

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 144 -33 (COR)

Introduced by:

Frank F. Blas, Jr. 

J. V. Espaldon 

2015 JUL 13 PM 12:35

**AN ACT TO *ADD* A NEW § 4123, CHAPTER 4, TITLE 5,
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING FEDERAL RECEIPTS REPORTING
REQUIREMENTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is critical to the budgeting process that the government have a complete reporting of federal receipts received by state agencies and that the report must contain a plan to operate the state agency in the event federal receipts are reduced by certain amounts. Currently, this reporting process is non-existent as well as any plans that could be implemented immediately in the event that the agency sees a decrease in federal funding.

It is, therefore, the intent of *I Liheslaturan Guåhan* to establish the use of Federal Receipts Reporting Requirements in the budgeting process.

Section 2. § 4123, Chapter 4, Title 5, Guam Code Annotated is hereby *added* to read:

“§4123. Federal Receipts Reporting Requirements.

(A) Definitions -- Federal receipts reporting requirements.

1 As used in this section:

2 (1) "Designated state agency" means Agency means any authority of
3 the government and includes a department, institution, board, bureau, commission,
4 council, committee of Guam government, branch, autonomous instrumentality,
5 public corporation funded by public taxes or funds, or other public entity of the
6 government of Guam.

7 (2) "Designated state agency" does not include the judicial branch,
8 the legislative branch, or an office or other entity within the judicial branch or the
9 legislative branch.

10 (3) "Federal receipts" means the federal financial assistance, as
11 defined in 31 U.S.C. Sec. 7501, that is reported as part of a single audit.

12 (4) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

13 **(B) Federal Receipts Reporting Requirements.**

14 (1) Designated state agencies shall each year, on or before October 31,
15 prepare a report that:

16 (a) reports the aggregate value of federal receipts the designated
17 state agency received for the preceding fiscal year;

18 (b) reports the aggregate amount of federal funds appropriated
19 by the Legislature to the designated state agency for the preceding
20 fiscal year;

21 (c) calculates the percentage that constitutes federal receipts of
22 the total budget for the designated state agency received for that fiscal
23 year; and

1 (d) develops a plan(s) for operating the designated state
2 agency if there is a reduction in the federal receipt that the designated
3 agency receives.

4 (2) The designated state agencies shall submit the report to the
5 Bureau of Budget and Management Research [BBMR] on or
6 before November 1 of each year.

7 (3) The BBMR shall, on or before November 30 of each year, prepare
8 a report that:

9 (a) compiles and summarizes the reports the BBMR receives
10 in accordance with Subsection 2; and

11 (b) compares the aggregate value of federal receipts each
12 designated state agency and political subdivision received for the
13 previous fiscal year to the aggregate amount of federal funds to the
14 total budget of the designated state agency or political subdivision for
15 that fiscal year.

16 (4) BBMR shall, as part of the report required by Subsection 3,
17 compile a list of designated state agencies that do not submit a report as
18 required by this section.

19 (5) BBMR shall submit the report required by Subsection 3 to the
20 Appropriations Committee on or before December 1 of each year.

21 (6) Upon receipt of the report required by Subsection 3 the chair(s)
22 of the Appropriations Committee shall place the report on the agenda for
23 review and consideration at the next Appropriations Committee meeting.

24 (7) When considering the report required by Subsection 3, the
25 Appropriations Committee may elect to:

1 (a) recommend that the Legislature reduce or eliminate
2 appropriations for a designated state agency;

3 (b) take no action; or

4 (c) take another action that a majority of the committee
5 approves.

6 **Section 4. Severability.** *If* any provision of this Act or its application
7 to any person or circumstance is found to be invalid or contrary to law, such
8 invalidity *shall not* affect other provisions or applications of this Act that can be
9 given effect without the invalid provisions or application, and to this end the
10 provisions of this Act are severable.