

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>309-32 (COR) - VETOED</b>	V.C.Pangelina n B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.	04/08/14 4:33 p.m.	04/09/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	5/23/14 8:30 a.m.	06/11/14 11:15 a.m.	<b>Fiscal Note Request 04/15/14</b>  <b>Fiscal Note Received 5/29/14</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	6/16/2014	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068; AND TO REPEAL AND REENACT § 13109(a)(5) OF CHAPTER 13, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USE OF ADDITIONAL SECTION 30 REVENUES, AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM; AND TO BE KNOWN AS THE "SUPPLEMENTAL APPROPRIATIONS ACT OF 2014."	6/17/14	2:15 p.m.	6/28/2014			As substituted by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land; and amended on the Floor.  <b>VETOED 6/24/14</b>



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

Office of the Governor of Guam

32-14-1783

June 27, 2014

2014 JUN 27 PM 5:01  
6.27.14  
4:51pm  
Received by

Honorable Judith T. Won Pat, Ed.D  
Speaker  
I Mina'trentai Dos Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Madame Speaker:

Attached is Bill No. 309-32 (COR), entitled, *"An Act to Add a New Section 7 to Chapter I of Public Law 32-068; and to Repeal and Reenact Section 13109(a)(5) of Chapter 13, Title 2, Guam Code Annotated Relative to Prioritizing the Use of Additional Section 30 Revenues. . ."* which I have VETOED.

Bill 309 seeks to appropriate \$22 million in "excess" Section 30 fund revenues that allegedly represent a windfall to Guam. This \$22 million does not exist. Today we confirmed with our federal partners that \$7.8 million is on its way to Guam, with a total commitment not exceeding \$15 million to date. This is not revenue available for appropriation. This is cash I am using to pay tax refunds.

The Legislature constantly makes \$1.20 in promises for every \$1.00 that exists. While these promises sound nice and hit all the right political chords, 20¢ becomes an empty promise for someone else to struggle with. That struggle comes at the expense of those whose hopes senators raised, when they promised Monopoly money to public schools, the police, the prison staff, and others. The only real commitment made by Bill 309 is a commitment to irresponsibility.

Aside from my fiscal concerns, I do note the following:

1. Bill 309 was a blatant attempt by the Legislature to micromanage and usurp the authority and responsibility of the Board of Education, a governing body empowered by the people themselves. The attempt to control the management of DOE by an entirely different branch of government is, at best, questionable on its motives alone. Not a single aim or purpose of these legislatively-induced edicts even addressed the improvement of learning.
2. The Legislature has signaled the following:
  - a. Desire for me to terminate the portion of the Tiyan High School agreement that would construct new warehouses, office spaces and a mezzanine.





**EDDIE BAZA CALVO**  
*Governor*

**RAY TENORIO**  
*Lieutenant Governor*

*Office of the Governor of Guam.*

- b. Desire for me to allow the construction of a Tiyan High School gymnasium to move forward.

This Administration has repeatedly stood firm that it will not enable the empty promises to continue to be made by the Legislature. Bill 309 is a misleading and reckless gimmick that serves only to advance political aims at the expense and hopes of hard-working Guamanians. This is deficit spending in its plainest form. It is wrong, and I will not tolerate it. Bill 309 is vetoed.

*Senseramente,*

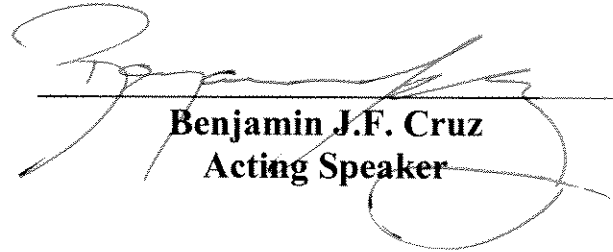
**EDDIE BAZA CALVO**




**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

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


This is to certify that **Substitute Bill No. 309-32 (COR)**, "AN ACT TO *ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068; AND TO REPEAL AND REENACT § 13109(a)(5) OF CHAPTER 13, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USE OF ADDITIONAL SECTION 30 REVENUES, AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM; AND TO BE KNOWN AS THE "SUPPLEMENTAL APPROPRIATIONS ACT OF 2014,"* was on the 16<sup>th</sup> day of June, 2014, duly and regularly passed.

  
\_\_\_\_\_  
**Benjamin J.F. Cruz**  
**Acting Speaker**

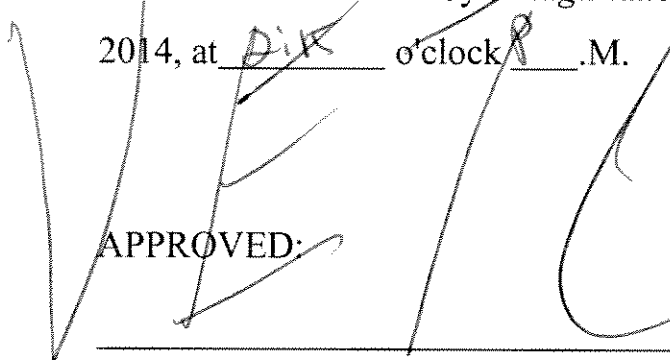
Attested:

  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 17<sup>th</sup> day of June,  
2014, at 2:15 o'clock P.M.

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

APPROVED:

  
\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahen Guåhan*

Date: JUN 24 2014

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

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
**2014 (SECOND) Regular Session**

**Bill No. 309-32 (COR)**

As substituted by the Committee on Appropriations,  
Public Debt, Legal Affairs, Retirement, Public Parks,  
Recreation, Historic Preservation, and Land;  
and amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan

B. J.F. Cruz

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreddie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068; AND TO *REPEAL* AND *REENACT* § 13109(a)(5) OF CHAPTER 13, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USE OF ADDITIONAL SECTION 30 REVENUES, AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM; AND TO BE KNOWN AS THE “*SUPPLEMENTAL APPROPRIATIONS ACT OF 2014.*”**

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

2           **Section 1. Short Title.** This Act *shall* be known as the “**Supplemental**  
3 **Appropriations Act of 2014.**” *Except* as otherwise provided by this Act, the  
4 appropriations made by this Act *shall* be available to pay for obligations incurred  
5 on *or* after October 1, 2013, but *no later than* September 30, 2014. *If* any  
6 appropriation in this Act is found contrary to federal law, all other portions of this  
7 Act *shall* remain valid.

8           **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
9 that it is imperative for the proper planning and prioritization of uses for  
10 unexpected General Fund revenues received by the government of Guam. Over the  
11 previous two fiscal years, *I Liheslaturan Guåhan* has not been provided all the  
12 proper updates relative to the prior, current, and future fiscal year estimates,  
13 reconciliations, receipts, overpayments, underpayments, advanced requests for  
14 subsequent fiscal years, receipt of United States Department of Treasury warrants  
15 or notices of garnishments, and/or discussions related to Section 30 revenues  
16 received or to be received by the government of Guam. *I Liheslaturan Guåhan*  
17 relies on the Executive Branch to provide such updates and correspondences as it is  
18 the Executive Branch that carries out the administrative and executory nature of  
19 receiving Section 30 revenues.

20           As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to  
21 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that  
22 Section 2(I)(B), Chapter I of Public Law 31-233 (General Appropriations Act of  
23 2013) included an estimate of General Fund revenues from Federal Sources of  
24 Fifty Three Million Four Hundred Fifty One Thousand Five Hundred Nineteen  
25 Dollars (**\$53,451,519**), whereas the actual receipt of Section 30 revenues  
26 subsequent to the enactment of Public Law 31-233 was Fifty Eight Million Four  
27 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a

1 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars  
2 (**\$5,027,190**) that was hidden, and thus heretofore not known by *I Liheslaturan*  
3 *Guåhan* to be available to be appropriated for education, public safety, and public  
4 health related services.

5 *I Liheslaturan Guåhan* further finds that the receipt of funds for Section 30  
6 revenues for Fiscal Year 2014 included an additional Fifteen Million Three  
7 Hundred Thirty Three Thousand Six Hundred Thirty Dollars (**\$15,333,630**) that  
8 was unexpected by *I Liheslaturan Guåhan*, and was not included in budget  
9 deliberations in Legislative Session; and was further not known by *I Liheslaturan*  
10 *Guåhan* to be available to be appropriated for education, public safety, and public  
11 health related services as a result of the lack of notice or update by the Executive  
12 Branch of such additional Section 30 revenues.

13 Such additional Section 30 revenues received at the same time Section 30  
14 revenues were received for Fiscal Year 2014 were included in the Bureau of  
15 Budget and Management Research (BBMR) Consolidated Revenue and  
16 Expenditure Report (Report) for the twelve months ending September 30, 2013,  
17 and were *not* included in any of BBMR's Reports for each month in Fiscal Year  
18 2014, through April 30, 2014.

19 *I Liheslaturan Guåhan* further finds that *I Maga'lahaen Guåhan* expended  
20 such additional Section 30 revenues for the payment of unpaid income tax refunds  
21 only after members of *I Liheslaturan Guåhan* urged such action and utilization of  
22 such funds.

23 *I Liheslaturan Guåhan* further finds that in February 2014, the government  
24 of Guam also received an additional One Million One Hundred Fifty Eight  
25 Thousand Six Hundred Seventy Six Dollars (**\$1,158,676**) in additional Section 30  
26 revenues to which notice of such receipt was not timely provided to *I Liheslaturan*  
27 *Guåhan*.

1           Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the  
2 legislative responsibility and authority granted to it pursuant to the Organic Act of  
3 Guam is preserved through prioritizing any excess or additional Section 30  
4 revenues received during Fiscal Year 2014 for specific purposes, as well as  
5 increasing transparency and accountability of the Executive Branch in providing  
6 any and all correspondences relative to Section 30 revenues to and from the  
7 Executive Branch.

8           **Section 3.** A new Section 7 is hereby *added* to Chapter I of Public Law  
9 32-068 to read:

10           **“Section 7. Excess Section 30 Fund Revenues.** Notwithstanding  
11 any other provision of law, any Section 30 Funds received by the  
12 government of Guam subsequent to June 1, 2014 in Fiscal Year 2014 above  
13 the adopted revenues for Section 30 Funds in Section 2(I)(B) of this Chapter  
14 separate and apart from the Section 30 Funds received for FY 2015 *shall* be  
15 transferred to the Supplemental Appropriations Revenue (SAR) Fund, and is  
16 hereby appropriated from the SAR Fund for the following purposes and in  
17 the following order of priority:

18           (a) such sums as are necessary to pay for the full  
19 implementation of the Competitive Wage Act of 2014 for Fiscal Year  
20 2014 that took effect on January 26, 2014, inclusive of the unpaid fifty  
21 percent (50%) for employees under the General Pay Plan for the  
22 following agencies:

- 23                           (1) Guam Department of Education
- 24                           (2) Unified Judiciary of Guam
- 25                           (3) University of Guam
- 26                           (4) Guam Community College
- 27                           (5) Mayors Council of Guam



- (6) Office of Public Accountability
- (7) Office of the Attorney General
- (8) Public Defender Service Corporation
- (9) Guam Memorial Hospital Authority
- (10) Executive Branch Line Agencies

The unpaid fifty percent (50%) for employees under the General Pay Plan *shall* be effective on August 1, 2014. Agencies identified under Subsections (a)(1) through (a)(9) *shall* provide the amounts necessary to cover the full implementation of the Competitive Wage Act of 2014 for Fiscal Year 2014 that took effect on January 26, 2014 to the BBMR *no later than* July 15, 2014. The BBMR *shall* release the full allotment of such amounts to each agency. Upon the BBMR's allotment release, agencies identified under Subsections (a)(1) through (a)(9) *shall* send invoices, in the amount provided to the BBMR, to the Department of Administration (DOA), and the DOA *shall* remit the cash based on the BBMR allotment for each agency *no later than* September 29, 2014;

(b) the sum of Six Million Dollars (**\$6,000,000**) to the Guam Department of Education (GDOE) to either renovate the George Washington High School (GWHS) campus, construct a new GDOE gymnasium in *Tiyan*, or meet budgetary shortfalls for Fiscal Year 2014 after one hundred percent (100%) of funds held in reserve have been released to GDOE by *I Maga'lahaen Guåhan*. This appropriation *shall not* lapse and *shall* be available until fully expended. Notwithstanding any other provision of law, no tax credits shall be authorized to construct GDOE offices, GDOE warehouses, or mezzanines for such warehouses, within the *Tiyan* facilities in Fiscal

1 Years 2014 and beyond, as identified in and pursuant to the Purchase  
2 Agreement and Exercise of Option Under the Lease II signed by *I*  
3 *Maga'lahaen Guåhan* on December 30, 2013 and further amended and  
4 signed by *I Maga'lahaen Guåhan* on January 17, 2014.  
5 Notwithstanding any other provision of law, any new construction  
6 within the *Tiyan* facilities as identified in and pursuant to the  
7 aforementioned agreement, as amended, with the exception of the  
8 GDOE gymnasium as authorized herein, *shall* require legislative  
9 appropriation and approval, and *shall* require *I Maga'lahaen Guåhan* to  
10 identify a funding source for such construction and present it to *I*  
11 *Liheslaturan Guåhan*;

12 (c) such sums as are necessary to recruit twenty (20) full-  
13 time Police Officer I positions at the Guam Police Department for  
14 Fiscal Year 2014;

15 (d) such sums as are necessary to recruit for the Prosecution  
16 Division and Victim Witness *Ayuda* Services within the Office of the  
17 Attorney General, which *shall* include two (2) Assistant Attorneys  
18 General, two (2) Paralegals I, two (2) Legal Secretaries I, one (1)  
19 Investigator I, and two (2) Victim Advocate positions;

20 (e) such sums as are necessary for the payment of unpaid  
21 retroactive salary increments to law enforcement officers, pursuant to  
22 Public Law 29-105, owed to the Unified Judiciary of Guam, the  
23 Office of the Attorney General, and the Public Defender Service  
24 Corporation; and Executive Branch line agency employees owed such  
25 retroactive salary increments. Notwithstanding any other provision of  
26 law, the position of Investigator at the Public Defender Service  
27 Corporation *shall* be considered as a law enforcement officer, and

1           *shall* be owed retroactive salary increments as of the enactment of  
2           Public Law 29-105; and

3           (f) such sums as are necessary to cover the financial  
4           shortfalls of the Guam Medicaid Program to be used as local matching  
5           requirements with available and authorized federal matching grants-  
6           in-aid to the DPHSS for FY 2014.

7           § 1303 of Chapter 1, Article 3, Title 5, Guam Code Annotated *shall*  
8           *not* apply to the appropriations contained in this Section 7. The funds  
9           appropriated in this Section 7 are *not* subject to *I Maga'lahren Guåhan's*  
10          transfer authority.”

11          **Section 4.** All appropriations in Section 7 of Chapter I of Public Law 32-  
12          068 shall have no force or effect if the government of Guam does not receive  
13          Section 30 Funds subsequent to June 1, 2014, in Fiscal Year 2014 above the  
14          adopted revenues for Section 30 Funds in Section 2(I)(B), Chapter I of Public Law  
15          32-068 separate and apart from the Section 30 Funds received for FY 2015.

16          **Section 5.** Nothing in this Act shall prevent *I Maga'lahren Guåhan* from  
17          using any existing appropriations from which he is authorized to transfer in Public  
18          Law 32-068 for the full implementation of the remaining balance of the  
19          Competitive Wage Act of 2014 for the agencies identified in Section 7(a), Chapter  
20          I of Public Law 32-068.

21          **Section 6.** § 13109(a)(5) of Chapter 13, Title 2, Guam Code Annotated, is  
22          hereby *repealed* and *reenacted* to read:

23                 “(5) Section 30 Transparency and Accountability Reporting.

24                 (A) *No later than* fifteen (15) days after the end of each  
25                 month of each fiscal year, *I Maga'lahren Guåhan shall* submit a  
26                 written report to the Speaker of *I Liheslaturan Guåhan* and the Office  
27                 of Finance and Budget that provides a list of any and all

1 correspondences sent by the government of Guam to and/or received  
2 by the government of Guam from the United States Department of the  
3 Treasury, the Department of the Interior and/or its Office of Insular  
4 Affairs, or its successor, and any other entities of the United States  
5 government related to prior, current, and future fiscal year estimates,  
6 reconciliations, receipts, overpayments, underpayments, advanced  
7 requests for subsequent fiscal years, receipt of United States  
8 Department of Treasury warrants or notices of garnishments, and/or  
9 discussions related thereto of duties, fees, and taxes (also referred to  
10 as Section 30 funds) during the previous month. Such report  
11 submitted *shall* include a copy of each correspondence as specified  
12 above.

13 (B) If during such month of each fiscal year, there are no  
14 correspondences sent by the government of Guam to and/or received  
15 by the government of Guam from the United States Department of the  
16 Treasury, the Department of the Interior and/or its Office of Insular  
17 Affairs, or its successor, and any other entities of the United States  
18 government related to prior, current, and future fiscal year estimates,  
19 reconciliations, receipts, overpayments, underpayments, advanced  
20 requests for subsequent fiscal years, and/or discussions related thereto  
21 of duties, fees, and taxes (also referred to as Section 30 funds) during  
22 the previous month, *I Maga'lahañ Guåhan shall* submit a letter to the  
23 Speaker of *I Liheslaturan Guåhan* and the Office of Finance and  
24 Budget stating that no correspondences have been sent and/or  
25 received.

26 (C) If any correspondence required to be submitted pursuant  
27 to this Section is deemed confidential and prevents submission to the

1 Speaker of *I Liheslaturan Guåhan* and the Office of Finance and  
2 Budget, *I Maga'lahren Guåhan shall* state such confidentiality,  
3 inclusive of a citation of local or federal law preventing such  
4 submission and a written opinion by the Attorney General of Guam  
5 supporting such non-submission that *shall* accompany such written  
6 report.”

7 **Section 7. Section 30 Transparency and Accountability Reporting.** *I*  
8 *Maga'lahren Guåhan shall* submit a report pursuant to the detailed reporting  
9 requirements in § 13109(a)(5), Chapter 13, Title 2, Guam Code Annotated,  
10 inclusive of all correspondences thereto related to each of the months during the  
11 previous three (3) fiscal years prior to Fiscal Year 2014, and for the months during  
12 Fiscal Year 2014 prior to the enactment of this Act. Such report *shall* be submitted  
13 to the Speaker of *I Liheslaturan Guåhan* and the Office of Finance and Budget *no*  
14 *later than* twenty (20) days after the enactment of this Act.

15 **Section 8. Effective Date.** This Act *shall* take effect upon its enactment  
16 and apply prospectively.

17 **Section 9. Severability.** *If* any provision of this Act or its application to  
18 any person or circumstance is held invalid, the invalidity *shall not* affect other  
19 provisions or applications of this Act which can be given effect without the invalid  
20 provision or application and to this end the provisions of this Act is severable.

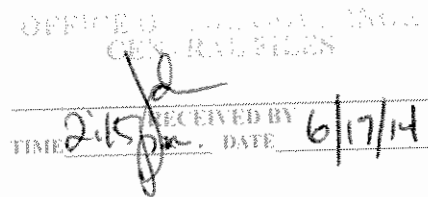


FILE COPY

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

June 17, 2014

The Honorable Edward J.B. Calvo  
*I Maga'lahren Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 173-32 (LS), 307-32 (COR), 309-32 (COR), 334-32 (LS), 335-32 (COR) and 350-32 (LS), which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on June 16, 2014.

Sincerely,

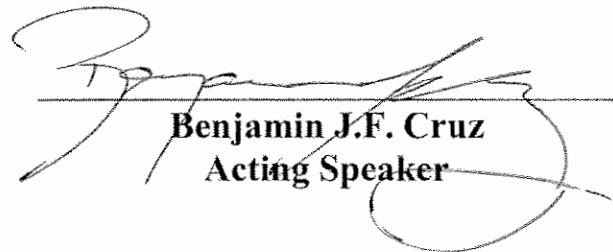
  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosures (6)

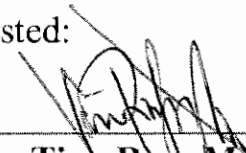
*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 309-32 (COR)**, "AN ACT TO *ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068; AND TO REPEAL AND REENACT § 13109(a)(5) OF CHAPTER 13, TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USE OF ADDITIONAL SECTION 30 REVENUES, AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM; AND TO BE KNOWN AS THE "SUPPLEMENTAL APPROPRIATIONS ACT OF 2014,"* was on the 16<sup>th</sup> day of June, 2014, duly and regularly passed.

  
Benjamin J.F. Cruz  
Acting Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guåhan* this 17<sup>th</sup> day of June,  
2014, at 2:15 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:

\_\_\_\_\_  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

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

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

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
2014 (SECOND) Regular Session

**Bill No. 309-32 (COR)**

As substituted by the Committee on Appropriations,  
Public Debt, Legal Affairs, Retirement, Public Parks,  
Recreation, Historic Preservation, and Land;  
and amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan

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T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

Chris M. Dueñas

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20           As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to  
21 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that  
22 Section 2(I)(B), Chapter I of Public Law 31-233 (General Appropriations Act of  
23 2013) included an estimate of General Fund revenues from Federal Sources of  
24 Fifty Three Million Four Hundred Fifty One Thousand Five Hundred Nineteen  
25 Dollars (**\$53,451,519**), whereas the actual receipt of Section 30 revenues  
26 subsequent to the enactment of Public Law 31-233 was Fifty Eight Million Four  
27 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a

1 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars  
2 (\$5,027,190) that was hidden, and thus heretofore not known by *I Liheslaturan*  
3 *Guåhan* to be available to be appropriated for education, public safety, and public  
4 health related services.

5 *I Liheslaturan Guåhan* further finds that the receipt of funds for Section 30  
6 revenues for Fiscal Year 2014 included an additional Fifteen Million Three  
7 Hundred Thirty Three Thousand Six Hundred Thirty Dollars (\$15,333,630) that  
8 was unexpected by *I Liheslaturan Guåhan*, and was not included in budget  
9 deliberations in Legislative Session; and was further not known by *I Liheslaturan*  
10 *Guåhan* to be available to be appropriated for education, public safety, and public  
11 health related services as a result of the lack of notice or update by the Executive  
12 Branch of such additional Section 30 revenues.

13 Such additional Section 30 revenues received at the same time Section 30  
14 revenues were received for Fiscal Year 2014 were included in the Bureau of  
15 Budget and Management Research (BBMR) Consolidated Revenue and  
16 Expenditure Report (Report) for the twelve months ending September 30, 2013,  
17 and were *not* included in any of BBMR's Reports for each month in Fiscal Year  
18 2014, through April 30, 2014.

19 *I Liheslaturan Guåhan* further finds that *I Maga'lahaen Guåhan* expended  
20 such additional Section 30 revenues for the payment of unpaid income tax refunds  
21 only after members of *I Liheslaturan Guåhan* urged such action and utilization of  
22 such funds.

23 *I Liheslaturan Guåhan* further finds that in February 2014, the government  
24 of Guam also received an additional One Million One Hundred Fifty Eight  
25 Thousand Six Hundred Seventy Six Dollars (\$1,158,676) in additional Section 30  
26 revenues to which notice of such receipt was not timely provided to *I Liheslaturan*  
27 *Guåhan*.

1           Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the  
2 legislative responsibility and authority granted to it pursuant to the Organic Act of  
3 Guam is preserved through prioritizing any excess or additional Section 30  
4 revenues received during Fiscal Year 2014 for specific purposes, as well as  
5 increasing transparency and accountability of the Executive Branch in providing  
6 any and all correspondences relative to Section 30 revenues to and from the  
7 Executive Branch.

8           **Section 3.** A new Section 7 is hereby *added* to Chapter I of Public Law  
9 32-068 to read:

10           **“Section 7. Excess Section 30 Fund Revenues.** Notwithstanding  
11 any other provision of law, any Section 30 Funds received by the  
12 government of Guam subsequent to June 1, 2014 in Fiscal Year 2014 above  
13 the adopted revenues for Section 30 Funds in Section 2(I)(B) of this Chapter  
14 separate and apart from the Section 30 Funds received for FY 2015 *shall* be  
15 transferred to the Supplemental Appropriations Revenue (SAR) Fund, and is  
16 hereby appropriated from the SAR Fund for the following purposes and in  
17 the following order of priority:

18           (a) such sums as are necessary to pay for the full  
19 implementation of the Competitive Wage Act of 2014 for Fiscal Year  
20 2014 that took effect on January 26, 2014, inclusive of the unpaid fifty  
21 percent (50%) for employees under the General Pay Plan for the  
22 following agencies:

- 23                           (1) Guam Department of Education
- 24                           (2) Unified Judiciary of Guam
- 25                           (3) University of Guam
- 26                           (4) Guam Community College
- 27                           (5) Mayors Council of Guam

- 1 (6) Office of Public Accountability
- 2 (7) Office of the Attorney General
- 3 (8) Public Defender Service Corporation
- 4 (9) Guam Memorial Hospital Authority
- 5 (10) Executive Branch Line Agencies

6 The unpaid fifty percent (50%) for employees under the  
7 General Pay Plan *shall* be effective on August 1, 2014. Agencies  
8 identified under Subsections (a)(1) through (a)(9) *shall* provide the  
9 amounts necessary to cover the full implementation of the  
10 Competitive Wage Act of 2014 for Fiscal Year 2014 that took effect  
11 on January 26, 2014 to the BBMR *no later than* July 15, 2014. The  
12 BBMR *shall* release the full allotment of such amounts to each  
13 agency. Upon the BBMR's allotment release, agencies identified  
14 under Subsections (a)(1) through (a)(9) *shall* send invoices, in the  
15 amount provided to the BBMR, to the Department of Administration  
16 (DOA), and the DOA *shall* remit the cash based on the BBMR  
17 allotment for each agency *no later than* September 29, 2014;

18 (b) the sum of Six Million Dollars (**\$6,000,000**) to the Guam  
19 Department of Education (GDOE) to either renovate the George  
20 Washington High School (GWHS) campus, construct a new GDOE  
21 gymnasium in *Tiyan*, or meet budgetary shortfalls for Fiscal Year  
22 2014 after one hundred percent (100%) of funds held in reserve have  
23 been released to GDOE by *I Maga'lahaen Guåhan*. This appropriation  
24 *shall not* lapse and *shall* be available until fully expended.  
25 Notwithstanding any other provision of law, no tax credits shall be  
26 authorized to construct GDOE offices, GDOE warehouses, or  
27 mezzanines for such warehouses, within the *Tiyan* facilities in Fiscal

1 Years 2014 and beyond, as identified in and pursuant to the Purchase  
2 Agreement and Exercise of Option Under the Lease II signed by *I*  
3 *Maga'lahaen Guåhan* on December 30, 2013 and further amended and  
4 signed by *I Maga'lahaen Guåhan* on January 17, 2014.  
5 Notwithstanding any other provision of law, any new construction  
6 within the *Tiyan* facilities as identified in and pursuant to the  
7 aforementioned agreement, as amended, with the exception of the  
8 GDOE gymnasium as authorized herein, *shall* require legislative  
9 appropriation and approval, and *shall* require *I Maga'lahaen Guåhan* to  
10 identify a funding source for such construction and present it to *I*  
11 *Liheslaturan Guåhan*;

12 (c) such sums as are necessary to recruit twenty (20) full-  
13 time Police Officer I positions at the Guam Police Department for  
14 Fiscal Year 2014;

15 (d) such sums as are necessary to recruit for the Prosecution  
16 Division and Victim Witness *Ayuda* Services within the Office of the  
17 Attorney General, which *shall* include two (2) Assistant Attorneys  
18 General, two (2) Paralegals I, two (2) Legal Secretaries I, one (1)  
19 Investigator I, and two (2) Victim Advocate positions;

20 (e) such sums as are necessary for the payment of unpaid  
21 retroactive salary increments to law enforcement officers, pursuant to  
22 Public Law 29-105, owed to the Unified Judiciary of Guam, the  
23 Office of the Attorney General, and the Public Defender Service  
24 Corporation; and Executive Branch line agency employees owed such  
25 retroactive salary increments. Notwithstanding any other provision of  
26 law, the position of Investigator at the Public Defender Service  
27 Corporation *shall* be considered as a law enforcement officer, and

1           shall be owed retroactive salary increments as of the enactment of  
2           Public Law 29-105; and

3           (f) such sums as are necessary to cover the financial  
4           shortfalls of the Guam Medicaid Program to be used as local matching  
5           requirements with available and authorized federal matching grants-  
6           in-aid to the DPHSS for FY 2014.

7           § 1303 of Chapter 1, Article 3, Title 5, Guam Code Annotated shall  
8           not apply to the appropriations contained in this Section 7. The funds  
9           appropriated in this Section 7 are not subject to *I Maga'lahaen Guåhan's*  
10          transfer authority.”

11          **Section 4.** All appropriations in Section 7 of Chapter I of Public Law 32-  
12          068 shall have no force or effect if the government of Guam does not receive  
13          Section 30 Funds subsequent to June 1, 2014, in Fiscal Year 2014 above the  
14          adopted revenues for Section 30 Funds in Section 2(I)(B), Chapter I of Public Law  
15          32-068 separate and apart from the Section 30 Funds received for FY 2015.

16          **Section 5.** Nothing in this Act shall prevent *I Maga'lahaen Guåhan* from  
17          using any existing appropriations from which he is authorized to transfer in Public  
18          Law 32-068 for the full implementation of the remaining balance of the  
19          Competitive Wage Act of 2014 for the agencies identified in Section 7(a), Chapter  
20          I of Public Law 32-068.

21          **Section 6.** § 13109(a)(5) of Chapter 13, Title 2, Guam Code Annotated, is  
22          hereby *repealed* and *reenacted* to read:

23                 “(5) Section 30 Transparency and Accountability Reporting.

24                 (A) *No later than* fifteen (15) days after the end of each  
25                 month of each fiscal year, *I Maga'lahaen Guåhan* shall submit a  
26                 written report to the Speaker of *I Liheslaturan Guåhan* and the Office  
27                 of Finance and Budget that provides a list of any and all

1 correspondences sent by the government of Guam to and/or received  
2 by the government of Guam from the United States Department of the  
3 Treasury, the Department of the Interior and/or its Office of Insular  
4 Affairs, or its successor, and any other entities of the United States  
5 government related to prior, current, and future fiscal year estimates,  
6 reconciliations, receipts, overpayments, underpayments, advanced  
7 requests for subsequent fiscal years, receipt of United States  
8 Department of Treasury warrants or notices of garnishments, and/or  
9 discussions related thereto of duties, fees, and taxes (also referred to  
10 as Section 30 funds) during the previous month. Such report  
11 submitted *shall* include a copy of each correspondence as specified  
12 above.

13 (B) If during such month of each fiscal year, there are no  
14 correspondences sent by the government of Guam to and/or received  
15 by the government of Guam from the United States Department of the  
16 Treasury, the Department of the Interior and/or its Office of Insular  
17 Affairs, or its successor, and any other entities of the United States  
18 government related to prior, current, and future fiscal year estimates,  
19 reconciliations, receipts, overpayments, underpayments, advanced  
20 requests for subsequent fiscal years, and/or discussions related thereto  
21 of duties, fees, and taxes (also referred to as Section 30 funds) during  
22 the previous month, *I Maga'lahaen Guåhan shall* submit a letter to the  
23 Speaker of *I Liheslaturan Guåhan* and the Office of Finance and  
24 Budget stating that no correspondences have been sent and/or  
25 received.

26 (C) If any correspondence required to be submitted pursuant  
27 to this Section is deemed confidential and prevents submission to the

1 Speaker of *I Liheslaturan Guåhan* and the Office of Finance and  
2 Budget, *I Maga'lahaen Guåhan* shall state such confidentiality,  
3 inclusive of a citation of local or federal law preventing such  
4 submission and a written opinion by the Attorney General of Guam  
5 supporting such non-submission that *shall* accompany such written  
6 report.”

7 **Section 7. Section 30 Transparency and Accountability Reporting.** *I*  
8 *Maga'lahaen Guåhan* shall submit a report pursuant to the detailed reporting  
9 requirements in § 13109(a)(5), Chapter 13, Title 2, Guam Code Annotated,  
10 inclusive of all correspondences thereto related to each of the months during the  
11 previous three (3) fiscal years prior to Fiscal Year 2014, and for the months during  
12 Fiscal Year 2014 prior to the enactment of this Act. Such report *shall* be submitted  
13 to the Speaker of *I Liheslaturan Guåhan* and the Office of Finance and Budget *no*  
14 *later than* twenty (20) days after the enactment of this Act.

15 **Section 8. Effective Date.** This Act *shall* take effect upon its enactment  
16 and apply prospectively.

17 **Section 9. Severability.** *If* any provision of this Act or its application to  
18 any person or circumstance is held invalid, the invalidity *shall not* affect other  
19 provisions or applications of this Act which can be given effect without the invalid  
20 provision or application and to this end the provisions of this Act is severable.



# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Bill No. 309-32 (COR)

Speaker Antonio R. Unipingo Legislative Session Hall

As substituted by the Committee on Appropriations,  
Public Debt, Legal Affairs, Retirement, Public Parks,  
Recreation, Historic Preservation and Land; and  
amended on the Floor. *(2nd Vote)*

June 16, 2014

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA		✓			
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS		✓			
Senator Michael LIMTIACO		✓			
Senator Brant McCREADIE		✓			
Senator Thomas "Tommy" MORRISON		✓			
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.					✓
Senator Aline A. YAMASHITA, Ph.D.		✓			

TOTAL

8

6

1 Ex.

Yea

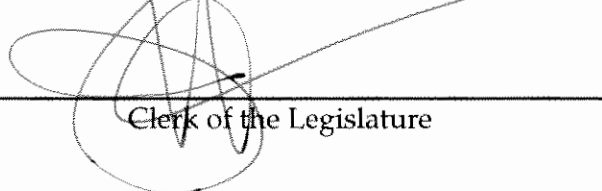
Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

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

I = Pass