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
	V.C.Pangelinan 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.	**Fiscal Note Request 04/15/14** **Fiscal Note Received 5/29/14**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
309-32 (COR)	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.**

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'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CIVIL RECORDS
TIME 2:15 RECEIVED BY DATE 6/17/14

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 16th 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 17th 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: _____

Public Law No. _____

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
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. McCreadie
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.*"

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be known as the "**Supplemental Appropriations Act of 2014.**" *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, 2013, but *no later than* September 30, 2014. *If* any appropriation in this Act is found contrary to federal law, all other portions of this Act *shall* remain valid.

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

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

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

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

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

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

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

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

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

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

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

(1) Guam Department of Education

(2) Unified Judiciary of Guam

(3) University of Guam

(4) Guam Community College

(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'lahen 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

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

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

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

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

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

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

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

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

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

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

"(5) Section 30 Transparency and Accountability Reporting.

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

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

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

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

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

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

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

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

Speaker Antonio R. Unipingco Legislative Session Hall
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