 provided by the CRTF members and their respective branches."

23 **Section 22. Add a new §73206 to Title 5, Guam Code Annotated, to**
24 **read:**

1 **“§73206. (a) Transfer of Plant Protection and Quarantine**
2 **Section Personnel and Functions of the Department of Agriculture to the**
3 **Customs and Quarantine Agency.** All classified employees filling
4 positions within the Plant Protection and Quarantine Section of the
5 Department of Agriculture (‘DOA’) *prior* to September 30, 2003 shall be
6 transferred to the Customs and Quarantine Agency (‘CQA’) with the
7 exception of the positions of the entomologist and cashier who will remain
8 with DOA for the administration and management of import and export
9 permits, phytosanitary permits, and a Plant Inspection Station. Classified
10 employees transferred to CQA shall be transferred with all duties,
11 responsibilities and compensation intact, and with no lapses in service to
12 the government of Guam.

13 The Director of CQA shall have the power to reorganize and realign
14 positions in conformance with the rules and regulations of the Civil Service
15 Commission (‘CSC’) and all other applicable laws of Guam. Employees
16 transferred from the Plant Protection and Quarantine Section of DOA shall
17 be entitled to the same retirement, workmen's compensation and hospital
18 insurance benefits to which they are currently entitled.

19 **(b) Transfer of Duties.** *Except* as otherwise specifically provided,
20 CQA shall hereby assume all the powers, duties and responsibilities of the
21 Plant Protection and Quarantine Section of DOA as set out in this Act, and
22 any other section of law with the exception of the administration of local
23 and Federally regulated import and export plant permits, phytosanitary
24 permits and the control management and administration of a USDA
25 sanctioned Plant Inspection Station. Any regulation or other action

1 adopted, prescribed, taken or performed by Plant Protection and
2 Quarantine Officers of the Plant Protection and Quarantine Section of DOA
3 in the administration of a program, the performance of a power, duty or
4 responsibility, or the exercise of any function transferred by this Act shall
5 remain in effect and shall be deemed to be a regulation or action of CQA or
6 of any of its officers to whom the program, power, duty, responsibility or
7 function is transferred.

8 **(c) Transfer of Records and Equipment.** Upon the transfer of
9 functions as provided in this Section, CQA shall have possession and
10 control of all books, records, papers, maps, plans, documents, offices,
11 equipment, supplies, money, funds, appropriations, licenses, permits,
12 agreements, contracts, and other property, real or personal, connected with
13 the transfer of, administration of, or held for the benefit or use of, Plant
14 Protection and Quarantine Officers transferred to CQA.

15 **(d) Employee Preference to Continue Service with DOA.**
16 Nothing herein shall prevent any Plant Protection and Quarantine Officer
17 from filling any vacant position within DOA pursuant to the Merit System.

18 **(e) DOA and CQA Nexus on Plant Protection Inspections.**

19 **(1)** DOA shall provide technical and scientific support
20 to CQA upon assuming specific duties and responsibilities of
21 the Plant Protection and Quarantine Section of DOA as set out
22 in this Section, and any other section of law or regulation
23 pertinent thereto.

1 (2) CQA shall provide personnel support for the
2 operations of the Plant Inspection Station of the Department of
3 Agriculture.

4 (3) A Memorandum of Understanding (MOU) shall be
5 executed between DOA and CQA in the operations of the Plant
6 Quarantine Station including the duties and responsibilities of
7 DOA in providing specific technical and scientific support to
8 CQA as set out in this Section.

9 **(f) Transition Team Created.**

10 **(1) Transition Team.** There is hereby created a Transition
11 Team to help ensure a smooth transition of functions from the Plant
12 Protection and Quarantine Section of DOA to the Customs and
13 Quarantine Agency ('CQA'). The Transition Team shall include the
14 following:

15 (a) the Director, or a designee of DOA; *and*

16 (b) the Director, or a designee of CQA.

17 **(2) Authority.** The Transition Team shall have sixty (60)
18 days from the enactment of this Act to do the following:

19 (a) ensure the smooth transition of the operations of the
20 Plant Protection and Quarantine Section of DOA to
21 CQA; *and*

22 (b) examine and recommend any other facts or data as
23 may be necessary to ensure the smooth transition from
24 the transfer of employees and duties of the Plant
25 Protection and Quarantine Section of DOA to CQA.

1 (g) Vacant Plant Protection and Quarantine positions shall be
2 phased out and not be filled. Future recruitment for Plant Protection
3 and Quarantine Officer duties shall be for Customs Officer positions
4 as approved by the Civil Service Commission.

5 (h) This Section shall be effective October 1, 2003."

6 **Section 23. Add a new §73207 to Title 5, Guam Code Annotated, to read:**

7 **"§73207. Creation of the Guam Plant Inspection and Permit Fund.**

8 There is hereby created the Guam Plant Inspection and Permit Fund. This
9 Fund shall be used exclusively for the administration, operation,
10 maintenance and improvement of the Plant Inspection Station of the
11 Department of Agriculture and is subject to *I Liheslaturan Guåhan*
12 appropriation. The Guam Plant Inspection and Permit Fund shall be
13 maintained separate and apart from any other funds of the government of
14 Guam and shall not be subject to any transfer authority of *I Maga'låhen*
15 *Guåhan*. The Director of the Department of Agriculture is hereby required
16 to establish a fee schedule for services provided by the Plant Inspection
17 Station and update all permit fees associated with the issuance of
18 phytosanitary permits inclusive to permit fees and other ancillary
19 operational fees on the importation and exportation of any regulated flora,
20 fauna, or by-product thereof under the jurisdiction of the Department of
21 Agriculture. The fee schedule shall be adopted following the
22 Administrative Adjudication Act. All funds generated from the fee
23 schedule shall be deposited into the Guam Plant Inspection and Permit
24 Fund."

1 **Section 24. Board Name Changes.** All reference to “District
2 Board(s) of Education” or “Territorial Board of Education” in the Guam
3 Code Annotated shall be changed to “Guam Education Policy Board”.

4 **Section 25. Volunteers in Executive Branch.** A new §4125 is
5 hereby *added* to Title 4 of the Guam Code Annotated to read as follows:

6 “§4125. **Volunteers in the Executive Branch.**

7 (a) **Generally.** I Maga’lahi (acting for the Executive Branch,
8 except for the officers listed herein), the Attorney General and the
9 Public Auditor, respectively, may use volunteers when each within
10 their own authority determines that a specific need exists for
11 volunteers within the government. Such need may include, but is not
12 limited to, any of such conditions as natural or other declared
13 disasters, lack of funds for a given agency or entity, or for the general
14 benefit of the public, or to benefit educational programs in Guam.

15 (b) **Limitations and Regulations.**

16 (1) **Existing Volunteers Programs.** This Section
17 does not displace nor change the requirements for
18 volunteers in programs already existing in law. Where
19 such existing programs are authorized, this Section shall
20 not be used in their place.

21 (2) **Qualifications.** No volunteer shall be used
22 for work for which that person is not qualified.

23 (3) **Compensation Liability.** Volunteers shall not
24 be compensated for their work, but volunteers under this
25 Section shall be governed by the applicable Workers’

1 Compensation laws, especially 22 G.C.A. § 9104(f).
2 Volunteers under this Section shall be subject to and
3 protected by 7 G.C.A. Chapter 16, *Volunteer Liability*
4 *Protection*, and all other laws governing volunteers in
5 general.

6 (4) **Working Conditions.** Working conditions
7 and hours worked and the work expected of them as
8 volunteers shall be arranged between the volunteers, or
9 the organization which has arranged for their services,
10 and the head of the Department, Agency or other entity
11 with who they are volunteering. Any required clothing
12 or protective gear or equipment to be used shall be
13 provided by the government.

14 (5) **Employees Protected.** The use of volunteers
15 shall not displace full-time or part-time employees of the
16 government of Guam, nor shall the use of volunteers be
17 given as a reason to reduce the hours worked or salary of
18 any part-time or full-time employee of the government.
19 The use of volunteers shall not be a reason to prevent
20 hiring any new employees; provided that funds are
21 actually available for such hiring.

22 (6) **Prohibition on commercial ventures.**
23 Subsection (a) above shall be inapplicable to commercial
24 ventures, *e.g.* lobbyists and consultants.”

1 **Section 26. Volunteers in the Legislative and Judicial Branch.** A
2 new §4126 is hereby *added* to Title 4 of the Guam Code Annotated to
3 read as follows:

4 “§4126. **Volunteers in the Legislative and Judicial Branches.**

5 The Legislative and Judicial branches of the government of Guam
6 may use volunteers when each within their own authority determines that
7 a specific need exists for volunteers within the government. All provisions
8 of 4 GCA §4125(b) shall also apply to this Section.”

9 **Section 27. Prohibition on Lobbying Contracts.** A new §7118 is
10 hereby *added* to Title 5, Guam Code Annotated, to read:

11 “§7118. No government or public funds of any nature shall be
12 expended in support of any lobbyist, unless specifically authorized by law.
13 This Section shall apply to all line agencies, all autonomous agencies, and
14 public corporations. No government officer or employee may accept the
15 services of a lobbyist on a volunteer basis.”

16 **Section 28. Wireless Communications.**

17 For Fiscal Year 2004, no government of Guam funds shall be
18 expended for the purpose of cellular telephones or radio phones, cellular
19 phone or radio phone service and other wireless telephone or radio phone
20 service. This Section shall apply to the expenditure of any or all
21 government of Guam funds, *regardless* of source and inclusive of all funds
22 utilized by autonomous agencies except to the extent that government of
23 Guam funds may be spent on wireless telephone service provided that the
24 government of Guam will be reimbursed by Federal funds or other grants.
25 Provided, however, that the official use by *I Maga’lahen Guåhan, I Segundu*

1 *na Maga'lahaen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, the Chief Justice
2 of the Supreme Court of Guam, the Presiding Judge of the Superior Court
3 of Guam shall be entitled to a single cellular phone each and two thousand
4 (2000) minutes per month for official use only. The Crisis Hotline program
5 of the Department of Mental Health and Substance Abuse (DMH&SA)
6 shall be entitled to one (1) cellular phone and two thousand (2000) minutes
7 per month for official use only. On-call health professionals at the Guam
8 Memorial Hospital Authority ("GMHA"), the Department of Mental
9 Health and Substance Abuse ("DMH&SA") and the Department of Public
10 Health and Social Services ("DPH&SS") are entitled to one (1) cellular
11 phone each and two thousand (2000) minutes each per month for official
12 use only.

1 shall revert to the Safe Homes, Safe Streets Fund on the last day of that
2 fiscal year. All entities of the government of Guam receiving
3 appropriations from the Safe Homes, Safe Streets Fund shall report to the
4 Speaker of *I Liheslaturan Guåhan* and the Public Auditor on the fifth (5th) day
5 of every month as to the receipts and expenditures of these funds.

6 **Section 2. Carryover of Local and Federal Matching Program**
7 **Funds for Grants.** The Local and Federal Matching Funds for programs
8 whose expiration dates extend *beyond* September 30, 2004, are hereby
9 authorized to be carried over and expended through the period of the grant
10 award.

11 **Section 3. Federal Reimbursements into the General Fund.**
12 Except as provided by the provisions of §5104(38) of Title 12 of the Guam
13 Code Annotated, *if* Guam expends any funds, which are reimbursed by the
14 Federal Government, the reimbursed funds shall revert back to the funding
15 source from which it was expended.

16 **Section 4. Prior Years' Obligations.** Notwithstanding any other
17 provision of law, appropriations made in this Act may be expended for the
18 payment of prior years' obligations, provided that *I Maga'lahaen Guåhan*
19 shall deliver notice of each proposed expenditure to the Speaker of *I*
20 *Liheslaturan Guåhan*, and such expenditure shall *not* be effectuated until ten
21 (10) days has lapsed after delivery and concurrence of such notice.

22 **Section 5. Authorization for Matching Requirements for Federal**
23 **Grants-In-Aid.** Notwithstanding any other provision of law, departments
24 are authorized to expend funds appropriated in this Act for matching
25 requirements of Federal grants.

1 **Section 6. I Maga'lahaen Guåhan Transfer Authority.** Except as
2 otherwise provided in this Act, *I Maga'lahaen Guåhan* is hereby authorized to
3 transfer not more than fifteen percent (15%) of funds appropriated for the
4 Executive Branch by this Act within an agency or between agencies of the
5 Executive Branch. No transfer shall occur from Operations into the
6 Personnel Services category in Appendix A. This transfer authority shall
7 not be applicable to funds allocated to the Supreme Court of Guam,
8 Superior Court of Guam, *I Liheslaturan Guåhan*, University of Guam, Guam
9 Community College, Office of the Attorney General, Office of the Public
10 Auditor, Department of Education and Federal funds.

11 *I Maga'lahaen Guåhan* shall report to the Speaker of *I Liheslaturan*
12 *Guåhan* on the fifth (5th) day of every month subsequent to the enactment of
13 this Act on the application of the provisions contained herein. Such report
14 shall include detailed information on the amount of such transfers and the
15 agency expending such funds.

16 **Section 7. Special Fund Transfer.** Notwithstanding any other
17 provision of law, *I Maga'lahaen Guåhan* is authorized to transfer to the
18 General Fund any cash available from any Special Fund or Revolving Fund
19 to fund the appropriations authorized in this Act; *except*, that such
20 authority shall *not* extend to Trust Funds, the Tourist Attraction Fund;
21 Customs, Agriculture and Quarantine Inspection Services Fund; Healthy
22 Futures Fund; Safe Homes, Safe Streets Fund; Special Funds under the
23 purview of the Guam Environmental Protection Agency; and funds under
24 the purview and administered by *I Liheslaturan Guåhan*, the Supreme Court
25 of Guam, the Superior Court of Guam and the Department of Education.

1 All Special funds or Revolving funds transferred to cover the
2 appropriations authorized in this Act shall be reimbursed to the Special or
3 Revolving Fund from which it came as cash becomes available.

4 *I Maga'lahaen Guåhan* shall report to the Speaker of *I Liheslaturan*
5 *Guåhan* on the fifth (5th) day of every month subsequent to the enactment of
6 this Act on the application of the provisions contained herein. Such report
7 shall include detailed information on the amount of such transfers and the
8 fund expending such monies.

9 **Section 8. Executive Branch Lapsed Funds Carryover.** *I*
10 *Maga'lahaen Guåhan* is hereby authorized to use Executive Branch Fiscal
11 Year 2003 lapsed funds in Fiscal Year 2004 for the sole purposes of paying
12 obligations for utilities, local funds matching, and insurance requirements
13 of the Federal Emergency Management Agency for the Department of
14 Education relative to Typhoon *Pongsona* activities, and existing personnel
15 related expenses. Any remaining lapsed funds shall be used to fulfill other
16 FEMA insurance requirements pursuant to this Section.

17 *I Maga'lahaen Guåhan* shall report to the Speaker of *I Liheslaturan*
18 *Guåhan* on the fifth (5th) day of every month subsequent to the enactment of
19 this Act on the application of the provisions contained herein. Such report
20 shall include detailed information on the amount and purpose of such
21 expenditures.

22 **Section 9.** Section 7 of Chapter V of Public Law 26-152 is hereby
23 *repealed* in its entirety.

24 **Section 10.** Section 1103 of Chapter 1 of Title 4 of the Guam Code
25 Annotated is hereby *repealed* and *reenacted* to read:

1 **“§ 1103. Same: Government Vehicles and Use.**

2 No government vehicle, whether government-owned, leased or
3 rented shall be used for other than official purposes. No such vehicles
4 shall be used for the transportation of any government officer or
5 employee between his place of abode and place of employment
6 except in connection with official duties for the convenience of the
7 Government subject to the following limitations:

8 a. *I Maga’lahen Guåhan* by Executive Order, *I Liheslaturan*
9 *Guåhan* through its Committee on Rules and the Judicial
10 Council by rule, shall prescribe the use of government
11 vehicles assigned respectively to the Executive Branch,
12 Legislative Branch and Judicial Branch, and shall take
13 appropriate action to discipline any member of their
14 respective branches who shall violate this Section. Such
15 action may be, by way of administrative fine, suspension
16 or removal, and in the case of members of the classified
17 service shall be taken pursuant to the Personnel Law.
18 Such action shall not preclude prosecution for any
19 criminal offense.

20 b. At the discretion of the head of any department, agency
21 or instrumentality having jurisdiction over peace officers
22 as defined within §5.55 of Chapter 5 of Title 8 of the
23 Guam Code Annotated, may allow government vehicles
24 to be driven directly from duty to the home of a peace
25 officer and directly back to duty as provided:

- 1 1. No government vehicle shall be assigned until *I*
2 *Maga'lahen Guåhan* or the Judicial Council approves
3 procedures and corresponding rules in the use of a
4 vehicle specifically because the Peace Officer could
5 not proceed to duty except by using the government
6 vehicle. The implementation of such procedures
7 and corresponding rules shall take effect upon the
8 Speaker of *I Liheslaturan Guåhan* receiving a copy
9 thereof. Any subsequent modification or changes
10 shall follow as such.
- 11 2. That a marked Police motorcycle may be driven to
12 and from the home of the Police Officer to which the
13 motorcycle is assigned at the end of the officer's tour
14 of duty.
- 15 3. The authority overseeing such peace officers shall
16 take appropriate action to discipline a member
17 violating this Subsection. Such action may be by
18 way of an administrative fine, suspension or
19 removal, and in the case of members of the
20 classified service shall be taken pursuant to the
21 Personnel Law. Such action shall not preclude
22 prosecution for any criminal offense.
- 23 4. The provisions of this Section shall not apply to any
24 vehicle assigned for the use of *I Maga'lahen Guåhan*, *I*
25 *Segundu na Maga'lahen Guåhan*, the Speaker of *I*

1 *Liheslaturan Guåhan*, the Presiding Judge of the Superior
2 Court of Guam, and the Chief Justice of the Supreme
3 Court of Guam.”

4 **Section 11. Department of Education Lapsed Funds Carryover.**

5 The Superintendent of Education is hereby authorized to use Fiscal Year
6 2003 lapsed funds in Fiscal Year 2004. Such carryover authorization shall
7 be for use limited to operations, to include in the following prioritized
8 allocations:

- 9 1. payment of outstanding retirement fund contributions;
- 10 2. utilities, to include water, power, and telephone; *and*
- 11 3. outstanding employee obligations, to include
12 withholding tax.

13 The Superintendent of Education shall, *no later than* thirty (30) days
14 following the enactment hereof, submit to the Speaker of *I Liheslaturan*
15 *Guåhan* a full disclosure of all funds actually received by DOE from all
16 Fiscal Year 2003 appropriation sources.

17 **Section 12. Judicial Branch Lapsed Funds Carryover Authority.**

18 (a) **Supreme Court.** Lapses in the Supreme Court of Guam Fiscal
19 Year 2003 appropriations shall *not* revert back to the General Fund, but
20 shall be carried over into Fiscal Year 2004 for Operations.

21 (b) **Superior Court of Guam.** Lapses in the Superior Court of
22 Guam Fiscal Year 2003 appropriations shall *not* revert back to the General
23 Fund, but shall be carried over into Fiscal Year 2004 for Operations.

24 (c) **Report.** The Chief Justice of the Supreme Court of Guam and
25 the Presiding Judge of the Superior Court of Guam shall *no later than* thirty

1 (30) days following the enactment hereof, submit to the Speaker of *I*
2 *Liheslaturan Guåhan* a full disclosure of all funds actually received from all
3 Fiscal Year 2003 sources.

4 **Section 13. Lapsed Funds Carryover Authority for the Guam**
5 **Ancestral Lands Commission.** Lapses in the Guam Ancestral Lands
6 Commission's Fiscal Year 2003 budget, estimated in the amount of One
7 Hundred Fifty-four Thousand Dollars (\$154,000), shall *not* revert back to
8 the General Fund, but shall be carried over into the next fiscal year for
9 Personnel and Operations.

10 **Section 14. Jose D. Leon Guerrero Port Authority and Guam**
11 **Visitors Bureau's Payment of Outstanding Cost of Living Allowance for**
12 **their Respective Retirees and Survivors.** The Guam Visitors Bureau and
13 the Jose D. Leon Guerrero Port Authority shall remit a one-time Cost of
14 Living Allowance (COLA) in the amount of Seven Hundred Fifty Dollars
15 (\$750) to each of their employees retired as of September 30, 2002, or their
16 survivors.

17 The remittance shall be made on or before December 31, 2003.

18 **Section 15. Autonomous Agencies to Pay Government Share of**
19 **Payments for Medical, Dental, and Life Insurance for their Respective**
20 **Retirees.** For October 1, 2003, to September 30, 2004, of Fiscal Year 2004,
21 the Guam Power Authority, the Guam Telephone Authority, the A. B. Won
22 Pat International Airport Authority Guam, the Guam Economic
23 Development and Commerce Authority, the Guam Housing Corporation,
24 the Government of Guam Retirement Fund, the Jose D. Leon Guerrero Port
25 Authority, the Guam Waterworks Authority and the Guam Visitors Bureau

1 shall remit to the Government of Guam Retirement Fund the respective
2 share of payments for medical, dental, and life insurance payments for
3 their respective retirees. The remittance, estimated in the total amount of
4 One Million Four Hundred Eighty-seven Thousand Nine Hundred Eighty-
5 nine Dollars (\$1,487,989) shall be due in equal installments on or before
6 October 10, 2003 and on or before April 1, 2004, respectively.

7 The autonomous agencies' share of payments for medical, dental,
8 and life insurance payments authorized herein are *ex gratia* payments and
9 are for Fiscal Year 2004 only. Any future medical, dental, and life
10 insurance payments may be addressed by future legislation.

11 **Section 16. Safe Homes, Safe Streets Fund Amendment.** §26302(d)
12 of Article 3 of Chapter 26 of Division 2 of Title 11, Guam Code Annotated,
13 is hereby *amended* to read as follows:

14 **“(d) Creation of Safe Homes, Safe Streets Fund.** There is
15 hereby created in the Department of Administration a fund, separate
16 and apart from other funds of the government of Guam known as the
17 ‘Safe Homes, Safe Streets Fund.’ This Fund shall *not* be commingled
18 with the General Fund and shall be kept in a separate bank account
19 and shall *not* be subject to any transfer authority of *I Maga’lahen*
20 *Guåhan*. The Safe Homes, Safe Streets Fund shall be expended on
21 public safety and social programs that enforce alcohol regulations,
22 reduce underage drinking, support traffic safety, reduce drug-related
23 violence and abuse, and/or support community-based drug and
24 substance abuse prevention programs at the Guam Police
25 Department, the Department of Education, the Department of Public

1 Health and Social Services, the Department of Youth Affairs, the
2 Department of Mental Health and Substance Abuse, and other
3 agencies deemed appropriate by *I Liheslaturan Guåhan*. All
4 expenditures of the Safe Homes, Safe Streets Fund shall be by
5 appropriation by *I Liheslaturan Guåhan*. The Department of
6 Administration shall report on a quarterly basis to the Speaker of *I*
7 *Liheslaturan Guåhan* the revenues collected and expended from this
8 Fund.”

9 **Section 17. Healthy Futures Fund Amendment.** §26603(d) of
10 Article 6 of Chapter 26 of Division 2 of Title 11, Guam Code Annotated, is
11 hereby *amended* to read as follows:

12 “(d) **Creation of Healthy Futures Fund.** There is hereby
13 created in the Department of Administration a fund, separate and
14 apart from other funds of the government of Guam known as the
15 ‘Healthy Futures Fund’. This Fund shall *not* be commingled with the
16 General Fund and shall be kept in a separate bank account and shall
17 *not* be subject to any transfer authority of *I Maga’lahen Guåhan*. All
18 proceeds from taxes collected under this Section shall be deposited in
19 the Healthy Futures Fund and shall be expended for health and
20 education programs relating to tobacco and alcohol prevention,
21 cessation, treatment, control and to improving overall health and
22 well-being at the Department of Public Health and Social Services,
23 the Department of Mental Health and Substance Abuse, the
24 Department of Education, the Guam Memorial Hospital, the
25 Department of Youth Affairs and other agencies deemed appropriate

1 by *I Liheslaturan Guåhan*. Preference will be given to programs
2 directed towards youth, low-income or at-risk persons and families,
3 drug and substance prevention, cessation, and treatment, preventive
4 healthcare, and chronic disease management. All expenditures of the
5 Healthy Futures Fund shall be made by legislative appropriation.
6 The Department of Administration shall report on a quarterly basis to
7 the Speaker of *I Liheslaturan Guåhan* the revenues collected and
8 expended from this Fund.”

9 **Section 18. Transfer Authorization for Public Welfare Benefit**
10 **Programs.** The Director of the Department of Public Health and Social
11 Services is hereby granted the authority to transfer funds amongst Public
12 Welfare Benefit Programs administered by the Department, to include, but
13 not limited to, the Medically Indigent Program and Medicaid. Such
14 authority shall also be applicable from the Personnel Services Category to
15 Public Welfare Benefit Programs.

16 **Section 19. Department of Public Health and Social Services**
17 **Lapsed Funds Carryover Authority.** The Director of the Department of
18 Public Health and Social Services is hereby authorized to use Fiscal Year
19 2003 lapsed funds from the Personnel Services category for use in Fiscal
20 Year 2004 specifically for Operations.

21 **Section 20. Department of Mental Health and Substance Abuse**
22 **Lapsed Funds Carryover Authority.** The Director of the Department of
23 Mental Health and Substance Abuse is hereby authorized to use Fiscal Year
24 2003 lapsed funds from the Personnel Services category for use in Fiscal
25 Year 2004 specifically for Operations.

1 **Section 21. Department of Education Transfer Authority.**

2 Notwithstanding any other provision of law, rule, or regulation, the
3 Superintendent of Education in consultation with the Guam Education
4 Policy Board is hereby granted the authority to transfer funds within the
5 department, except that such transfer authorization shall be restricted to
6 transfers from the Personnel Services category to Operations, provided that
7 funds budgeted to pay teachers and classroom instructional personnel are
8 *not* subject to transfer.

9 Upon the enactment of this Act, on the fifteenth (15th) day of each
10 month, the Superintendent of Education shall provide a detailed report to
11 the Speaker of *I Liheslaturan Guåhan* on the transfers pursuant to this
12 Section.

13 **Section 22. Exemption from BBMR allotment release control.** The
14 provisions of 5 GCA §1303 shall not be applicable to the Mayors Council, *I*
15 *Liheslaturan Guåhan*, Office of the Public Auditor, the Office of Finance and
16 Budget, the Office of the Attorney General and the Department of
17 Education. Said entities may draw against their respective appropriations
18 in order to meet their respective obligations as the need arises, in
19 accordance with a draw-down schedule such entities shall submit to the
20 Department of Administration.

21 **Section 23. Commission on Decolonization Lapsed Funds.** The
22 Commission on Decolonization is hereby authorized to use Fiscal Year 2003
23 lapsed funds in Fiscal Year 2004.

24 **Section 24. Reconciliation of Section 30 Funds.** The Department of
25 Revenue and Taxation, within six (6) months, shall reconcile calendar year

1 2003 Section 30 Funds with the Internal Revenue Services (IRS) and shall
2 report to the Speaker of *I Liheslaturan Guåhan* any unaccounted receivables
3 that may be due.

4 **Section 25. Severability.** *If* any provision of this Act or its
5 application to any person or circumstances is held invalid, the invalidity
6 shall *not* affect other provisions or applications of this Act which can be
7 given effect without the invalid provision or application, and to this end
8 the provisions of this Act are severable.

APPENDIX A

FY2004 Personnel & Operation Appropriations for Education, Public Safety & Health (Oct. 01, 2003 - Sep. 30, 2004)									
AGENCY	General Fund		Special Fund		Federal Match		Totals		
	Personnel	Operations	Personnel	Operations	Personnel	Operations			
EDUCATION									
1 Department of Education (DOE)	119,750,000	10,725,293	-	-	-	-	-	130,475,293	
PUBLIC SAFETY									
1 Police ^{1w/ 1i/}	14,844,334	394,814	310,466	-	351,929	-	-	15,901,543	
2 Guam Fire Department ^{5i/}	18,048,761	437,047	943,738	356,738	-	-	-	19,786,284	
3 Corrections	8,109,589	2,907,265	-	-	-	-	-	11,016,854	
HEALTH & HUMAN SERVICES									
1 Public Health & Social Services ^{7i/}	7,168,603	12,566,931	2,647,557	-	-	-	18,053,980	40,437,071	
2 Mental Health & Substance Abuse ^{7i/}	3,732,914	777,425	456,477	-	-	-	-	4,966,816	
TOTALS									
	\$171,654,201	\$27,808,775	\$4,358,238	\$356,738	\$351,929	\$18,053,980	\$222,583,861		

¹ / For Footnotes, refer to Listing of Special Fund Accounts

Exhibit 1 to Appendix A (For illustration purposes and not to be interpreted as additional appropriations)

AGENCY	General Fund		Special Fund		Federal Match		Totals
	Personnel	Operations	Personnel	Operations	Personnel	Operations	
EDUCATION							
1 Department of Education (DOE) ¹	119,750,000	10,725,293	-	-	-	-	130,475,293
Capital Improvements, Ops. Supplies, Equip. (TEFF)			4,825,249				4,825,249
Y Kuanlan Salapue' Prinsapat (Principal's Fund) (TEFF)			542,543				542,543
Intercholastic Sports & Health/Phys. Educ. Activities ²			833,662				833,662
subtotal DOE	119,750,000	10,725,293	-	6,201,454	-	-	136,676,747
2 University of Guam	25,111,362				1,508,000		26,619,362
3 Guam Community College	12,421,532						12,421,532
Apprenticeship Students (Manpower Development Fund)				80,000			80,000
Total Education	157,282,894	10,725,293	-	6,281,454	1,508,000	-	175,797,641
PUBLIC SAFETY							
1 Police	14,844,334		310,466		351,929		15,901,543
Victims Witness Assist. Prog./COPS ^{1V}		394,814	582,434				582,434
(Vehicle & motorcycle purchases) Village Streets Fund							
subtotal GPD	14,844,334	394,814	892,900	300,000	351,929		16,783,977
2 Guam Fire Department	18,048,761	437,047	943,738	356,738			19,786,283
Equipment Replacement			300,000				300,000
(Firefighters Equipment Replacement and Repair Fund)			943,738	356,738			20,086,283
subtotal GFD	18,048,761	737,047	943,738	356,738			20,086,283
3 Corrections	8,109,589	2,907,285					11,016,854
Total Public Safety	41,002,684	4,039,126	1,836,638	656,738	351,929	-	47,887,115
HEALTH & HUMAN SERVICES							
1 Public Health & Social Services **	7,168,603	12,566,931	2,647,557				40,437,072
Community Health Centers ⁷			1,423,560				1,423,560
Div. Environmental Health (Environmental Health Fund)			322,000				322,000
subtotal DPHSS	7,168,603	12,566,931	4,393,117				18,053,980
2 Mental Health & Substance Abuse	3,732,914	777,425	456,477				4,966,816
Expansion Programs ⁷			1,000,000				1,000,000
CMHI Program Grant Fund ⁷			250,000				250,000
Coalition for Tobacco-Free GU ⁷							
subtotal DMHSA	3,732,914	777,425	1,706,477	150,000			6,366,816
Total Health & Human Services	10,901,517	13,344,356	6,099,594	150,000	-	-	48,549,447
TOTALS	\$209,187,095	\$28,108,775	\$7,936,232	\$7,086,192	\$1,859,929	\$18,053,980	\$272,234,203

¹ See attached Exhibit 2 to Appendix A, Department of Education FY 2003/4 Breakdown
² Amounts not inclusive of services for public assistance, MIP, Medicaid, and Catastrophic Illness Program
⁷ For footnotes, refer to Listing of Special Fund Accounts

Exhibit 2 to Appendix A

(For illustration purposes only and not to be interpreted as additional appropriations)

Department of Education FY 2003/2004 Breakdown

	FY 2003	FY 2004
TOTAL FTE's	3,213	2915
Filled FTE's (Salaries / Benefits)		119,500,000
Anticipated Retirees (150)		(6,300,000)
Recruitment of 200 Teachers		6,550,000
Total Salaries and Benefits	133,250,000	119,750,000
Operation Costs		
Travel		
Contractual		4,000,000
Office Space Rental		-
Supplies/Equipment		3,050,542
Miscellaneous		-
Capital Outlay		2,500,000
Utilities	4,514,396	6,000,000
		15,550,542
Total Operations	4,514,396	[4,825,249 from TEFF]
TOTAL PERSONNEL & OPERATIONS	138,437,208	135,300,542
MISCELLANEOUS APPROPRIATIONS		
Interscholastic Sports Program (Healthy Future Funds)		509,246
Health and Physical Education Activities (Healthy Futures Fund)		324,416
Y Kuantan Salappe' Prinsepat (Principal's Fund) (TEFF)		542,543
Subtotal Miscellaneous Appropriations		1,376,205
TOTAL PERSONNEL & OPERATIONS MISCELLANEOUS APPROPRIATIONS		136,676,747
Textbooks (FY 2003 General Fund) P.L. 26-35	3,200,000	
Textbooks (FY 2004 General Fund) P.L. 26-152		3,200,000
TOTALS	141,637,208	140,876,747
Textbooks (FY 2005 General Fund)		3,500,000
GRAND TOTAL		143,376,747

APPENDIX B

FY2004 Personnel & Operation Appropriations (Oct. 01, 2003 - Sep. 30, 2004)					
	Agency	General Fund	Special Fund	Federal Match	Total
1	Administration ^{1/}	6,132,708	2,662,053	-	8,794,761
2	Agriculture	1,671,091	-	517,800	2,188,891
3	Ancestral Lands Commission	105,000	-	-	105,000
4	Bureau of Budget & Mgmt. Research	1,150,000	-	-	1,150,000
5	Bureau of Statistics & Plans	936,486	-	-	936,486
6	Council on the Arts & Humanities	241,500	-	241,500	483,000
7	Chamorro Affairs	495,017	-	-	495,017
8	Chamorro Land Trust Commission ^{3/}	-	616,526	-	616,526
9	Chief Medical Examiner	340,372	-	-	340,372
10	Civil Service Commission	693,442	-	-	693,442
11	Commission on Decolonization	150,000	-	-	150,000
12	Contractors License Board ^{4/}	-	272,376	-	272,376
13	Customs & Quarantine ^{2/}	-	9,558,779	-	9,558,779
14	DISID ^{11/}	1,574,628	352,404	2,061,642	3,988,674
15	GEPA	-	-	1,210,006	1,210,006
16	Guam Election Commission	455,290	-	-	455,290
17	Guam Educ. Tele. Corp. (KGTF)	311,242	-	-	311,242
18	Labor	1,236,030	-	33,500	1,269,530
19	Land Management ^{6/}	1,654,227	217,022	-	1,871,249
20	Library	667,368	-	106,337	773,705
21	Military Affairs	859,984	-	640,560	1,500,544
22	Parks & Recreations ^{8/}	2,785,790	60,824	-	2,846,614
23	PEALS Board ^{9/}	-	204,763	-	204,763
24	Public Defender Service	2,247,419	-	-	2,247,419
25	Public Guardian	185,319	-	-	185,319
26	Public Works ^{1/ 12/}	11,542,336	9,290,391	-	20,832,727
27	Revenue & Taxation	6,902,629	-	-	6,902,629
28	Superior Court of Guam	15,855,608	-	-	15,855,608
29	Supreme Court of Guam	2,229,463	-	-	2,229,463
30	Youth Affairs	2,978,826	-	-	2,978,826
TOTALS		\$ 63,401,775	\$ 23,235,138	\$ 4,811,345	\$ 91,448,258

/ For Footnotes, refer to Listing of Special Fund Accounts

LISTING OF SPECIAL FUND ACCOUNTS

- 1/ Guam Highway Fund
- 2/ Customs, Agricultural and Quarantine Inspection Services Fund
- 3/ Chamorro Land Trust Fund
- 4/ Contractors License Board Fund
- 5/ Enhanced 911 Emergency Reporting System Fund
- 6/ Land Survey Revolving Fund
- 7/ Healthy Futures Fund
- 8/ Parks Fund
- 9/ Professional Engineers, Architects and Land Surveyors Board Fund
- 10/ Police Services Fund
- 11/ Safe Homes, Safe Streets Fund
- 12/ Solid Waste Fund
- 13/ Abandoned Vehicle and Streetlight Fund
- 14/ Manpower Development Fund

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. _____

Introduced by:

At the Request of *I Magalahen Guahan*,
the Governor of Guam, in accordance
with the Organic Act of Guam

**AN ACT TO AMEND SECTION 1 OF CHAPTER III AND
SECTION 35 AND SECTION 36 OF CHAPTER IV OF
PUBLIC LAW 27-29 RELATIVE TO THE GOVERNMENT OF
GUAM GENERAL DEBT SERVICE AND
APPROPRIATIONS TO THE DEPARTMENT OF
EDUCATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. Section 1 of Chapter III of Public Law 27-29 is hereby
amended to read:**

“CHAPTER III.

GOVERNMENT OF GUAM GENERAL DEBT SERVICE.

Section 1. Debt Service Continuing Appropriation. The following
are continuing appropriations for debt service requirements, some of which
are not to be construed as additional appropriations pursuant to this Act, as
noted:

A. GENERAL OBLIGATION BONDS, 1993

Series A (Education Bond (TEFF); for education
capital projects; payment from Real Property Tax,

1 P. L. 22-19 as supplemented by P. L. 22-24; not to be
2 construed as an additional appropriation pursuant
3 to this Act) \$12,657,570

4 **B. GENERAL OBLIGATION BONDS, 1995**

5 **Series B** (Education Bond (TEFF); for education
6 capital projects; payment from Real Property Tax,
7 P. L. 22-19 as supplemented by P. L. 22-24; not to be
8 construed as an additional appropriation pursuant
9 to this Act) \$ 5,367,792

10 **C. 1993 AND 1995 GENERAL OBLIGATIONS BONDS 1/**

11 **1/ Requirement from the General Fund to cover shortfall of payment or**
12 **debt service from the Guam Education Facility Fund.**

13 (P.L. No. 22-19, Capital Projects Pledged and Due FY 2018 as Final Year; and
14 P.L. 23-14, Tax Refunds, Supplemental Retirement Payments Pledged and
15 Due FY 2005 as Final Year) \$12,630,633

16 **D. LIMITED OBLIGATION INFRASTRUCTURE**

17 **IMPROVEMENT BONDS, 1997 Series A Fund**

18 (Tumon Redevelopment; payment from the
19 Tourist Attraction Fund, P. L. 24-111; not to be
20 construed as an additional appropriation pursuant
21 to this Act) \$7,315,970

22 **E. LIMITED OBLIGATION HIGHWAY REFUNDING**

23 **BONDS, 2001 Series A**

1 (payment from the Guam Highway Fund, P. L. 24-70;
2 not to be construed as an additional appropriation
3 pursuant to this Act) \$6,027,181

4 **F. LIMITED OBLIGATION (SECTION 30) BONDS,**
5 **2001 Series A**

6 (Water System Revenue Bond; payment from
7 Section 30 Funds) \$9,824,393

8 **G. 2002 SHORT TERM FINANCING**

9 (payment from the General Fund, P. L. 26-84) \$1,281,818

10 **DEBT SERVICE GRAND TOTAL** \$55,105,357

11 **Section 2. Section 35 of Chapter IV of Public Law 27-29 is hereby**
12 **amended to read:**

13 “Appropriation to the Department of Education from the General Fund.
14 Notwithstanding any other provision of law, rule, or regulation, the amount
15 of Four Million Eight Hundred Twenty-five Thousand Two Hundred Forty-
16 nine Dollars (\$4,825,249) is hereby appropriated from the General Fund to the
17 Department of Education for operational and capital expenses specifically for
18 capital outlay, equipment, supplies, repairs, renovations and capital
19 improvements to schools from October 1, 2003, through September 30, 2004.”

20 **Section 3. Section 36 of Chapter IV of Public Law 27-29 is hereby**
21 **amended to read:**

22 “Section 36. Appropriation to *Y Kuantan Salappe’ Prinsepat*
23 **(Principal’s Fund)**. The amount of Five Hundred Forty-two Thousand Five

1 Hundred Forty-three Dollars (\$542,543) is hereby appropriated from the
2 General Fund to *Y Kuantan Salappe' Prinsepat* (Principal's Fund), as amended
3 by P. L. 23-128, to be expended in accordance with the purposes listed in 17
4 GCA §10102. The Superintendent of Education shall allocate this
5 appropriation equally to all public schools. Such funds shall not be subject to
6 any transfer authority of *I Maga'lahen Guåhan*."

7



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

10 NOV 2003

The Honorable Vicente C. Pangelinan
Speaker *Mina 'Bente Siete Na Liheslaturan Guåhan*
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Public Law 27-29.

Sincerely yours,

FELIX P. CAMACHO
I Maga'lahen Guåhan
Governor of Guam

Attachment: a copy of the overridden bill is attached

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

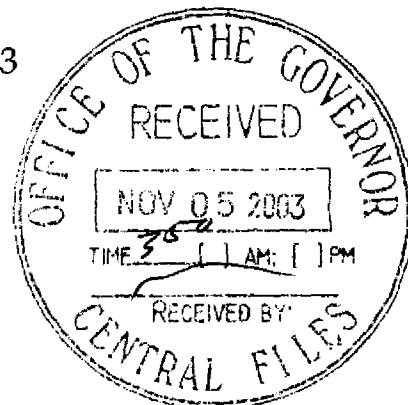


MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN

TWENTY-SEVENTH GUAM LEGISLATURE

155 Hessler Place, Hagåtña, Guam 96910

November 5, 2003

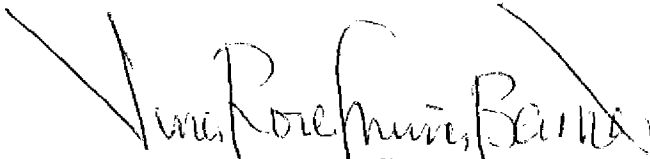


The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Substitute Bill Nos. 48(COR), 53(COR), 56(COR), 83(COR), 91(COR), and the line-item vetoes of Sections 30, 31, 35, 36, 45(b) and 46, all of Chapter IV of Public Law 27-29, which were overridden by *I Mina'Bente Siete Na Liheslaturan Guåhan* on October 31, 2003, notwithstanding your veto.

Sincerely,


TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (6)

CFI-1103-3663

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

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

This is to certify that (1) Page 44, lines 13-19, §30 of P.L. No. 27-29, IV, *Appropriation for Government of Guam Annual Single-Audit*, reduced from \$300,000 to \$ -0-; (2) Page 44, lines 20 to line 2 of Page 45, §31 of P.L. No. 27-29, IV, *Court-Appointed Attorney Fees for Indigent Persons Program*, reduced from \$700,000 to \$ -0-; (3) Page 46, lines 3-11, §35 of P.L. No. 27-29, IV, *Appropriation to the Department of Education from the Territorial Educational Facilities Fund for Operations*, reduced from \$4,825,249 to \$ -0-; (4) Page 46, lines 12-20, §36 of P.L. No. 27-29, IV, *Appropriation to Y Kuentan Salappe' Prinsepat (Principal's Fund)*, reduced from \$542,543 to \$ -0-; (5) Page 50, lines 11-12, §45(b) of P.L. No. 27-29, IV, *Appropriation to Department of Public Works*, reduced from \$306,572 to \$ -0-; (6) Page 50, lines 13-19, §46 of P.L. No. 27-29, IV, *University of Guam Capital Improvements Fund*, reduced from \$500,000 to \$ -0-; all contained in Bill No. 92(COR), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," now P.L. 27-29, returned to *I Liheslaturan Guåhan* as having been item-vetoed by *I Maga'lahaen Guåhan* were in accordance with the Organic Act of Guam, reconsidered by *I Liheslaturan Guåhan*, did, on the 31st day of October, 2003, agree to pass said lines of Sections cited, notwithstanding the objection of *I Maga'lahaen Guåhan* by a 2/3 or more vote of all the members thereof, to wit:

<u>Pages, Lines, Sections of P.L. No. 27-29:</u>	<u>Affirmative Votes</u>
(1) Page 44, lines 13-19, §30 of P.L. No. 27-29, IV	15
(2) Page 44, lines 20 to line 2 of Page 45, §31 of P.L. No. 27-29, IV	12
(3) Page 46, lines 3-11, §35 of P.L. No. 27-29, IV	15
(4) Page 46, lines 12-20, §36 of P.L. No. 27-29, IV	15
(5) Page 50, lines 11-12, §45(b) of P.L. No. 27-29, IV	15
(6) Page 50, lines 13-19, §46 of P.L. No. 27-29, IV	15

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 5th day of November, 2003, at 3:50 o'clock P.M.

Assistant Staff Officer
Maga'lahaen's Office

1 Fund (P. L. 23-64, 10 GCA §51204) to the Guam Environmental Protection
2 Agency for general operations.

3 (e) **Solid Waste Management Fund.** The sum of Seventy-five
4 Thousand Dollars (\$75,000) from the Solid Waste Management Fund (P. L.
5 23-64,10 GCA §51117) to the Guam Environmental Protection Agency for
6 contractual, equipment, supplies and capital outlay.

7 (f) **Water Protection Fund.** The sum of Seventy-five Thousand
8 Dollars (\$75,000) is hereby appropriated from the Water Protection Fund
9 (P. L. 25-152, Rules and Regulations, §10108G) to the Guam Environmental
10 Protection Agency for contractual, equipment, supplies and capital outlay.

11 (g) **Transfer Exemption.** The funds appropriated in this Section
12 are *not* subject to *I Maga'lahen Guâhan's* transfer authority.

13 **Section 30. Appropriation for Government of Guam Annual**
14 **Single-Audit.** The sum of Three Hundred Thousand Dollars (\$300,000) is
15 hereby appropriated from the General Fund to the Department of
16 Administration for the *sole* purpose of outsourcing the government of
17 Guam annual single financial audit for Fiscal Year 2003. The Office of the
18 Public Auditor shall be responsible for the administration of such funds
19 and shall maintain oversight of the conduct of the annual audit.

20 **Section 31. Court-Appointed Attorney Fees for Indigent Persons**
21 **Program.** The amount of Seven Hundred Thousand Dollars (\$700,000) is
22 hereby appropriated from the General Fund to the Superior Court of
23 Guam, for the *sole* purpose of addressing private court-appointed attorney
24 fees related to the legal defense of indigent people. Such funds shall be
25 deposited into the Appointed Counsel Trust Fund ("Fund") account, as

1 stipulated in 7GCA §22111 and shall *not* be subject to any transfer
2 authority.

3 No increase in fees or creation of new fees by the courts of Guam
4 shall be part of or revert to the Judicial Building Fund. Any such increase
5 or new fee shall *not* be expended by the Supreme Court or Superior Court
6 of Guam. Such funds shall be subject to Legislative appropriation.

7 **Section 32. Firefighters Equipment Replacement and Repair Fund.**

8 The sum of Three Hundred Thousand Dollars (\$300,000) is hereby
9 appropriated from the General Fund to the Firefighters Equipment
10 Replacement and Repair Fund. Funds are to be used for the purpose of
11 replacing the Guam Fire Department's essential fire fighting equipment in
12 accordance with Public Law 25-03.

13 **Section 33. Catastrophic Illnesses Program Appropriation.** The
14 amount of One Million Dollars (\$1,000,000) from the General Fund is
15 hereby appropriated to the Department of Public Health and Social
16 Services for the *sole* purpose of funding the Catastrophic Illness Program
17 for Fiscal Year 2004. The funds appropriated herein shall *not* be subject to *I*
18 *Maga'lahaen Guåhan's* transfer authority.

19 **Section 34. Appropriation to Guam Memorial Hospital.** The
20 amount of Three Million Eight Hundred Thousand Dollars (\$3,800,000) is
21 hereby appropriated from the Healthy Futures Fund to the Guam
22 Memorial Hospital for the purposes of offsetting the proposed five percent
23 (5%) across-the-board hospital fee increases and for the treatments that are
24 necessary as a result of tobacco, alcohol and substance abuse. The funds
25 appropriated herein shall *not* be subject to *I Maga'lahaen Guåhan's* transfer

1 authority and shall revert to the Healthy Futures Fund if hospital fees are
2 increased in Fiscal Year 2003 or Fiscal Year 2004.

3 **Section 35. Appropriation to the Department of Education from**
4 **the Territorial Educational Facilities Fund for Operations.**

5 Notwithstanding any other provision of law, rule, or regulation, the
6 amount of Four Million Eight Hundred Twenty-five Thousand Two
7 Hundred Forty-nine Dollars (**\$4,825,249**) is hereby appropriated from the
8 Territorial Educational Facilities Fund to the Department of Education for
9 operational and capital expenses specifically for capital outlay, equipment,
10 supplies, repairs, renovations and capital improvements to schools from
11 October 1, 2003, through September 30, 2004.

12 **Section 36. Appropriation to *Y Kuantan Salappe' Prinsepat***
13 **(Principal's Fund).** The amount of Five Hundred Forty-two Thousand

14 Five Hundred Forty-three Dollars (**\$542,543**) is hereby appropriated from
15 the Territorial Educational Facilities Fund to *Y Kuantan Salappe' Prinsepat*
16 (Principal's Fund), as amended by P. L. 23-128, to be expended in
17 accordance with the purposes listed in 17 GCA §10102. The
18 Superintendent of Education shall allocate this appropriation equally to all
19 public schools. Such funds shall not be subject to any transfer authority of *I*
20 *Maga'lalen Guåhan*.

21 **Section 37. Department of Education Interscholastic Sports**
22 **Program Appropriation.** The sum of Five Hundred Nine Thousand Two

23 Hundred Forty-six Dollars (**\$509,246**) is hereby appropriated from the
24 Healthy Futures Fund to the Interscholastic Sports Fund within the
25 Department of Education to fund its Interscholastic Sports Program for

1 Speaker of *I Liheslaturan Guåhan* on the total expenditures and specific
2 program of said expenditures as contained in the provisions of this Section.

3 **Section 45. Appropriation to Department of Public Works.** The
4 Sum of Three Million Sixty-five Thousand Seven Hundred Twenty Dollars
5 **(\$3,065,720)** is hereby appropriated from the Abandoned Vehicle and Street
6 Light Fund to the Department of Public Works for the following purposes:

7 (a) Two Million Seven Hundred Fifty-nine Thousand One
8 Hundred Forty-eight Dollars **(\$2,759,148)** for payment to the
9 Guam Power Authority for power consumption of public street
10 lights.

11 (b) Three Hundred Six Thousand Five Hundred Seventy-two
12 Dollars **(\$306,572)** for the removal of abandoned vehicles.

13 **Section 46. University of Guam Capital Improvements Fund.**
14 There is hereby appropriated Five Hundred Thousand Dollars **(\$500,000)**
15 for Fiscal Year 2004 and annually thereafter to the University of Guam
16 Capital Improvements Fund, created in P. L. 26-48, from the portion of the
17 Mass Transit Authority Surcharge funds collected pursuant to §26503 of
18 Title 11 of the Guam Code Annotated, and set aside for the Guam Mass
19 Transit Authority.

20 **Section 47. Department of Revenue and Taxation Appropriation.**

21 The amount of Two Million Dollars **(\$2,000,000)** is hereby
22 appropriated from the General Fund to the Department of Revenue and
23 Taxation for the purpose of funding the operations, inclusive of Personnel
24 Services, to address aggressive tax collections and increased tax refund
25 processing.

26