

I Mina'trentai Siete Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
32-37 (COR) As amended in the Committee of the Whole	Christopher M. Dueñas Jesse A. Lujan Chris Barnett Frank Blas, Jr. Telo T. Taitague Joanne Brown Thomas J. Fisher Therese M. Terlaje Sabina Flores Perez	AN ACT TO APPROPRIATE THIRTY MILLION DOLLARS (\$30,000,000) TO THE GUAM DEPARTMENT OF EDUCATION FOR SCHOOL INFRASTRUCTURE REPAIRS AND MAINTENANCE.	2/6/23 12:13 p.m.	2/8/23	Committee on General Government Operations and Appropriations			Request: 2/8/23 2/23/23	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	3/20/23	AN ACT TO APPROPRIATE THIRTY MILLION DOLLARS (\$30,000,000) TO THE GUAM DEPARTMENT OF EDUCATION FOR SCHOOL INFRASTRUCTURE REPAIRS AND MAINTENANCE.	3/21/23	3/21/23	4/1/23	37-5	4/1/23	Received: 4/1/23 Messages and Communications Doc. No. 37GL-23-0322	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

April 1, 2023

37GL-23-0322
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

HONORABLE THERESE M. TERLAJE, *Speaker*

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

04 01 2023

RECEIVED
4/1/23 4:21 pm
By [Signature]

Time: 1:50 pm
Received: [Signature]

Re: BILL NO. 32-37 (COR) - AN ACT TO APPROPRIATE THIRTY MILLION DOLLARS (\$30,000,000) TO THE GUAM DEPARTMENT OF EDUCATION FOR SCHOOL INFRASTRUCTURE REPAIRS AND MAINTENANCE

Hafa Adai Madame Speaker,

The Legislature's stated purpose for passing Bill No. 32-37 was to appropriate funding to assist the Guam Department of Education ("GDOE") in repairing and maintaining our schools. While I am signing this bill into law in support of the general proposition that our schools can always benefit from additional funding for maintenance, Bill 32-37 does not resolve the actual challenges that have made it difficult for the GDOE to maintain its facilities.

Our administration fully supports GDOE efforts to repair our schools. We have facilitated the transfer of over one hundred thirty million dollars (\$130,000,000.00) of American Rescue Plan Act ("ARPA") funds to the GDOE for repairs and maintenance. We have also enlisted other agencies, including the Guam Power Authority and the Department of Public Works, to assist the GDOE in preparing technical materials needed to procure construction services. We will continue to provide the GDOE with any assistance it may need to utilize available funds.

Unfortunately, it is not a lack of funds that has stalled GDOE efforts to maintain its facilities. Acting GDOE Superintendent Judith Won Pat testified during the legislative hearings on this bill that GDOE's ARPA funding is sufficient to fund the necessary repairs and maintenance of our schools. Superintendent Won Pat requested that the Legislature instead commit to appropriating funding for maintenance and repair costs in future fiscal year appropriations. Instead of listening to GDOE leadership, the Legislature passed this bill, tying up 2023 funds that could have been utilized in more impactful ways than a feel-good appropriation that will have no measurable impact on present GDOE efforts to maintain schools.

The GDOE's maintenance efforts are also hampered by a shortage of employees that have the necessary skills to assist in routine maintenance. These employees are compensated under the General Pay Plan ("GPP"), which I approved an adjustment for in January 2023 but which was

To: Therese M. Terlaje, *Speaker*, 37th Guam Legislature
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*
Date: April 1, 2023
Re: Bill No. 32-37 (COR) nka P.L. 37-5

Page 2 of 2

pending an appropriation bill from the Legislature. Instead of addressing the GPP adjustment and funding the additional compensation for GDOE maintenance workers, the Legislature delayed enactment of the requested bill, in violation of the Organic Act, to force a vote on this bill first. The cart before the horse indeed. Implementation of the GPP, which goes into effect today, will help bolster GDOE recruitment efforts, which will in turn help improve our schools.

In addition to making an unnecessary \$20 Million appropriation of funds from this fiscal year, the Legislature, in this bill, has attempted to appropriate \$10 Million from *the next fiscal year*, in effect authorizing the GDOE to spend tomorrow's money, which does not yet exist, today. While our administration has worked hard over the past four years to eliminate the deficit by exercising strict fiscal discipline, the Legislature seems intent on legislating our government back into a deficit. I refuse to revert to deficit spending for the sake of furthering the illusion of legislative concern.

The Organic Act of Guam empowers me to exercise a line-item veto of specific appropriations in legislation. Because the deficit spending provided for in this bill threatens the financial health of our government, I am exercising this Organic Act authority and vetoing Section 5 of Bill 32-37. I support the remainder of the bill for the reasons stated. Accordingly, the remainder of the bill is signed into law as ***Public Law No. 37-5***.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure: Bill No. 32-37 (COR) *nka P.L. No. 37-5, with Line-item VETO of Section 5*

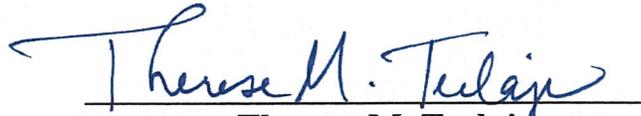
cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

COPY

I MINA 'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

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

This is to certify that **Bill No. 32-37 (COR)**, "AN ACT TO APPROPRIATE THIRTY MILLION DOLLARS (\$30,000,000) TO THE GUAM DEPARTMENT OF EDUCATION FOR SCHOOL INFRASTRUCTURE REPAIRS AND MAINTENANCE," was on the 21st day of March 2023, duly and regularly passed.


Therese M. Terlaje
Speaker

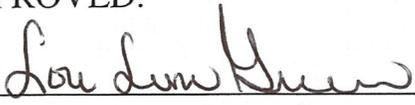
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 21st day of March, 2023, at 10:41 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/1/2023

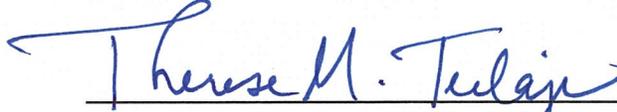
Public Law No. 37-5

Georgiana
Rodrigues
2023-18890
RCVD AT CENTRAL FILES
MAR 22 '23 PM4:16

I MINA 'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

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

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Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this _____ day of _____,
2023, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 32-37 (COR)

As amended in the Committee of the Whole.

Introduced by:

Christopher M. Dueñas
Jesse A. Lujan
Chris Barnett
Frank Blas, Jr.
Telo T. Taitague
Joanne Brown
Thomas J. Fisher
Therese M. Terlaje
Sabina Flores Perez
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T. D. San Nicolas
Amanda L. Shelton

**AN ACT TO APPROPRIATE THIRTY MILLION
DOLLARS (\$30,000,000) TO THE GUAM DEPARTMENT
OF EDUCATION FOR SCHOOL INFRASTRUCTURE
REPAIRS AND MAINTENANCE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Governor has ordered a 22% salary increase for government employees
4 funded by the anticipated surplus projected for this current year, FY 2023, as
5 indicated in the Governor's 2024 Executive Budget.

1 *I Liheslaturan Guåhan* further finds that American Rescue Plan funds
 2 earmarked for capital improvement projects were spent for a Twenty-Five Million
 3 Dollar (\$25,000,000) pay increase for teachers and administrators. At the same time
 4 there are numerous reports from the Director of Public Health and Social Services
 5 and various news stories of our schools being in gross disrepair.

6 *I Liheslaturan Guåhan* finds it necessary to restore ARP funding originally
 7 earmarked for school capital improvements. The same excess revenue projected for
 8 FY 2023 to be used for government salary increases is better spent on the schools.

9 **Section 2. Estimated Revenues for Fiscal Year 2023.** Notwithstanding §
 10 22436, Chapter 22, Title 5 GCA, *I Liheslaturan Guåhan* adopts the following
 11 revenue estimates for Fiscal Year 2023 as the basis for the appropriations contained
 12 in this Act.

13 **I. GENERAL FUND REVENUES AMOUNT**

14	TOTAL GENERAL FUND REVENUE	\$831,281,067
15	GENERAL FUND PROVISION FOR TAX REFUND	
16	PAYMENTS	(\$62,884,123)
17	TOTAL GENERAL FUND REVENUE AVAILABLE	
18	FOR OPERATIONS	\$768,396,944

19 **A. TAXES**

20 Income Tax

21 Corporate \$85,716,966

22 Individual \$93,515,852

23 Withholding Taxes, Interest, and Penalties \$249,459,575

24 Provision for Tax Refunds:

25 Gross Provision for Tax Refund

26 Payments [Federal and

27 General Funds] (\$175,604,534)

1	Earned Income Tax Credit	
2	Federal Receipt	\$52,389,766
3	Child Tax Credit (Advance	
4	and Regular) Federal	
5	Receipts	\$36,210,366
6	Additional Child Tax Credit	
7	Federal Receipt	\$24,120,279
8	General Fund Provision for Tax Refund Payments (\$62,884,123)	
9	TOTAL INCOME TAXES	\$365,808,270
10	Business Privilege Tax	
11	Business Privilege Tax	\$317,475,042
12	GMHA Pharmaceuticals Fund	(\$19,651,705)
13	Tax Credit: Rehabilitation and Improvements –	
14	Harmon Industrial Park Roadway [P.L. 33-191]	(\$175,000)
15	Other Taxes	\$3,992,878
16	TOTAL BUSINESS PRIVILEGE TAXES	\$301,641,215
17	TOTAL TAXES	\$667,449,485
18	B. FEDERAL SOURCES	
19	Federal Income Tax Collection – Section 30	
20	Funds	\$74,943,377
21	Immigration and Passport Fees	\$1,277,844
22	TOTAL FEDERAL SOURCES	\$76,221,221
23	C. USE OF MONEY AND PROPERTY	\$197,481
24	D. LICENSES, FEES, AND PERMITS	
25	Licenses, Fees, and Permits	\$3,496,755
26	Better Public Service Fund	(\$349,676)
27	TOTAL LICENSES, FEES, AND PERMITS	\$3,147,079

1	E. DEPARTMENT CHARGES	\$1,205,297
2	TOTAL GENERAL FUND REVENUE	\$748,220,563
3	2% GENERAL FUND RESERVE (DEFICIT REDUCTION/	
4	RAINY DAY FUND)	(\$14,964,411)
5	TOTAL GENERAL FUND REVENUE	
6	AVAILABLE FOR APPROPRIATION	\$733,256,152
7	II. SPECIAL FUND REVENUES AMOUNT	
8	A. Banking and Insurance Enforcement Fund	\$433,783
9	B. Better Public Service Fund	\$1,250,802
10	C. <i>Chamorro</i> Land Trust Operations Fund	\$854,963
11	D. <i>Chamorro</i> Land Trust Survey and Infrastructure Fund	\$128,099
12	E. Contractors License Board Fund	\$737,262
13	F. Corrections Revolving Fund	\$1,546,392
14	G. Customs, Agriculture, and Quarantine Inspection	
15	Services Fund	\$2,067,005
16	H. DPHSS Sanitary Inspection Revolving Fund	\$158,878
17	I. Enhanced 911 Emergency Reporting System Fund	\$2,173,500
18	J. Environmental Health Fund	\$1,302,065
19	K. Fire, Life and Medical Emergency Fund	\$1,129,368
20	L. GMHA Pharmaceuticals Fund	\$19,651,705
21	M. Guam Ancestral Lands Commission Survey,	
22	Infrastructure, and Development Fund	\$408,553
23	N. Guam Board of Accountancy Fund	\$789,780
24	O. Guam Educational Facilities Fund	\$35,758,107
25	P. Guam Environmental Trust Fund	\$435,837
26	Q. Guam Highway Fund	\$19,197,264
27	Better Public Service Fund	(\$901,126)

1	Public Transit Fund	(\$215,823)
2	Total Guam Highway Fund	\$18,080,315
3	R. Guam Invasive Species Inspection Fee Fund	\$641,466
4	S. Guam Museum Fund	\$285,997
5	T. Guam Plant Inspection and Permit Fund	\$96,880
6	U. Health Professional Licensing Office Revolving Fund	\$300,975
7	V. Healthy Futures Fund	\$40,116,775
8	W. Host Community Fund	\$300,000
9	X. Indirect Cost Fund	\$1,331,459
10	Y. Land Survey Revolving Fund	\$3,378,351
11	Z. Limited Gaming Fund	\$1,200,711
12	AA. Manpower Development Fund	\$7,905,600
13	AB. Mental Health and Substance Abuse Services Fund	\$402,117
14	AC. Office of Vital Statistics Revolving Fund	\$230,705
15	AD. Police Patrol Vehicle and Equipment Revolving Fund	\$320,924
16	AE. Police Services Fund	\$983,826
17	AF. Professional Engineers, Architects	
18	and Land Surveyors Board Fund	\$273,064
19	AG. Public Recreation Services Fund	\$65,675
20	AH. Public School Library Resources Fund	\$686,994
21	AI. Public Transit Fund	\$215,823
22	AJ. Rabies Prevention Fund	\$41,696
23	AK. Recycling Revolving Fund	\$2,776,824
24	AL. Safe Streets Fund	\$85,697
25	AM. School Lunch/SAE/Child Nutritional Meal	
26	Reimbursement Fund - Federal Sources	
27	(100% Federal Grant)/Cash Collections	\$12,504,000

1	AN. Solid Waste Operations Fund	\$18,750,860
2	Host Community Fund	(\$300,000)
3	Total Solid Waste Operations Fund	\$18,450,860
4	AO. Street Light Fund	\$4,185,868
5	AP. Tax Collection Enhancement Fund	\$704,824
6	AQ. Tourist Attraction Fund	\$16,083,004
7	AR. Water Research and Development Fund	\$68,336
8	TOTAL SPECIAL FUND REVENUE	\$200,544,865
9	III. FEDERAL MATCHING GRANTS-IN-AID	
10	Federal Grants-in-Aid Requiring Local Match:	
11	A. Guam Community College	\$543,354
12	B. Guam Council on the Arts and Humanities Agency	\$321,300
13	C. Guam Police Department	\$2,269,479
14	D. Department of Agriculture	\$545,398
15	E. Department of Integrated Services for Individuals	
16	with Disabilities	\$2,085,461
17	F. Department of Labor	\$47,000
18	G. Office of the Attorney General	\$4,833,849
19	H. Department of Military Affairs	\$2,496,615
20	I. Department of Public Health and Social Services	\$93,665,833
21	J. University of Guam	\$2,659,997
22	TOTAL FEDERAL MATCHING GRANTS-IN-AID REVENUE	\$109,468,286
23	IV. REVENUE SUMMARY:	
24	TOTAL GENERAL FUND REVENUE	
25	AVAILABLE FOR APPROPRIATION	\$733,256,152
26	TOTAL SPECIAL FUND REVENUE	\$200,544,865
27	TOTAL FEDERAL MATCHING GRANTS-IN-AID	

1	REVENUE	\$109,468,286
2	GRAND TOTAL	\$1,043,269,303

3 **Section 3.** Section 2 of Chapter III, Part 1 (Health) of Public Law
4 36-107 (The General Appropriations Act of 2023) is *amended* to read as
5 follows:

6 **“Section 2. GMHA Pharmaceuticals Fund Appropriation.** Pursuant to §§
7 26208 and 26208.1 of Article 2, Chapter 26, Title 11 GCA, the sum of Nineteen
8 Million Six Hundred Fifty-One Thousand Seven Hundred Five Dollars
9 **(\$19,651,705)** is appropriated from the GMHA Pharmaceuticals Fund to GMHA for
10 Fiscal Year 2023. Notwithstanding §§ 26208.2 and 26208.3 of Article 2, Chapter
11 26, Title 11 GCA, *IMaga'hågan Guåhan* is authorized to determine that one hundred
12 percent (100%) of the appropriation in this Section can be expended for GMHA in
13 FY 2023 as a direct subsidy; this determination shall be made via Executive Order,
14 issued no later than September 1, 2023.”

15 **Section 4.** A new section 23 is hereby *added* to Chapter II, Part I
16 (Guam Department of Education) Public Law 36-107 (The General
17 Appropriations Act of 2023) to read as follows:

18 **“Section 23. Appropriation for Repairs and Maintenance** The sum of
19 Twenty Million Dollars (\$20,000,000) is appropriated from the General Fund to the
20 Guam Department of Education for the purpose of repairs and maintenance of school
21 infrastructure and grounds, to meet safety, sanitation, and education requirements
22 including but not limited to the purchase of equipment, materials and supplies, and
23 the hiring of skilled workers.”

24 **Section 5.** A new section 24 is hereby *added* to Chapter 11, Part I (Guam
25 Department of Education) Public Law 36-107 (The General Appropriations Act of
26 2023) to read as follows:

1 **“Section 24. Appropriation for Repairs and Maintenance from Fiscal**
2 **Year 2024 General Fund Revenue.** ~~The sum of Ten Million Dollars (\$10,000,000)~~
3 is appropriated from the General Fund from Fiscal Year 2024 revenues for Fiscal
4 Year 2023 to the Guam Department of Education for the purpose of repairs and
5 maintenance of school infrastructure and grounds, to meet safety, sanitation, and
6 education requirements including but not limited to the purchase of equipment,
7 materials and supplies, and the hiring of skilled workers.”

0
JJS
4/1/2023