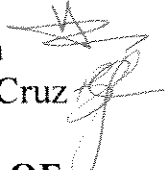


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 309 -32 (COR)

Introduced by:

V.C.Pangelinan
Benjamin 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.

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

2 **Section 1. Legislative Statement and Intent.** *I Liheslaturan Guåhan*
3 finds that it is imperative for the proper planning and prioritization of uses for
4 unexpected General Fund revenues received by the government of Guam. Over the
5 previous two fiscal years, *I Liheslaturan Guåhan* has not been provided all the
6 proper updates relative to the prior, current, and future fiscal year estimates,
7 reconciliations, receipts, overpayments, underpayments, advanced requests for
8 subsequent fiscal years, receipt of United States Department of Treasury warrants
9 or notices of garnishments, and/or discussions related to Section 30 revenues
10 received or to be received by the government of Guam. *I Liheslaturan Guåhan*
11 relies on the Executive Branch to provide such updates and correspondences as it is
12 the Executive Branch that carries out the administrative and executory nature of
13 receiving Section 30 revenues.

1 As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to
2 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that in
3 Section 2(I)(B), Chapter I, of Public Law 31-77 (General Appropriations Act of
4 Fiscal Year 2013) included an estimate of General Fund revenues from Federal
5 Sources of Fifty Three Million Four Hundred Fifty One Thousand Five Hundred
6 Nineteen Dollars (**\$53,451,519**) whereas the actual receipt of Section 30 revenues
7 subsequent to the enactment of Public Law 31-77 was Fifty Eight Million Four
8 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a
9 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars
10 (**\$5,027,190**) that was hidden and thus heretofore not known by *I Liheslaturan*
11 *Guåhan* to be available to appropriate for education, public safety, and public
12 health related services.

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

21 Such additional Section 30 revenues received at the same time Section 30
22 revenues were received for Fiscal Year 2014 were included in the Bureau of
23 Budget and Management Research's (BBMR's) Consolidated Revenue and
24 Expenditure Report (Report) for the twelve months ending September 30, 2013
25 and were not included in *any* of BBMR's Reports for each month in Fiscal Year
26 2014 through February 28, 2014.

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

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

12 **Section 2.** Section 7 is hereby *added* to Chapter I of Public Law 32-068 to
13 read:

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

- 20 (a) such sums as are necessary to pay the full balance of the unpaid
21 fifty percent (50%) owed to the Guam Department of Education, Unified
22 Judiciary of Guam, University of Guam, Guam Community College,
23 Mayors’ Council of Guam, Office of Public Accountability, Office of the
24 Attorney General, Public Defender Service Corporation, Guam Memorial
25 Hospital Authority, and Executive Branch Line Agency employees under the
26 General Pay Plan pursuant to the Competitive Wage Act of 2014 for Fiscal
27 Year 2014 beginning on the date of the enactment of this Act;

1 (b) the sum of Ten Million Dollars (**\$10,000,000**) to the Guam
2 Department of Education (GDOE) to expand the George Washington High
3 School (GWHS) campus to accommodate a student population of *at least*
4 two thousand seven hundred (2,700) students. *All* students, teachers,
5 administrators, staff, and government of Guam employees transferred to the
6 Tiyan High School *shall* be transferred out of the Tiyan High School to other
7 schools or GDOE offices upon completion of the expansion of the GWHS
8 campus. Notwithstanding any other provision of law, the GDOE *shall not*
9 transfer *any* students from any school, into the Tiyan facilities for use as a
10 school subsequent to the transfer of students out of the Tiyan High School
11 upon the completion of the expansion of the GWHS campus.
12 Notwithstanding any other provision of law, *no* tax credits *shall* be
13 authorized to construct a new GDOE gymnasium, GDOE office, GDOE
14 warehouses or mezzanines for such warehouses within the Tiyan facilities in
15 Fiscal Years 2014 and beyond;

16 (c) such sums as are necessary to recruit twenty (20) full-time
17 Police Officer I positions at the Guam Police Department for Fiscal Year
18 2014;

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

24 (e) such sums as are necessary for the payment of required
25 retroactive salary increments to law enforcement officers pursuant to Public
26 Law 29-105 owed to Unified Judiciary of Guam, Office of the Attorney

1 General, Public Defender Service Corporation, and Executive Branch Line
2 Agency employees owed such retroactive salary increments.

3 **Section 3.** Section 13109(a)(5), Chapter 13, Title 2 are hereby *repealed*
4 and *re-enacted* to read:

5 ~~“(5) (A) No later than fifteen (15) days after the end of the third~~
6 ~~quarter of each fiscal year, I Maga’lahen Guåhan (the Governor of Guam)~~
7 ~~shall make available in a report to the Speaker of I Liheslaturan Guåhan and~~
8 ~~the Office of Finance and Budget all correspondence between the United~~
9 ~~States Department of the Treasury, the Department of Interior, the Office of~~
10 ~~Insular Affairs, or its successor, and any other entities of the United States~~
11 ~~Government related to prior and future fiscal year estimates and~~
12 ~~reconciliations of duties, fees and taxes (also referred to as Section 30 funds)~~
13 ~~remitted prior to the commencement of the forthcoming fiscal year.~~

14 ~~(B) The report shall also contain the Section 30 Cash Advance~~
15 ~~Request to the Secretary of the United States Department of the Treasury or~~
16 ~~his representative for the immediate forthcoming fiscal year.~~

17 ~~(C) Prior to the issuance of the report outlined in subsection (A), the~~
18 ~~Bureau of Budget and Management Research and the Department of~~
19 ~~Revenue and Taxation shall present to the Special Accounting Service all~~
20 ~~data and information used to develop the request outlined in subsection (B).~~
21 ~~The Special Accounting Service shall evaluate and certify by a majority of~~
22 ~~members, concurrence of the Section 30 Cash Advance Request by I~~
23 ~~Maga’lahi (the Governor) or provide a revised recommendation.~~

24 **(5) Section 30 Transparency and Accountability Reporting.**

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

1 provides a list of *any* and *all* correspondences sent by the government of
2 Guam to and/or received by the government of Guam from the United States
3 Department of the Treasury, the Department of the Interior and/or its Office
4 of Insular 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 requests
7 for subsequent fiscal years, receipt of United States Department of Treasury
8 warrants or notices of garnishments, and/or discussions related thereto of
9 duties, fees, and taxes (also referred to as Section 30 funds) during the
10 previous month. Such report submitted *shall* include a copy of each
11 correspondence as specified above.

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

24 (C) If any correspondence required to be submitted pursuant to this
25 Section is deemed confidential and prevents submission to the Speaker of *I*
26 *Liheslaturan Guåhan* and the Office of Finance and Budget, *I Maga'låhen*
27 *Guåhan shall* state such confidentiality inclusive of a citation of local or

1 federal law preventing such submission and a written opinion by the
2 Attorney General of Guam supporting such non-submission that *shall*
3 accompany such written report.”

4 **Section 4. Section 30 Transparency and Accountability Reporting.** *I*

5 *Maga'låhen Guåhan shall* submit a report pursuant to the detailed reporting
6 requirements in Section 13109(a)(5), Chapter 13, Title 2 of the Guam Code
7 Annotated inclusive of all correspondences thereto related to each of the months
8 during the previous three (3) fiscal years prior to Fiscal Year 2014 and for the
9 months during Fiscal Year 2014 prior to the enactment of this Act. Such report
10 *shall* be submitted to the Speaker of *I Liheslaturan Guåhan* and the Office of
11 Finance and Budget *not later than* twenty (20) days after the enactment of this Act.

12 **Section 5. Effective Date.** This Act *shall* take effect upon its enactment
13 and apply prospectively.

14 **Section 6. Severability.** *If* any provision of this Act or its application to
15 any person or circumstance is held invalid, the invalidity *shall not* affect other
16 provisions or applications of this Act which can be given effect without the invalid
17 provision or application and to this end the provisions of this Act is severable.