

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

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
235-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO ADD A NEW SECTION 19 TO PART I, CHAPTER II OF PUBLIC LAW 32-068 AND TO AMEND SECTION 1303, CHAPTER 1, ARTICLE 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO UPHOLDING THE INTENT OF I LIHESLATURA'S ANNUAL APPROPRIATIONS TO THE GUAM DEPARTMENT OF EDUCATION (GDOE) FOR EVERY FISCAL YEAR AND FOR FUNDING THE REPAIR AND/OR RENOVATION OF SIMON SANCHEZ HIGH SCHOOL AND FOR OTHER FACILITIES AND MAINTENANCE NEEDS OF THE GDOE.	12/5/2013 11:11 a.m.	12/05/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
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Senator  
Aline Yamashita  
Member

December 13, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill Nos. 234-32(COR) & 235-32 (COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 234-32(COR) & 235-32 (COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

## Guam Legislature Clerks Office

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**From:** Senator Rory J. Respicio [cor@guamlegislature.org]  
**Sent:** Friday, December 13, 2013 10:55 AM  
**To:** Guam Legislature Clerks; Rennae Perez; Therese Terlaje  
**Subject:** Referral of Bill Nos. 234-32(COR) & 235-32 (COR)  
**Attachments:** 2013.12.13\_REF\_B234 & B235.pdf

*Hafa adai,*

Please disregard all messages prior to this regarding the Referral of Bill No. 234 & 235 (COR) and see updated memo.

Thank you!

December 13, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill Nos. 234-32(COR) & 235-32 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 234-32(COR) & 235-32 (COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title	Date Introduced	Date Referred	Cmte Re
234-32 (COR)	Michael F. Q. San Nicolas	AN ACT TO REQUIRE THAT THE OFFICE OF TECHNOLOGY ESTABLISH A PROTOCOL TO BACK-UP CRITICAL ELECTRONIC DATA NECESSARY FOR THE EFFICIENT OPERATION OF AGENCIES BY ADDING A NEW SUBSECTION (I) TO §20204.1 OF ARTICLE 2, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.	12/04/13 3:49pm	12/5/13	Committee on Government and Cultural Affairs
235-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO ADD A NEW SECTION 19 TO PART I, CHAPTER II OF PUBLIC LAW 32-068 AND TO AMEND SECTION 1303, CHAPTER 1, ARTICLE 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO UPHOLDING THE INTENT OF I LIHESLATURA'S ANNUAL APPROPRIATIONS TO THE GUAM DEPARTMENT OF EDUCATION (GDOE) FOR EVERY FISCAL YEAR AND FOR FUNDING THE REPAIR AND/OR RENOVATION OF SIMON SANCHEZ HIGH SCHOOL AND FOR OTHER FACILITIES AND MAINTENANCE NEEDS OF THE GDOE.	12/5/2013 11:11am	12/5/13	Committee on Public Defense, Retirement, Recreation and Preservation

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**Majority Leader Rory J. Respicio**

Chairperson, Committee on Rules;  
Federal, Foreign & Micronesian Affairs;  
Human & Natural Resources; and Election Reform  
*I Mina'Trentai Dos na Liheslaturan Guåhan*  
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**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION**

**Bill No. 235 - 32 (C0R)**

**Introduced by:**

**V.C. Pangelinan** 

**AN ACT TO *ADD* A NEW SECTION 19 TO PART I, CHAPTER II OF PUBLIC LAW 32-068 AND TO *AMEND* SECTION 1303, CHAPTER 1, ARTICLE 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO UPHOLDING THE INTENT OF *I LIHESLATURA'S* ANNUAL APPROPRIATIONS TO THE GUAM DEPARTMENT OF EDUCATION (GDOE) FOR EVERY FISCAL YEAR AND FOR FUNDING THE REPAIR AND/OR RENOVATION OF SIMON SANCHEZ HIGH SCHOOL AND FOR OTHER FACILITIES AND MAINTENANCE NEEDS OF THE GDOE.**

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

1        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2        that the sum of Two Hundred Nineteen Million Six Hundred Fifty Five Thousand  
3        Four Hundred Eleven Dollars (**\$219,655,411**) was appropriated to the Guam  
4        Department of Education (GDOE) in FY 2014 which represents an increase of Six  
5        Million Nine Hundred Twenty Five Thousand Fifty Dollars (**\$6,925,050**) above the  
6        appropriation *I Liheslatura* provided to the GDOE in FY 2013. *I Liheslatura*  
7        further finds that in accordance with the Bureau of Budget and Management  
8        Research (BBMR) Circular No. 14-01, a ten percent (10%) reserve has been  
9        imposed on all appropriations funded by the General Fund and all Special Funds  
10       inclusive of operations which is applicable to the amount appropriated to the  
11       GDOE.

2013 DEC - 5 AM 11:11



1           *I Liheslaturan Guåhan* further finds that as a result of BBMR Circular No.  
2   13-01 which placed a fifteen percent (15%) reserve on the GDOE appropriation in  
3   FY 2013, over Nine Million Dollars (**\$9,000,000**) continues to be reserved and  
4   withheld from the GDOE's Two Hundred Twelve Million Seven Hundred Thirty  
5   Thousand Three Hundred Sixty One Dollars (**\$212,730,361**) appropriation in FY  
6   2013. *I Liheslatura* believes that such funds reserved and withheld from the GDOE  
7   is unjustified as the September 30, 2013 Consolidated Revenue and Expenditure  
8   Report filed and certified by the BBMR, the Department of Administration (DOA),  
9   and the Department of Revenue and Taxation (DRT) reports that actual General  
10   Fund revenues collected exceeds estimated General Fund revenues for FY 2013 by  
11   Twenty Three Million Eight Hundred Twenty Seven One Hundred Twenty One  
12   Dollars (**\$23,827,121**).

13           *I Liheslaturan Guåhan* further finds that this reserve on the GDOE  
14   appropriation for FY 2014 equates to almost Twenty Two Million Dollars  
15   (**\$22,000,000**) and that such reserve not only places a burden on the GDOE's  
16   ability to plan and provide adequate facilities and maintenance for the students,  
17   teachers, and administrators of the GDOE but also impedes the GDOE's ability to  
18   continue to provide the best education it can to the students of Guam. Such issues  
19   have been seen with the facilities and maintenance issues at Simon Sanchez High  
20   School (SSHS) which have prompted the Executive Branch and the Office of the  
21   Attorney General to respond to the issues raised by students, teachers, and  
22   administrators of SSHS.

23           Section 1303, Chapter 1, Article 3, Title 5 of the Guam Code Annotated  
24   provides the authority of budget allotment control to the BBMR which has been  
25   utilized to impose the ten percent (10%) reserve on the GDOE in FY 2014. *I*  
26   *Liheslatura* further finds that although this Section of the Guam Code Annotated is  
27   a financial management tool provided by *I Liheslatura* to the Executive Branch,

1 such use of this authority toward the GDOE has not been justified as seen with the  
2 reserving of the GDOE appropriation in FY 2013 even though actual revenues  
3 were collected in excess of estimates. Furthermore, this same Section of the Guam  
4 Code Annotated which provides such authority to the BBMR to manage allotments  
5 states, “that sufficient cash *shall* always be released to the Department of Education  
6 to provide an adequate public education to every public school student.”

7 *I Liheslaturan Guåhan* does not believe that the use of the management of  
8 allotments and the continued reserve placed on the GDOE represents a fair and just  
9 use of such authority granted to the Executive Branch by *I Liheslatura* as seen in  
10 FY 2013 and that the authority provided to the Executive Branch over the  
11 management of GDOE allotments needs to be adjusted in order for the GDOE to  
12 be provided the necessary financial resources it needs to plan and provide an  
13 adequate education to every public school student, inclusive of the students of  
14 SSHS.

15 *I Liheslaturan Guåhan* understands the importance of providing the  
16 Executive Branch with the financial management tools it needs to execute the  
17 budget of the government of Guam. Such was evident in FY 2014 when *I*  
18 *Liheslatura* provided *I Maga'låhen Guåhan* with a lump-sum budget and transfer  
19 authority which provides flexibility in managing the finances of the government.  
20 But in the interest of prioritizing education and the needs of the GDOE, *I*  
21 *Liheslatura* finds that limiting the authority of *I Maga'låhen Guåhan's* and the  
22 BBMR's reserve of appropriation authority of the GDOE appropriations will  
23 provide a more equitable and fair treatment of the GDOE by the Executive Branch,  
24 will ensure steady and adequate flow of critical financial resources to GDOE, and  
25 will fully prioritize the education of every public school student.

26 Furthermore, as the necessary funds are provided to the GDOE, *I*  
27 *Liheslaturan Guåhan* intends on dedicating approximately Four Million Dollars

1 (\$4,000,000) of the GDOE appropriation for FY 2014 that was reserved by the  
2 BBMR to the Facilities and Maintenance Division of the GDOE toward the repair  
3 and/or renovation of SSHS and other facilities and maintenance needs of the  
4 GDOE.

5 **Section 2.** Section 19 is hereby *added* to Part I, Chapter II of Public Law 32-  
6 068 to read:

7 **“Section 19.** The sum of Four Million Dollars (\$4,000,000) *shall* be  
8 allocated and allotted from the General Fund appropriation in Section 1 of this Part  
9 of this Chapter to the Facilities and Maintenance Division of the GDOE for the  
10 repair and/or renovation of the Simon Sanchez High School campus and auxiliary  
11 facilities. Any remaining balance *shall* be for other facilities and maintenance  
12 needs of the GDOE for FY 2014; §1303 of Chapter 1, Article 3, Title 5 GCA, *shall*  
13 *not* apply to the appropriation allocated and allotted in this Section. The funds  
14 allocated and allotted in this Section are *not* subject to *I Maga’låhen Guåhan’s*  
15 *transfer authority.*”

16 **Section 3.** Section 1303, Division 1, Chapter 1, Article 3, Title 5 of the  
17 Guam Code Annotated is hereby *amended* to read:

18 **“§ 1303. Management of Allotments.**

19 In the release of monthly or quarterly allotments by the Bureau of  
20 Budget & Management Research from appropriation acts, the Director  
21 thereof shall base such allotments on anticipated cash receipts so that the  
22 obligations incurred pursuant to such release of periodic allotments shall  
23 have sufficient cash for their payment, provided that sufficient cash shall  
24 always been released to the Department of Education to provide an  
25 adequate public education to every public school student and that *no more*  
26 *than three percent (3%) from the Department of Education aggregate fiscal*  
27 *year General Fund and Special Fund appropriations may be reserved by the*



1 BBMR. If, by the end of the third quarter of each fiscal year, the actual,  
2 aggregate revenue collections of the General and Special Funds  
3 appropriated to the Department of Education are not three percent (3%) or  
4 more, less than the estimates for that fiscal year, the BBMR shall release all  
5 reserves placed on the appropriations of the Department of Education and  
6 the BBMR shall not be authorized to reserve from any of the appropriations  
7 to the Department of Education for the remainder of the fiscal year.

8 No agency shall contract or agree to spend any money for goods or services  
9 or in settlement of a lawsuit or claim in excess of the amount appropriated by the  
10 Legislature to that Agency for such goods, services, claim, or settlement, and  
11 BBMR shall not allot funds to that agency for the payment of any amount towards  
12 such goods, services, claim, or settlement if the total amount of the goods, services,  
13 claim, or settlement is more than the amount appropriated or amount allotted by  
14 BBMR. Any contract or agreement made in violation hereof shall be void. Any  
15 agency head or certifying officer who knowingly contracts or agrees to spend any  
16 money in excess of said allotments shall be guilty of a misdemeanor.”

17 **Section 4. Allotment Schedule.** The GDOE *shall* provide an allotment  
18 schedule of the allocation in Section 19, Part I, Chapter II of Public Law 32-068 to  
19 the BBMR *no later than* twenty (20) days after the enactment of this Act. Such  
20 allotment schedule *shall* reflect the priorities of the GDOE to include the repair  
21 and/or renovation of SSHS and other facilities and maintenance needs of the  
22 GDOE. A copy of such allotment schedule *shall* be provided to the Speaker of *I*  
23 *Liheslaturan Guåhan*.

24 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.

25 **Section 6. Severability.** If any provision of this Act or its application to any  
26 person or circumstance is held invalid, the invalidity *shall not* affect other

- 1 provisions or applications of this Act which can be given effect without the invalid
- 2 provision or application and to this end the provisions of this Act are severable.